

Annex

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: **English**

No.: **ICC-01/18**

Date: **11 July 2024**

PRE-TRIAL CHAMBER I

Before: Judge Iulia Motoc, Presiding Judge
Judge Nicolas Guillou
Judge Reine Alapini-Gansou

SITUATION IN THE STATE OF PALESTINE

Public

**Request by The Palestine Independent Commission for Human Rights (ICHR) for
Leave to Submit Written Observations Pursuant to Rule 103**

Source: The Palestine Independent Commission for Human Rights (ICHR)

Document to be notified in accordance with regulation 31 of the *Regulations of the Court* to:

The Office of the Prosecutor	Counsel for the Defence
Legal Representatives of the Victims	Legal Representatives of the Applicants
Unrepresented Victims	Unrepresented Applicants (Participation/Reparation)
The Office of Public Counsel for Victims	The Office of Public Counsel for the Defence
States Representatives	Amicus Curiae

REGISTRY	
Registrar	Counsel Support Section
Mr Osvaldo Zavala Giler	
Victims and Witnesses Unit	Detention Section
Victims Participation and Reparations Section	Other

I. Introduction

1. On 10 June 2024, the United Kingdom filed a Request for leave to submit *amicus curiae* written observations under Rule 103(1) of the Rules of Procedure and Evidence (the 'Rules'), on "[w]hether the Court can exercise jurisdiction over Israeli nationals", given what it describes as "circumstances where Palestine cannot exercise criminal jurisdiction over Israeli nationals pursuant to the Oslo Accords" (the 'United Kingdom Request').¹
2. Rule 103(1) of the Rules stipulates that "[a]t any stage of the proceedings, a Chamber may, if it considers it desirable for the proper determination of the case [...] grant leave to a State, organization or person to submit, in writing or orally, any observation on any issue that the Chamber deems appropriate."²
3. On 27 June 2024, the Chamber issued an Order in response to the United Kingdom Request (the 'Order of 27 June 2024').³ The Chamber granted the United Kingdom leave pursuant to its request, and instructed the United Kingdom to file its written observations by 12 July 2024.⁴ It also indicated that other requests for leave to submit *amicus curiae* written observations, if any, shall also be filed by 12 July 2024.⁵ On 4 July 2024 the Chamber granted the United Kingdom an extension to the deadline for it to file its written observations, to 26 July 2024.⁶
4. The ICHR respectfully requests permission for leave to submit *amicus curiae* written observations pursuant to Rule 103 of the Rules, on the issue of the relevance of the Oslo Accords to the question of whether the Court can exercise jurisdiction over Israeli nationals.

¹ Request by the United Kingdom for Leave to Submit Written Observations Pursuant to Rule 103, ICC-01/18171-SECRET-Exp-Anx (reclassified as public on 27 June 2024, ICC-01/18-171-Anx), para. 27.i.

² Official Records of the Assembly of States Parties to the Rome Statute of the International Criminal Court, First session, New York, 3-10 September 2002, ICC-ASP/1/3 and Corr.1, part II.A., Rule 103.

³ Order deciding on the United Kingdom's request to provide observations pursuant to Rule 103(1) of the Rules of Procedure and Evidence, and setting deadlines for any other requests for leave to file *amicus curiae* observations, ICC-01/18-173-SECRET (a public redacted version was issued on the same date, ICC-01/18-173Red) ('Order of 27 June 2024')

⁴ Order of 27 June 2024, para. 5.

⁵ Order of 27 June 2024, para. 6.

⁶ Decision on the 'Request by the United Kingdom for Extension of Time Limit,' ICC-01/18-178, 4 July 2024.

II. The Palestine Independent Commission for Human Rights (ICHR)— Background, Interest and Expertise

5. The ICHR is the national human rights institution in Palestine, established in 1993. It is a member of the Global Alliance for National Human Rights Institutions (GANHRI) with an A-class accreditation denoting full independence from governmental authorities. It is also a member of the Arab National Human Rights Institutions (ANNHRIs), the Asia Pacific Forum for NHRIs (APF) and the Mediterranean Ombudsmen Association. The ICHR contributes towards the protection and promotion of human rights in Palestine in accordance with general international law, international criminal law, international humanitarian law including occupation law, international human rights law, the Palestinian Independence Declaration and Basic Law, by receiving and handling complaints, monitoring and documenting human rights violations, providing guidance, counselling and capacity development of duty bearers, mediating between official institutions and civil society organizations, and promoting the culture of human rights with the purpose of creating a democratic and tolerant society. It serves as the national Palestinian human rights Ombudsman. The ICHR's headquarters is located in Ramallah, in addition to five regional offices including three in other parts of the West Bank, in the north, middle and south, and two in the Gaza Strip, in the north and south. It has 69 permanent staff members.
6. Bearing in mind the foregoing, the ICHR has a direct interest in, and well-established expertise relating to, the Situation in the State of Palestine, as a general matter, and as concerns the issue that is the subject of the present request.

III. Intended scope of observations

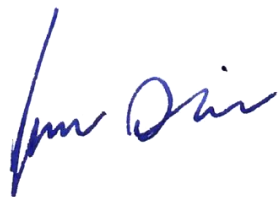
7. On the issue of the relevance of the Oslo Accords to the question of whether the Court can exercise jurisdiction over Israeli nationals, the ICHR's observations would seek to assist the Court in the proper determination of the legal validity of the relevant provisions of the Oslo Accords. In particular, it would address the following issues:

- a. The illegality of Israel's use of force over the Palestinian territory since 1967 in the *jus ad bellum*, and the consequential legal character of the Oslo Accords as agreements procured by Israel through the use of illegal force.
- b. The legal consequences of the aforementioned legal character of the Oslo Accords for the question of legal validity, as a general matter, and as regards provisions concerning the exercise of Palestinian jurisdiction over Israeli nationals in particular.
- c. The contradiction between provisions in the Oslo Accords purporting to bar the exercise of Palestinian jurisdiction over Israeli nationals, and other, including peremptory, norms of international law (including occupation law), and the legal consequences of this for the legal validity of such provisions.

IV. Relief requested

8. The ICHR respectfully requests permission for leave to submit *amicus curiae* written observations pursuant to Rule 103 of the Rules, on the issue of the relevance of the Oslo Accords to the question of whether the Court can exercise jurisdiction over Israeli nationals. This request is prompted by the Chamber's Order of 27 June 2024. It is made on the basis of the aforementioned indication in that Order anticipating the possibility that requests for leave to submit *amicus curiae* written observations pursuant to Rule 103 may arise in consequence of the United Kingdom Request and the Chamber's decision to grant it. It is not, however, contingent on the United Kingdom continuing with its intention to submit written observations pursuant to its Request. If, therefore, the United Kingdom indicates, in whatever form, a decision not to submit written observations pursuant to its Request, and/or fails to file written observations by the deadline stipulated by the Chamber (whether the deadline of 26 July 2024 or any other deadline adopted by the Chamber subsequent to the filing of the present request), the present request still stands.

Respectfully submitted,



Ammar Al-Dwaik

Director General

Palestine Independent Commission for Human Rights

Dated 11 July 2024

Ramallah, State of Palestine