

PUBLIC
ANNEX A

LIST OF AUTHORITIES AND GLOSSARY

I. FILINGS IN THE SITUATION IN THE STATE OF PALESTINE (ICC-01/18)

| Short-title | Reference |
|---|------------------|
| <u>Amicus Curiae Decision</u> | ICC-01/18-63 |
| <u>Arab League Brief</u> | ICC-01/18-122 |
| <u>Australia Brief</u> | ICC-01/18-86 |
| <u>Austria Brief</u> | ICC-01/18-76 |
| <u>Badinter et al. Brief</u> | ICC-01/18-97 |
| <u>Bazian Brief</u> | ICC-01/18-74 |
| <u>Benvenisti Brief</u> | ICC-01/18-95 |
| <u>Blank et al. Brief</u> | ICC-01/18-93 |
| <u>Brazil Brief</u> | ICC-01/18-106 |
| <u>Buchwald and Rapp Brief</u> | ICC-01/18-83 |
| <u>Czechia Brief</u> | ICC-01/18-69 |
| <u>ECLJ Brief</u> | ICC-01/18-70 |
| <u>Falk Brief</u> | ICC-01/18-77 |
| <u>FIDH et al. Brief</u> | ICC-01/18-85 |
| <u>Further Amicus Curiae Decision</u> | ICC-01/18-128 |
| <u>Germany Brief</u> | ICC-01/18-103 |
| <u>Guernica 37 Brief</u> | ICC-01/18-91 |
| <u>Gvirsman Brief</u> | ICC-01/18-88 |
| <u>Heinsch and Pinzauti Brief</u> | ICC-01/18-107 |
| <u>Hungary Brief</u> | ICC-01/18-89 |
| <u>IADL Brief</u> | ICC-01/18-118 |

| | |
|---|--------------------|
| IAJLJ Brief | ICC-01/18-98-Corr |
| ICmJ Brief | ICC-01/18-117 |
| IFF Brief | ICC-01/18-108-Corr |
| IL Brief | ICC-01/18-104 |
| Intellectum Scientific Brief | ICC-01/18-111 |
| IsBA Brief | ICC-01/18-80 |
| Khalil and Shoaibi Brief | ICC-01/18-73 |
| Lawfare Project <i>et al.</i> Brief | ICC-01/18-81 |
| LRV1 Brief | ICC-01/18-68 |
| LRV2 Brief | ICC-01/18-99 |
| LRV3 Brief | ICC-01/18-102 |
| LRV4 Brief | ICC-01/18-109-Red |
| LRV5 Brief | ICC-01/18-110-Red |
| LRV6 Brief | ICC-01/18-112 |
| LRV7 Brief | ICC-01/18-113 |
| LRV8 Brief | ICC-01/18-120 |
| LRV9 Brief | ICC-01/18-123 |
| LRV10 Brief | ICC-01/18-126-Conf |
| MyAQSA Brief | ICC-01/18-78 |
| OIC Brief | ICC-01/18-84 |
| OPCD Brief | ICC-01/18-90 |
| OPCV Brief | ICC-01/18-105 |
| Palestine Brief | ICC-01/18-82 |
| PBA Brief | ICC-01/18-72 |

| | |
|---|--------------------|
| PCHR <i>et al.</i> Brief | ICC-01/18-96 |
| PCPA Brief | ICC-01/18-100 |
| Procedural Order | ICC-01/18-14 |
| Prosecution Request | ICC-01/18-12 |
| Quigley Brief | ICC-01/18-66 |
| Romano Brief | ICC-01/18-115-Corr |
| Ross Brief | ICC-01/18-94 |
| Schabas Brief | ICC-01/18-71 |
| Shaw Brief | ICC-01/18-75 |
| Shurat HaDin Brief | ICC-01/18-79 |
| TIHRH Brief | ICC-01/18-101 |
| Uganda Brief | ICC-01/18-119 |
| UKLFI <i>et al.</i> Brief | ICC-01/18-92 |
| Weiss Brief | ICC-01/18-114 |

II. OTHER ICC DOCUMENTS RELEVANT TO PALESTINE

| Short-title | Reference |
|---|---|
| Palestine Article 12(3) Declaration | Declaration Accepting the Jurisdiction of the International Criminal Court, 31 December 2014 |
| Palestine Article 14 Referral | Referral by the State of Palestine Pursuant to Articles 13(a) and 14 of the Rome Statute, PAL-180515-Ref, 15 May 2018 |

III. JURISPRUDENCE OF THE INTERNATIONAL CRIMINAL COURT

| Short-title | Reference |
|---|-------------------------------|
| <u>Afghanistan AJ</u> | ICC-02/17-138 OA4 |
| <u>Afghanistan Reasons for Ruling Appeals Inadmissible</u> | ICC-02/17-137 OA OA2 OA3 OA4 |
| <u>Al Bashir Jordan Referral AD</u> | ICC-02/05-01/09-397 OA2 |
| <u>Bangladesh/ Myanmar Article 15 Decision</u> | ICC-01/19-27 |
| <u>Bangladesh/ Myanmar Jurisdiction Decision</u> | ICC-RoC46(3)-01/18-37 |
| <u>Comoros AJ, Partly Dissenting Opinion of Judge Eboe-Osuji</u> | ICC-01/13-98-Anx OA2 |
| <u>DRC Extraordinary Review AD</u> | ICC-01/04-168 OA3 |
| <u>Gaddafi Second Admissibility AD</u> | ICC-01/11-01/11-695 OA8 |
| <u>Gaddafi Second Admissibility AD, Concurring Opinion of Judges Bossa and Eboe-Osuji</u> | ICC-01/11-01/11-695-Anx OA8 |
| <u>Georgia Article 15 Decision</u> | ICC-01/15-12 |
| <u>Georgia Article 15 Request</u> | ICC-01/15-4-Corr2 |
| <u>Kenyatta and Ali Decision on Request by Government of Kenya</u> | ICC-01/09-02/11-340 |
| <u>Lubanga Victims Participation AD</u> | ICC-01/04-01/06-1432 OA9 OA10 |
| <u>Ngudjolo Redaction AD, Dissenting Opinion of Judge Pikis</u> | ICC-01/04-01/07-521 OA5 |
| <u>Ruto et al. Decision on Request by Government of Kenya</u> | ICC-01/09-01/11-313 |

