

## ARTICLE 15 COMMUNICATION

Information Submission to the Office of the Prosecutor

International Criminal Court (ICC)

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Date: 03.03.2026

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### I. Purpose of this Submission

This submission is made pursuant to Article 15 of the Rome Statute.

Its purpose is to provide legally relevant information for the assessment of whether there is a reasonable basis to initiate a preliminary examination concerning possible:

- War crimes (Article 8 Rome Statute)
- Crimes against humanity (Article 7 Rome Statute)

in the context of multiple armed conflicts, including:

1. The armed invasion of Ukraine by the Russian Federation
2. The hostilities in Gaza / occupied Palestinian territories
3. Military operations in Afghanistan
4. The conflict in Georgia (2008)
5. The escalation between the United States, Israel, and Iran (2026)

This submission does not draw political conclusions but formulates legally testable questions under binding international law.

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### II. Legal Framework

## 1. Rome Statute

Relevant provisions:

Article 7

Crimes against humanity

Requires:

- A widespread or systematic attack
- Directed against a civilian population
- With knowledge of the attack

Article 8

War crimes, including:

8(2)(b)(i)

Intentionally directing attacks against civilians

8(2)(b)(ii)

Attacks against civilian objects

8(2)(b)(iv)

Launching an attack in the knowledge that it will cause clearly excessive incidental civilian harm

8(2)(b)(xxv)

Starvation of civilians as a method of warfare

Article 28

Command responsibility

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## 2. Additional Protocol I (1977)

Article 48

Principle of distinction

Article 51

Protection of the civilian population

Article 51(5)(b)

Proportionality

Article 57

Precautions in attack

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### 3. United Nations Charter

Article 2(4)

Prohibition of the use of force

Article 51

Self-defense subject to necessity and proportionality

ICJ jurisprudence:

Nicaragua v. United States (1986)

Oil Platforms (2003)

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### III. Jurisdiction

Ukraine

Ukraine has accepted ICC jurisdiction.

Palestine

Palestine has been a State Party since 2015.

Georgia

State Party.

Afghanistan

Territorial jurisdiction is legally relevant.

Iran 2026 situation

Jurisdiction requires separate analysis depending on:

- Territorial links
- Possible involvement of States Parties
- Complementarity assessment

This submission requests the Prosecutor to conduct a formal jurisdictional assessment.

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#### IV. Factual Patterns

##### A. Ukraine

Repeated use of:

- Long-range missiles and drones
- Attacks on energy infrastructure
- Civilian fatalities documented by UN monitoring

Legal assessment under Article 8(2)(b)(i), (ii), (iv).

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##### B. Gaza / occupied Palestinian territories

Patterns of:

- Large-scale bombardment in densely populated areas
- High reported civilian impact
- Destruction of residential infrastructure
- Restrictions on humanitarian access

Assessment under:

Article 8

Article 7 if widespread or systematic

Article 28 command responsibility

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### C. Afghanistan

Previous ICC preliminary examinations have addressed:

- Civilian harm resulting from air operations
- Detention-related abuses

Territorial jurisdiction remains legally relevant.

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### D. Georgia 2008

The ICC previously opened an investigation.

This context confirms that inter-state conflicts fall within ICC jurisdiction where criteria are met.

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### E. Escalation US–Israel–Iran 2026

According to public reporting:

- Joint airstrikes on Iranian military and infrastructure targets
- Civilian fatalities reported in multiple cities
- Regional escalation involving missile exchanges

Legally relevant questions:

1. Was there a lawful basis under Article 51 of the UN Charter?
  2. Were proportionality assessments conducted?
  3. Were targets exclusively military objectives?
  4. Were feasible precautions taken?
  5. Is there documentation of internal civilian harm assessments?
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### V. Legal Analysis

## 1. Distinction

Where attacks occur in urban areas with foreseeable civilian impact, Article 48 of Additional Protocol I requires verification that the target was a military objective.

ICTY Galić confirms that indiscriminate shelling of urban areas may violate the principle of distinction.

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## 2. Proportionality

Article 8(2)(b)(iv) requires that an attack must not be clearly excessive in relation to concrete and direct military advantage.

ICC Ntaganda clarifies the knowledge requirement.

Key question:

Was the anticipated civilian harm clearly excessive?

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## 3. Cumulative Assessment

In prolonged operations, cumulative civilian impact should be assessed.

Repetition without corrective measures may become legally relevant.

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## 4. Command Responsibility

Article 28 requires:

- Effective control
- Knowledge or constructive knowledge
- Failure to take necessary and reasonable measures

ICTY Čelebići and ICC Bemba further clarify this standard.

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## VI. Complementarity

The ICC is complementary.

This submission requests the Prosecutor to assess:

- Whether national authorities are conducting genuine investigations
  - Whether such investigations are independent and effective
  - Whether there is unwillingness or inability to prosecute
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## VII. Request

Pursuant to Articles 15 and 53 of the Rome Statute, it is requested that:

1. The Prosecutor assess whether there is a reasonable basis to initiate a preliminary examination
  2. Jurisdiction be analyzed per situation
  3. Proportionality standards in urban warfare be evaluated
  4. Command responsibility in prolonged operations be examined
  5. Cumulative civilian harm be legally assessed
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## VIII. Final Observation

International criminal law requires consistent application.

The geopolitical position of States must not influence legal assessment.

This submission seeks no political determination but requests legal evaluation under binding international law.