

Annex

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: **English**

No.: ICC-01/18
Date: **12 July 2024**

PRE-TRIAL CHAMBER I

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

SITUATION IN THE STATE OF PALESTINE

Public version

Request for leave to file submissions under Rule 103

Source: Lawyers for Palestinian Human Rights

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

The Office of the Prosecutor



Legal Representatives of the Victims

**The Office of Public Counsel for
Victims**

**The Office of Public Counsel for the
Defence**

States Representatives
United Kingdom

Amicus Curiae Representatives

REGISTRY

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

I. INTRODUCTION AND PROCEDURAL HISTORY

1. This request is filed pursuant to Rule 103 of the Rules of Procedure and Evidence ("RPE") and the decision of Pre-Trial Chamber I ("the Chamber") of 27 June 2024.¹
2. In that decision, the Chamber authorised the United Kingdom ("UK") to file written observations pursuant to Rule 103 of the RPE which will address what impact, if any, the Oslo Accords have on the jurisdiction of the International Criminal Court ("ICC" or "Court") over Israeli nationals. The Chamber also set a deadline for any further requests under Rule 103 to be filed by 12 July 2024.²
3. By this submission, Lawyers for Palestinian Human Rights ("LPHR") requests leave to file submissions under Rule 103 on the question raised by the UK.

II. INFORMATION ABOUT THE APPLICANT ORGANISATION

4. LPHR is a legal charity registered in the UK which works to protect and promote the human rights of Palestinian people through rules-based frameworks – principally international law and international justice institutions. LPHR works in close partnership with Palestinian and Israeli human rights organisations, enabling it to apply its legal perspectives to up-to-date factual material.
5. LPHR has previously engaged with the ICC through communications with the Office of the Prosecutor.³ In its engagement, and throughout its work more broadly, LPHR is careful to ensure that it does not duplicate work done by others. In the present instance, LPHR considers that it is in a position to furnish material to the Chamber that may not otherwise be presented, and that will provide important perspective on the question before the Court.

¹ Public redacted version of '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-Red](#), 27 June 2024.

² *Ibid.*

³ For LPHR submissions to the Prosecution which are public, see: [Does the closure of Gaza constitute the crime against humanity of persecution?](#), Independent Legal Opinion, 5 December 2022; and [Addendum](#), 16 January 2024.

6. LPHR is firmly dedicated through its work and ethos to upholding international law, pursuing justice, and honouring the dignity of the Palestinian people. LPHR has strong working relationships with a number of leading UK charities, including a formal partnership with Christian Aid.

III.OVERVIEW OF PROPOSED SUBMISSIONS

7. The UK has been granted leave to address the question of whether (and if so, how) the Oslo Accords affect the Court's jurisdiction over Israeli nationals. Resolution of this question is likely to involve consideration of matters including: the interpretation of the Oslo Accords; their consistency with other relevant sources of international law and the consequences thereof; and their status in the light of the passage of time and non-implementation.
8. It appears likely that the Chamber will receive extensive submissions on the legal principles relevant to these matters. However, it is important that these questions are not considered in a vacuum. In particular, the legal status of the Oslo Accords must be assessed in light of current information about the Accords' implementation. LPHR's understanding of the Oslo Accords, together with its network of partners in Palestine and Israel, means that it is well placed to collate information on this question and present it to the Chamber .
9. Therefore, if leave is granted, LPHR will make submissions which address the extent to which key obligations under the Oslo Accords have been implemented.
10. LPHR is conscious that factual matters relating to the relationship between Israel and Palestine are rarely undisputed. To minimise any concerns about the reliability of the material presented, LPHR proposes to:
 - (a) provide references to open-source materials in support of any factual assertions made, with a preference for materials produced by trustworthy sources such as UN bodies, independent news agencies, or credible independent charities; and

(b) focus principally on those obligations under the Oslo Accords where facts relating to (non-) compliance appear to be less contentious.

11. LPHR believes that these submissions will assist the Chamber in resolving the legal questions raised about the Oslo Accords' status.

IV. RELIEF SOUGHT

12. For the above reasons, LPHR respectfully requests that the Chamber:

GRANT LEAVE to LPHR to file submissions pursuant to Rule 103 of the RPE.

Respectfully submitted,



Tareq Shrourou

Director and Principal Lawyer, Lawyers for Palestinian Human Rights

Dated this 12th day of July 2024

At London