IV. JURISPRUDENCE OF OTHER INTERNATIONAL COURTS AND TRIBUNALS

a) International Court of Justice (ICJ)

| Short-title | Reference |
|--|---|
| <u>ICJ <i>Boundary Between Cameroon and Nigeria Preliminary Objections Judgment</i></u> | <i>Case concerning the Land and Maritime Boundary between Cameroon and Nigeria (Cameroon v. Nigeria)</i> , Judgment of 11 June 1998 (Preliminary Objections), ICJ Rep. 1998, p. 275 |
| <u>ICJ <i>Burkina Faso/Republic of Mali Judgment</i></u> | <i>Case concerning the Frontier Dispute (Burkina Faso/Republic of Mali)</i> , Judgment of 22 December 1986, ICJ Rep. 1986, p. 554 |
| <u>ICJ <i>Chagos Advisory Opinion</i></u> | <i>Legal Consequences of the Separation of the Chagos Archipelago from Mauritius in 1965</i> , Advisory Opinion of 25 February 2019 |
| <u>ICJ <i>East Timor Judgment</i></u> | <i>Case Concerning East Timor (Portugal v. Australia)</i> , Judgment of 30 June 1995, ICJ Rep. 1995, p. 90 |
| <u>ICJ <i>East Timor Judgment, Dissenting Opinion of Judge Weeramantry</i></u> | <i>Case Concerning East Timor (Portugal v. Australia)</i> , Judgment of 30 June 1995, Dissenting Opinion of Judge Weeramantry, ICJ Rep. 1995, p. 90 |
| <u>ICJ <i>Frontier Dispute (El Salvador/Honduras) Intervention Decision</i></u> | <i>Case concerning the Land, Island and Maritime Frontier Dispute (El Salvador/Honduras)</i> , Judgment of 13 September 1990 (Application by Nicaragua for Permission to Intervene), ICJ Rep. 1990, p. 92 |
| <u>ICJ <i>Genocide Convention (Bosnia v. Serbia) Judgment</i></u> | <i>Case Concerning Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Serbia and Montenegro)</i> , Judgment of 26 February 2007, ICJ Rep. 2007, p. 43 |
| <u>ICJ <i>Genocide Convention (Bosnia v. Serbia) Judgment, Separate Opinion of Judge Tomka</i></u> | <i>Case Concerning Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Serbia and Montenegro)</i> , Judgment of 26 February 2007, |

| Short-title | Reference |
|---|--|
| | Separate Opinion of Judge Tomka, ICJ Rep. 2007, p. 43 |
| ICJ <i>Genocide Convention (Croatia v. Serbia)</i> Judgment | <i>Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Croatia v. Serbia)</i> , Judgment of 3 February 2015, ICJ Rep. 2015, p. 3 |
| ICJ <i>Monetary Gold</i> Judgment | <i>Case of the Monetary Gold Removed from Rome in 1943 (Italy v. France, United Kingdom of Great Britain and Northern Ireland and United States of America)</i> , Judgment of 15 June 1954 (Preliminary Question), ICJ Rep. 1954, p. 19 |
| ICJ <i>Namibia</i> Advisory Opinion | <i>Legal Consequences for States of the Continued Presence of South Africa in Namibia (South West Africa) Notwithstanding Security Council Resolution 276 (1970)</i> , Advisory Opinion of 21 June 1971, ICJ Rep. 1971, p. 16 |
| ICJ <i>Nauru v. Australia</i> Judgment | <i>Case concerning Certain Phosphate Lands in Nauru (Nauru v. Australia)</i> , Judgment of 26 June 1992 (Preliminary Objections), ICJ Rep. 1992, p. 240 |
| ICJ <i>Nicaragua</i> Judgment | <i>Case Concerning Military and Paramilitary Activities in and against Nicaragua (Nicaragua v. United States of America)</i> , Judgment of 26 November 1984 (Jurisdiction and Admissibility), ICJ Rep. 1984, p. 392 |
| ICJ <i>Nicaragua v. Colombia</i> Judgment | <i>Territorial and Maritime Dispute (Nicaragua v. Colombia)</i> , Judgment of 19 November 2012, ICJ Rep. 2012, p. 624 |
| ICJ <i>Nuclear Disarmament</i> Judgment, Dissenting Opinion of Judge Crawford | <i>Obligations concerning Negotiations relating to Cessation of the Nuclear Arms Race and to Nuclear Disarmament (Marshall Islands v. United Kingdom)</i> , Judgment of 5 October 2016 (Preliminary Objections), Dissenting Opinion of Judge Crawford, ICJ Rep. 2016, p. 833 |
| ICJ <i>Nuclear Tests</i> Judgment | <i>Nuclear Tests Case (Australia v. France)</i> , |

| Short-title | Reference |
|--|---|
| | Judgment of 20 December 1974, ICJ Rep. 1974, p. 253 |
| ICJ Nuclear Weapons Advisory Opinion | <i>Legality of the Threat or Use of Nuclear Weapons</i> , Advisory Opinion of 8 July 1996, ICJ Rep. 1996, p. 226 |
| ICJ Wall Advisory Opinion | <i>Legal Consequences of the Construction of a Wall in the Occupied Palestine Territory</i> , Advisory Opinion of 9 July 2004, ICJ Rep. 2004, p. 136 |
| ICJ Wall Advisory Opinion, Separate Opinion of Judge Kooijmans | <i>Legal Consequences of the Construction of a Wall in the Occupied Palestine Territory</i> , Advisory Opinion of 9 July 2004, Separate Opinion of Judge Kooijmans, ICJ Rep. 2004, p. 136 |
| ICJ Western Sahara Advisory Opinion | <i>Western Sahara</i> , Advisory Opinion of 16 October 1975, ICJ Rep. 1975, p. 12 |
| Palestine ICJ Application | <i>Relocation of the United States Embassy to Jerusalem (Palestine v. United States of America)</i> , Application Instituting Proceedings filed in the Registry of the Court on 28 September 2018 |

b) Permanent Court of Arbitration (PCA)

| Short-title | Reference |
|--|---|
| PCA Eritrea/Yemen Arbitration | <i>Eritrea v. Yemen</i> , Award of the Arbitral Tribunal in the First Stage of the Proceedings (Territorial Sovereignty and Scope of the Dispute), 9 October 1998 |
| PCA Larsen Arbitration | <i>Lance Paul Larsen v. Hawaiian Kingdom</i> , Permanent Court of Arbitration, Award, 5 February 2001 |
| PCA South China Sea Arbitration (Merits) | <i>In the Matter of the South China Sea Arbitration (Philippines v. People's Republic of China)</i> , PCA Case No. 2013-19, Award, 12 July 2016 |
| PCA South China Sea Arbitration (Jurisdiction and Admissibility) | <i>In the Matter of an Arbitration (Philippines v. People's Republic of China)</i> , PCA Case No. 2013-19, Award on Jurisdiction and Admissibility, |

| | |
|--|-----------------|
| | 20 October 2015 |
|--|-----------------|

c) International Criminal Tribunal for the former Yugoslavia (ICTY)

| Short-title | Reference |
|--|--|
| <u>Gotovina Decision</u> | <i>Prosecutor v. Gotovina & Markač</i> , Decision on Motion to Intervene and Statement of Interest by the Republic of Croatia, IT-06-09-A, 8 February 2012 |

d) European Court of Human Rights (ECtHR)

| Short-title | Reference |
|--|--|
| <u>Banković v. Belgium</u> | <i>Banković et al. v. Belgium et al.</i> , Admissibility Decision [Grand Chamber], App. No. 52207/99, 12 December 2001 |
| <u>Behrami and Behrami v. France and Saramati v. France, Germany, and Norway</u> | <i>Behrami and Behrami v. France and Saramati v. France, Germany and Norway</i> , Admissibility Decision [Grand Chamber], App Nos. 71412/01 and 78166/01, 2 May 2007 |
| <u>Cyprus v. Turkey</u> | <i>Cyprus v. Turkey</i> , Judgment [Grand Chamber], App No. 25781/94, 10 May 2001 |
| <u>Loizidou v. Turkey</u> | <i>Loizidou v. Turkey</i> , Judgment [Grand Chamber], App No. 15318/89, 18 December 1996 |
| <u>Soering v. United Kingdom</u> | <i>Soering v. United Kingdom</i> , Judgment [Plenary Court], App No. 14038/88, 7 July 1989 |
| <u>Solomou and Others v. Turkey</u> | <i>Solomou and Others v. Turkey</i> , Judgment [Chamber], App No. 36832/97, 24 June 2008 |

e) International Tribunal for the Law of the Sea (ITLOS)

| Short-title | Reference |
|--|--|
| <u>ITLOS M/V Norstar</u> | <i>The M/V "Norstar" Case (Panama v. Italy)</i> , Judgment (Preliminary Objections), 4 November 2016 |

f) **International Centre for Settlement of Investment Disputes (ICSID)**

| Short-title | Reference |
|--|---|
| <u>Daimler Financial Services AG v. Argentina</u> | <i>Daimler Financial Services AG v. Argentina</i> (Case No. ARB/05/1), Award, 22 August 2012 |
| <u>Wintershall Aktiengesellschaft v. Argentina</u> | <i>Wintershall Aktiengesellschaft v. Argentina</i> (Case No. ARB/04/14), Award, 8 December 2009 |

g) **European Court of Justice (ECJ)**

| Short-title | Reference |
|---|---|
| <u>ECJ Council of the European Union v. Front Polisario Advocate-General's Opinion</u> | <i>Council of the European Union v. Front Populaire pour la liberation de la saguia-el-hamra et du rio de oro (Front Polisario)</i> , Case C-104/16 P, Opinion of Advocate-General Wathelet, 13 September 2016 |
| <u>ECJ France v. European Commission Advocate-General's Opinion</u> | <i>French Republic v. Commission of the European Communities</i> , Case C-482/99, Opinion of Advocate-General Jacobs, 13 December 2001 |
| <u>ECJ France v. European Commission Judgment</u> | <i>French Republic v. Commission of the European Communities</i> , Case C-482/99, Judgment, 16 May 2002 |
| <u>ECJ Organisation juive européenne Judgment</u> | <i>Organisation juive européenne and Vignoble Psagot Ltd v. Ministre de l'Économie et des Finances</i> , Case C-363/18, Judgment [Grand Chamber], 12 November 2019 |
| <u>ECJ Slovenia v. Croatia Judgment</u> | <i>Slovenia v. Croatia</i> , Case C-457/18, Judgment [Grand Chamber], 31 January 2020 |
| <u>ECJ Western Sahara Campaign UK v. Commissioners for Her Majesty's Revenue and Customs Advocate-General's Opinion</u> | <i>Western Sahara Campaign UK v. Commissioners for Her Majesty's Revenue and Customs, Secretary of State for Environment, Food and Rural Affairs</i> , Case C-266/16, Opinion of Advocate-General Wathelet, 10 January 2018 |

h) World Trade Organisation (WTO)

| Short-title | Reference |
|---|---|
| WTO Turkey – Restrictions Panel | WTO, <i>Turkey – Restrictions on Imports of Textile and Clothing Products</i> , WT/DS34/R, Report of the Panel, 31 May 1999 |

V. JURISPRUDENCE OF NATIONAL JURISDICTIONS

| Short-title | Reference |
|--|--|
| Reference re Secession of Quebec | <i>Reference re Secession of Quebec</i> [1998] 2 SCR 217 |

VI. INTERNATIONAL LEGAL INSTRUMENTS

| Short-title | Reference |
|---|--|
| Covenant of the League of Nations | The Covenant of the League of Nations, 28 April 1919 |
| Declaration of the High Contracting Parties to the Fourth Geneva Convention | Conference of High Contracting Parties to the Fourth Geneva Convention: Declaration, 5 December 2001 |
| GCIV | Convention (IV) relative to the Protection of Civilian Persons in Time of War, Geneva, 12 August 1949 |
| Hague Regulations 1907 | Convention (IV) respecting the Laws and Customs of War on Land and its annex: Regulations concerning the Laws and Customs of War on Land, The Hague, 18 October 1907 |
| Montevideo Convention | Montevideo Convention on the Rights and Duties of States, Montevideo, 26 December 1933, in force on 26 December 1934 |
| UNCLOS | United Nations Convention on the Law of the Sea, 28 July 1994 |
| VCLT | Vienna Convention on the Law of Treaties, |

| Short-title | Reference |
|-------------|---------------------|
| | Vienna, 23 May 1969 |

VII. UNITED NATIONS DOCUMENTS

a) United Nations General Assembly (UNGA) - RESOLUTIONS

| Short-title | Reference |
|---|---|
| UNGA Resolution 73/158 (2018) | United Nations General Assembly, Resolution 73/158, The right of the Palestinian people to self-determination, A/RES/73/158, adopted on 17 December 2018, 9 January 2019 |
| UNGA Resolution 73/96 (2018) | United Nations General Assembly, Resolution 73/96, Work of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories, A/RES/73/96, adopted on 7 December 2018, 18 December 2018 |
| UNGA Resolution ES-10/19 (2017) | United Nations General Assembly, Resolution A/RES/ES-10/19, Status of Jerusalem, 21 December 2017 |
| UNGA Resolution 71/95 (2016) | United Nations General Assembly, Resolution 71/95, Work of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories, A/RES/71/95, adopted on 6 December 2016, 23 December 2016 |
| UNGA Resolution 71/23 (2016) | United Nations General Assembly, Resolution 71/23, Peaceful settlement of the question of Palestine, A/RES/71/23, adopted on 30 November 2016, 15 December 2016 |
| UNGA Resolution 70/141 (2015) | United Nations General Assembly, Resolution 70/141, The right of the Palestinian people to self-determination, |

| Short-title | Reference |
|--|--|
| | A/RES/70/141, adopted on 17 December 2015, 5 February 2016 |
| UNGA Resolution 70/15 (2015) | United Nations General Assembly, Resolution 70/15, Peaceful settlement of the question of Palestine, A/RES/70/15, adopted on 24 November 2015, 4 December 2015 |
| UNGA Resolution 67/19 (2012) | United Nations General Assembly, Resolution 67/19, Status of Palestine in the United Nations, A/Res/67/19, adopted on 29 November 2012, 4 December 2012 |
| UNGA Resolution 66/17 (2012) | United Nations General Assembly, Resolution 66/17, Peaceful settlement of the question of Palestine, A/RES.66/17, 26 January 2012 |
| UNGA Resolution 58/292 (2004) | United Nations General Assembly, Resolution 58/292, Status of the Occupied Palestinian Territory, including East Jerusalem, A/RES/58/292, 17 May 2004 |
| UNGA Resolution 58/163 (2003) | United Nations General Assembly, Resolution 58/163, The right of the Palestinian people to self-determination, A/RES/58/163, 4 March 2004 |
| UNGA Resolution 55/87 (2000) | United Nations General Assembly, Resolution 55/87, The right of the Palestinian people to self-determination, A/RES/55/87, 4 December 2000 |
| UNGA Resolution 43/177 (1988) | United Nations General Assembly, Resolution 43/177, Question of Palestine, A/RES/43/177, 15 December 1988 |
| UNGA Resolution 3376 (XXX) (1975) | United Nations General Assembly, Resolution 3376, Question of Palestine, A/RES/3376 (XXX), 10 November 1975 |
| UNGA Resolution 3236 (XXIX) (1974) | United Nations General Assembly, Resolution 3236 (XXIX), Question of Palestine, A/RES/3236 (XXIX), 22 November |

| Short-title | Reference |
|---|--|
| | 1974 |
| UNGA Resolution 181 (II) (1947) | United Nations General Assembly, Resolution 181 (II), Future Government of Palestine, A/RES/181 (II), 29 November 1947 |

b) United Nations Security Council Resolutions (UNSC) - RESOLUTIONS

| Short-title | Reference |
|---|--|
| UNSC Resolution 2334 (2016) | United Nations Security Council, Resolution 2334, S/RES/2334, 23 December 2016 |
| UNSC Resolution 478 (1980) | United Nations Security Council, Resolution 478, S/RES/478, 20 August 1980 |
| UNSC Resolution 476 (1980) | United Nations Security Council, Resolution 476, S/RES/476, 30 June 1980 |
| UNSC Resolution 446 (1979) | United Nations Security Council, Resolution 446, S/RES/446, 22 March 1979 |
| UNSC Resolution 252 (1968) | United Nations Security Council, Resolution 252, S/RES/252, 21 May 1968 |

c) Other United Nations Documents Related to the Occupied Palestinian Territories

| Short-title | Reference |
|--|--|
| Committee Report on Palestine UN Application | United Nations Security Council, <i>Report of the Committee on the Admission of New Members concerning the application of Palestine for admission to membership in the United Nations</i> , S/2011/705, 11 November 2011 |
| ECOSOC Concluding Observations Israel | United Nations Economic and Social Council, <i>Concluding Observations on the Fourth Periodic Report of Israel</i> , E/C.12/ISR/CO/4, 12 November 2019 |

| | |
|--|--|
| <p>Letter from Palestine to UNSG, and Presidents of Security Council and General Assembly (11 December 2019)</p> | <p>United Nations General Assembly and Security Council, <i>Identical letters dated 11 December 2019 from the Permanent Observer of the State of Palestine to the United Nations addressed to the Secretary-General, the President of the General Assembly and the President of the Security Council, A/ES-10/831-S/2019/937, 12 December 2019</i></p> |
| <p>Letter from Palestine to UNSG, and Presidents of Security Council and General Assembly (10 January 2020)</p> | <p>United Nations General Assembly and Security Council, <i>Identical letters dated 10 January 2020 from the Permanent Observer of the State of Palestine to the United Nations addressed to the Secretary-General, the President of the General Assembly and the President of the Security Council, A/ES-10/832-S/2020/33, 13 January 2020</i></p> |
| <p>Letter from Palestine to UNSG, and Presidents of Security Council and General Assembly (14 February 2020)</p> | <p>United Nations General Assembly and Security Council, <i>Identical letters dated 14 February 2020 from the Permanent Observer of the State of Palestine to the United Nations addressed to the Secretary-General, the President of the General Assembly and the President of the Security Council, A/ES-10/833-S/2020/126, 26 February 2020</i></p> |
| <p>Letter from Palestine to UNSG, and Presidents of Security Council and General Assembly (20 February 2020)</p> | <p>United Nations General Assembly and Security Council, <i>Identical letters dated 20 February 2020 from the Permanent Observer of the State of Palestine to the United Nations addressed to the Secretary-General, the President of the General Assembly and the President of the Security Council, A/ES-10/834-S/2020/132, 26 February 2020</i></p> |
| <p>Letter to UNSG</p> | <p>United Nations General Assembly and Security Council, <i>Letter dated 18 November 1988 from the Permanent Representative of Jordan to the United Nations addressed to the Secretary-General, A/43/827-S/20276, 18 November 1988</i></p> |

| | |
|---|--|
| UNSC 8717th Meeting (11 February 2020) | United Nations Security Council, 8717 th Meeting, S/PV.8717 (Provisional), 11 February 2020 |
| UNSG Report A/HRC/31/44 | United Nations General Assembly, <i>Human rights situation in the Occupied Palestinian Territory, including East Jerusalem, Report of the Secretary-General, A/HRC/31/44</i> , 20 January 2016 |

d) **Committee on the Elimination of Racial Discrimination (CERD)**

| Short-title | Reference |
|--|---|
| CERD Concluding Observations (2019) | United Nations Committee on the Elimination of Racial Discrimination, <i>Concluding Observations on the Combined Initial and Second Periodic Reports of the State of Palestine</i> , CERD/C/PSE/CO/1-2, 20 September 2019 |
| CERD summary record 2132nd meeting | United Nations Committee on the Elimination of Racial Discrimination, Eightieth Session, <i>Summary record of the 2132nd meeting</i> , CERD/C/SR.2132, 22 February 2012 |
| CERD summary record 2788th meeting | United Nations Committee on the Elimination of Racial Discrimination, 100th session, <i>Summary record of the 2788th meeting</i> , CERD/C/SR.2788, 10 December 2019 |
| CERD Jurisdiction Decision C/100/5 | United Nations Committee on the Elimination of Racial Discrimination, <i>Inter-State communication submitted by the State of Palestine against Israel</i> , Procedural issue: Jurisdiction of the Committee, 12 December 2019 |
| CERD Palestine Initial and Second Periodic Report (2018) | United Nations Committee on the Elimination of Racial Discrimination, <i>Initial and second periodic reports submitted by the State of Palestine under article 9 of the Convention, due in 2017</i> , CERD/C/PSE/1-2, 16 October 2018 |

e) **Committee on the Rights of the Child (CRC)**

| Short-title | Reference |
|---|---|
| CRC Concluding Observations (2020) | United Nations Committee on the Rights of the Child, <i>Concluding Observations on the initial report of the State of Palestine</i> , CRC/C/PSE/CO/1, 6 March 2020 |
| CRC Palestine Initial Report (2018) | United Nations Committee on the Rights of the Child, <i>Initial report submitted by the State of Palestine under article 44 of the Convention, due in 2016</i> , CRC/C/PSE/1, 25 March 2019 |

f) **Committee on the Elimination of Discrimination against Women (CEDAW)**

| Short-title | Reference |
|---|---|
| CEDAW Concluding Observations (2018) | United Nations Committee on the Elimination of Discrimination against Women, <i>Concluding observations on the initial report of the State of Palestine</i> , CEDAW/C/PSE/CO/1, 25 July 2018 |
| CEDAW Palestine Initial Report (2017) | United Nations Committee on the Elimination of Discrimination against Women, <i>Consideration of reports submitted by States parties under article 18 of the Convention pursuant to the simplified reporting procedure – initial reports of States parties due in 2015: State of Palestine</i> , CEDAW/C/PSE/1, 24 May 2017 |

g) **Human Rights Committee**

| Short-title | Reference |
|--|---|
| HRC Concluding Observations (2014) | United Nations Human Rights Committee, <i>Concluding observations on the fourth periodic report of Israel</i> , CCPR/C/ISR/CO/4, 21 November 2014 |

h) Other United Nations Documents

| Short-title | Reference |
|--|---|
| Statements to the UN General Assembly (29 November 2012) | United Nations General Assembly, 67th session, 44th plenary meeting, A/67/PV.44, 29 November 2012 |
| UNSG Report on Implementation of UNSC Resolution 2334 (2016) | United Nations Security Council, <i>Implementation of Security Council resolution 2334 (2016), Report of the Secretary-General</i> , S/2019/938, 12 December 2019 |

VIII. EUROPEAN UNION DOCUMENTS AND PUBLICATIONS

| Short-title | Reference |
|---|---|
| Council Conclusions on the Middle East Peace Process (2016) | Council of the European Union, <i>Council Conclusions on the Middle East Peace Process</i> , Press Release, 18 January 2016 |

IX. HISTORICAL DOCUMENTS

| Short-title | Reference |
|--|--|
| Gaza-Jericho Agreement | Agreement on Gaza Strip and Jericho Area, 4 May 1994 |
| Israel-Egypt Armistice Agreement | Egyptian-Israeli General Armistice Agreement, 24 February 1949 |
| Israel-Syria Armistice Agreement | Israeli-Syrian General Armistice Agreement, 20 July 1949 |
| Israel-Jordan Armistice Agreement | Jordanian-Israeli General Armistice Agreement, 3 April 1949 |
| Lebanese-Israeli Armistice Agreement | Lebanese-Israeli General Armistice Agreement, 23 March 1949 |
| Oslo I | Declaration of Principles on Interim Self-Government Arrangements, September 13 1993 |

| | |
|--|---|
| Oslo II | Israeli-Palestinian Interim Agreement on the West Bank and the Gaza Strip, 28 September 1995 |
| Oslo II – Civil Affairs Protocol Annex III | Israeli-Palestinian Interim Agreement on the West Bank and the Gaza Strip Annex III: Protocol Concerning Civil Affairs, 28 September 1995 |
| Oslo II – Legal Protocol Annex IV | Israeli-Palestinian Interim Agreement on the West Bank and the Gaza Strip Annex IV: Protocol Concerning Legal Affairs, 28 September 1995 |

X. ISRAEL LEGAL TEXTS AND DOCUMENTS

| Short-title | Reference |
|--------------------------------------|--|
| Israel AG Memorandum | Office of the Attorney General of the State of Israel, <i>The International Criminal Court's Lack of Jurisdiction over the so-called "Situation in Palestine"</i> , 20 December 2019 |

XI. PALESTINE ACCESSION TO INTERNATIONAL CONVENTIONS

| Short-title | Reference |
|--|--|
| Palestine UN Application | United Nations General Assembly and Security Council, <i>Application of Palestine for admission to membership in the United Nations</i> , A/66/371-S/2011/592, 23 September 2011 |

XII. ACADEMIC WORKS

| Short-title | Reference |
|-------------|---|
| Adem (2019) | S. Adem, <i>Palestine and the International Criminal Court</i> (The Hague: T.M.C Asser Press, 2019) |

| Short-title | Reference |
|--|--|
| Akande | D. Akande, 'The Jurisdiction of the International Criminal Court over Nationals of Non-Parties: Legal Basis and Limits' [2003] 1 <i>Journal of International Criminal Justice</i> 618 |
| Bassiouni and Ben Ami (2009) | M.C. Bassiouni and S. Ben Ami, <i>A Guide to Documents on the Arab-Palestinian/ Israeli Conflict: 1897-2008</i> (Leiden: Martinus Nijhoff Publishers, 2009) |
| Ben-Naftali, Gross and Michaeli (2005) | O. Ben-Naftali, A.M. Gross and K. Michael, 'Illegal Occupation: Framing the Occupied Palestinian Territory', [2005] 23(3) <i>Berkeley Journal of International Law</i> 551 |
| Benvenisti (2012) | E. Benvenisti, <i>The International Law of Occupation</i> , 2 nd Ed. (Oxford: OUP, 2012) |
| Black (2017) | I. Black, <i>Enemies and Neighbours: Arabs and Jews in Palestine and Israel, 1917-2017</i> (Penguin Books, 2017) |
| Boutruche and Sassòli (2017) | Norwegian Refugee Council, T. Boutruche and M. Sassòli, 'Expert Opinion on the Occupier's Legislative Power over an Occupied Territory Under IHL in Light of Israel's On-going Occupation', 22 June 2017 |
| Brownlie's Principles (2019) | J. Crawford, <i>Brownlie's Principles of Public International Law</i> 9 th Ed. (Oxford: OUP, 2019) |
| Cerone (2012) | J. Cerone, 'Legal Implications of the UN General Assembly Vote to Accord Palestine the Status of Observer State', [2012] 16(37) <i>Insights</i> (American Society of International Law) |
| Craven in Evans (2014) | M. Craven, 'Statehood, self-determination and recognition' in M. Evans (eds.), <i>International Law</i> , 4 th Ed. (Oxford: OUP, 2014) |
| Craven and Parfitt in Evans (2018) | M. Craven and R. Parfitt, 'Statehood, self- |

| Short-title | Reference |
|-------------------------------------|--|
| | determination and recognition,' in M. Evans (ed.), <i>International Law</i> , 5 th Ed. (Oxford: OUP, 2018) |
| Crawford (2014) | J. Crawford, <i>Chance, Order, Change: The Course of International Law (General Course on Public International Law)</i> , Pocket Books of the Hague Academy of International Law (Brill, 2014) |
| Crawford (2012) | J. Crawford, 'Opinion: Third Party Obligations with respect to Israeli Settlements in the Occupied Palestinian Territories', 24 January 2012 |
| Crawford (2006) | J. Crawford, <i>The Creation of States in International Law</i> , 2 nd Ed. (Oxford: OUP, 2006) |
| Dinstein (2019) | Y. Dinstein, <i>The International Law of Belligerent Occupation</i> , 2 nd Ed. (Cambridge: CUP, 2019) |
| Drew (2001) | C. Drew, 'The East Timor story: international law on trial,' [2001] 12(4) <i>European Journal of International Law</i> 651 |
| Fox and Webb (2013) | H. Fox & P. Webb, <i>The Law of State Immunity</i> , 3 rd Ed. (Oxford: OUP, 2013) |
| Gardiner (2015) | R. Gardiner, <i>Treaty Interpretation</i> , 2 nd Ed. (Oxford: OUP, 2015) |
| Gelvin (2014) | J.L. Gelvin, <i>The Israel-Palestine Conflict: One hundred years of war</i> , 3 rd Ed. (Cambridge: CUP, 2014) |
| Gilbert (2008) | M. Gilbert, <i>Israel: a History</i> (Harper Perennial, 2008) |
| Grant in Chinkin and Baetens (2015) | T. Grant, 'How to Recognise a State (And Not)' in C. Chinkin and F. Baetens (eds.), <i>Sovereignty, Statehood and State Responsibility</i> |

| Short-title | Reference |
|---|--|
| | (Cambridge: CUP, 2015) |
| Gross (2017) | A. Gross, <i>The Writing on the Wall: Rethinking the International Law of Occupation</i> (Cambridge: CUP, 2017) |
| Hofbauer (2016) | J. Hofbauer, <i>Sovereignty in the Exercise of the Right to Self-Determination</i> (Leiden: Brill, 2016) |
| Kattan (2020), Part I | V. Kattan, 'A critical assessment of the Government of Israel's memorandum to the ICC – Part I,' <i>EJIL: Talk!</i> , 30 January 2020 |
| Kattan (2020), Part II | V. Kattan, 'A critical assessment of the Government of Israel's memorandum to the ICC – Part II,' <i>EJIL: Talk!</i> , 30 January 2020 |
| Lauterpacht (1975) | H. Lauterpacht, <i>International Law: Collected Papers, edited by E. Lauterpacht, Vol. 2: the Law of Peace, Part I: International Law in General</i> (Cambridge: CUP, 1975) |
| Lee (2016) | H. Lee, 'Defining 'State' for the purpose of the International Criminal Court: the problem ahead after the Palestine Decision', [2016] 77 <i>University of Pittsburgh Law Review</i> 345 |
| Mann (1986) | F. A. Mann, <i>Foreign Affairs in English Courts</i> (Oxford: OUP, 1986) |
| Mendes (2010) | E. Mendes, 'Statehood and Palestine for the purposes of article 12(3) of the ICC Statute: A Contrary Perspective', University of Ottawa |
| Meron (2017) | T. Meron, 'The West Bank and international humanitarian law on the eve of the fiftieth anniversary of the Six-day War', [2017] 111(2) <i>American Journal of International Law</i> 357 |
| Oppenheim's Vol. 1, Parts 2 to 4 (1996) | L. Oppenheim, R. Jennings and A. Watts, |

| Short-title | Reference |
|---|--|
| | <i>Oppenheim's International Law</i> , Vol. 1, Parts 2 to 4, 9 th Ed. (New York: Addison Wesley Longman, 1996) |
| Peterson (1997) | M. Peterson, <i>Recognition of Governments: Legal Doctrine and State Practice, 1815-1995</i> (Springer, 1997) |
| Rastan in Stahn (2015) | R. Rastan, 'Jurisdiction' in C. Stahn (ed.), <i>The Law and the Practice of the International Criminal Court</i> (Oxford: OUP, 2015) |
| Ronen (2014) | Y. Ronen, 'Israel, Palestine and the ICC – Territory Uncharted but not Unknown', [2014] 12(1) <i>Journal of International Criminal Justice</i> 7 |
| Ross (2015) | D. Ross, <i>Doomed to Succeed</i> (Farrar, Strauss and Giroux, 2015) |
| Schabas (2016) | W. Schabas, <i>The International Criminal Court: A Commentary on the Rome Statute</i> , 2 nd Ed. (Oxford: OUP, 2016) |
| Shaw (2017) | M. Shaw, <i>International Law</i> , 8 th Ed. (Cambridge: CUP, 2017) |
| Stahn (2016) | C. Stahn, 'Response: The ICC, Pre-Existing Jurisdictional Treaty Regimes, and the Limits of the Nemo Dat Quod Non Habet Doctrine – A Reply to Michael Newton' [2016] 49 <i>Vanderbilt Journal of Transnational Law</i> 443 |
| Tomuschat in Clapham/Gaeta/Sassòli (2015) | C. Tomuschat, 'Prohibition of Settlements', in A. Clapham, P. Gaeta, and M. Sassòli, <i>The 1949 Geneva Conventions: A Commentary</i> (Oxford: OUP, 2015) |
| Vagias (2014) | M. Vagias, <i>The Territorial Jurisdiction of the International Criminal Court</i> (Cambridge: CUP, 2014) |
| Vidmar (2013) | J. Vidmar, 'Palestine and the Conceptual |

| Short-title | Reference |
|--------------------------------|--|
| | Problem of Implicit Statehood', [2013] 12(1) <i>Chinese Journal of International Law</i> 19 |
| Weill | S. Weill, 'The judicial arm of the occupation: the Israeli military courts in the occupied territories,' [2007] Volume 89 No. 866 <i>International Review of the Red Cross</i> 395 |
| Worster (2011) | W. Worster, 'The Exercise of Jurisdiction by the International Criminal Court over Palestine', [2011] 26(5) <i>American University International Law Review</i> 1153 |
| Zemach (2019) | A. Zemach, 'Assessing the Scope of the Palestinian Territorial Entitlement,' [2019] 42(4) <i>Fordham International Law Journal</i> 1203 |

XIII. OPEN SOURCE MATERIAL

| Short-title | Reference |
|---|--|
| Fifty years of occupation: Where do we go from here? | International Committee of the Red Cross, 'Fifty years of occupation: Where do we go from here?', 2 June 2017 |
| GoI MFA Armistice Lines (1949-1967) | Israel Ministry of Foreign Affairs, <i>Armistice Lines (1949-1967)</i> |
| Israeli Settlements and International Law | Israel Ministry of Foreign Affairs, <i>Israeli Settlements and International Law</i> , 30 November 2015 |
| Netanyahu Supports the Trump Plan Because He Knows It Will Fail | <i>Ha'aretz</i> , 'Netanyahu Supports the Trump Plan Because He Knows It Will Fail', 31 January 2020 |
| Origins and Evolution Palestine Problem: 1917-1947 (Part I) | United Nations, The Question of Palestine, <i>Origins and Evolution of the Palestine Problem: Part I (1917-1947)</i> |
| Origins and Evolution Palestine Problem: 1947-1977 (Part II) | United Nations, The Question of Palestine, <i>Origins and Evolution of the Palestine Problem:</i> |

| Short-title | Reference |
|--|---|
| | <i>Part II (1947-1977)</i> |
| Peace to Prosperity | The White House, <i>Peace to Prosperity: a vision to improve the lives of the Palestinian and Israeli people</i> , January 2020 |
| The Status of Jerusalem | United Nations, <i>The Status of Jerusalem</i> , 1997 |
| Trump unveils Middle East peace plan with no Palestinian support | <i>The Guardian</i> , 'Trump unveils Middle East peace plan with no Palestinian support', 28 January 2020 |
| US to recognise annexation of occupied West Bank, Jordan Valley | <i>Al Jazeera</i> , 'US to recognise annexation of occupied West Bank, Jordan Valley,' 28 April 2020 |

XIV. OTHER DOCUMENTS

| Short-title | Reference |
|---|--|
| 2003 Amended Basic Law | The Palestinian Basic Law, '2003 Amended Basic Law', 18 March 2003 |
| 2003 Permanent Constitution (Revised Third Draft) | The Palestinian Basic Law, '2003 Permanent Constitution draft', 4 May 2003 |
| Declaration of the 'All Palestinian' Government | 'Declaration of the All-Palestine Government, September-October 1948,' in <i>Documents on Palestine Volume II: 1948-1973</i> (Jerusalem: Palestinian Academic Society for the Study of International Affairs, 2007) |
| Explanatory memorandum | United Kingdom, <i>Explanatory Memorandum on the Trade and Partnership Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the State of Israel</i> , Command Paper No. 59 |
| ILC Articles State Responsibility for Internationally Wrongful Acts | International Law Commission, <i>Articles on Responsibility of States for Internationally Wrongful Acts, with Commentaries</i> , 2001 |

| | |
|--|---|
| Mandate for Palestine | League of Nations, Mandate for Palestine, C.529.M.314.1922.VI, 12 August 1922 |
| Report to ASP (2019) | ICC ASP, <i>Report on activities and programme performance of the International Criminal Court for the year 2018</i> , ICC-ASP/18/3, 25 July 2019 |
| PE Report (2019) | ICC OTP, <i>Report on Preliminary Examination Activities</i> , 2019 |
| PE Report (2018) | ICC OTP, <i>Report on Preliminary Examination Activities</i> , 2018 |
| PE Report (2017) | ICC OTP, <i>Report on Preliminary Examination Activities</i> , 2017 |
| PE Report (2016) | ICC OTP, <i>Report on Preliminary Examination Activities</i> , 2016 |
| PE Report (2015) | ICC OTP, <i>Report on Preliminary Examination Activities</i> , 2015 |
| Trade and Partnership Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the State of Israel | United Kingdom, <i>Trade and Partnership Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the State of Israel</i> , 18 February 2019 (not in force) |

XV. EXPLANATORY GLOSSARY

| Acronym used in Prosecution Response Brief | Full Citation |
|--|--|
| ASP | Assembly of State Parties |
| ECtHR | European Court of Human Rights |
| EU | European Union |
| fn. | Footnote |
| fns. | Footnotes |
| GCIV | Fourth Geneva Convention |
| ICJ | International Court of Justice |
| ICRC | International Committee of the Red Cross |
| ILC | International Law Commission |
| mn. | Margin Number |

| Acronym used in Prosecution Response Brief | Full Citation |
|--|--|
| NGO | Non-Governmental Organization |
| OPT | Occupied Palestinian Territory |
| OTP | Office of the Prosecutor |
| PA | Palestinian Authority |
| para. | Paragraph |
| Paras | Paragraphs |
| PE | Preliminary Examination |
| PLO | Palestine Liberation Organization |
| pp. | Pages |
| PTC | Pre-Trial Chamber |
| Statute | Rome Statute |
| UN | United Nations |
| UNGA | United Nations General Assembly |
| UNSC | United Nations Security Council |
| VCLT | Vienna Convention on the Law of Treaties |