# *PUBLIC*

## ANNEX A

# **LIST OF AUTHORITIES AND GLOSSARY**

### I. FILINGS IN THE SITUATION IN THE "STATE OF PALESTINE" ICC-01/18

Short Title	Reference
Bazian application	Professor Hatem Bazian, Request for
	Leave to File Submissions Pursuant to
	Rule 103 of the Rules of Procedure and
	Evidence, Situation in the State of
	Palestine, ICC-01/18, 10 February 2020
Decision	Decision on Applications for Leave to File
	Observations Pursuant to Rule 103 of the
	Rules of Procedure and Evidence,
	Situation in the State of Palestine, ICC-
IADI application	01/18, 20 February 2020 The International Association of
IADL application	Democratic Lawyers, Request for Leave to
	submit Amicus Curiae observations
	pursuant to rule 103(1) of the Rules of
	Procedure and Evidence on the
	Prosecution's Request pursuant to Article
	19(3) for a ruling on the Court's territorial
	jurisdiction in Palestine, Situation in the
	State of Palestine, ICC-01/18, 14 February
	2020
Kay/Kern Art. 15 Communication	Steven Kay, Joshua Kern, Article 15
	Communication, The principle of
	complementarity and the preliminary
	examination of a potential settlements
	case: A Response to the OTP's Report on
	Preliminary Examination Activities 2018,
MyAqsa Request	1 March 2019 Azril Mohd Amin, Request for Leave to
<u>MyAqsa Request</u>	File Submissions Pursuant to Rule 103,
	Situation in the State of Palestine, ICC-
	01/18, 13 February 2020
Order	Order setting the procedure and the
	schedule for the submission of
	observations, 28 January 2020
Quigley brief	Submissions Pursuant to Rule 103 (John
	Quigley), Situation in the State of
	Palestine, ICC-01/18, 3 March 2020
Referral	The State of Palestine, Referral by the
	State of Palestine Pursuant to Articles
	13(a) and 14 of the Rome Statute,
D	15 May 2018
Request	Office of the Prosecutor, Prosecution
	request pursuant to article 19(3) for a
	ruling on the Court's territorial jurisdiction
	in Palestine, Situation in the State of
	Palestine, ICC-01/18, 22 January 2020

### II. OTHER DOCUMENTS RELEVANT TO ICC AND "PALESTINE"

Short Title	Reference
2012 OTP Palestine Decision	Office of the Prosecutor, Decision, the
	Situation in Palestine, 3 April 2012
Al Haq Paper	Michael Kearney & Stijn Denayer, Al-Haq
	Position Paper on Issues Arising from the
	Palestinian Authority's Submission of a
	Declaration to the Prosecutor of the
	International Criminal Court under Article
	12(3) of the Rome Statute, 14 December
	2009
Bensouda 2014	Statement of the Prosecutor of the
	International Criminal Court, Fatou
	Bensouda: 'The Public Deserves to know
	the Truth about the ICC's Jurisdiction over
	Palestine', 2 September 2014
December 2019 PE report	ICC Report on Preliminary Examination
	Activities, 5 December 2019
Shaw Supplementary Opinion	Professor Malcolm N Shaw QC,
	Supplementary Opinion, In the Matter of
	the Jurisdiction of the International
	Criminal Court with regard to the
	Declaration of the Palestinian Authority,
	18 October 2010

## III. JURISPRUDENCE OF THE INTERNATIONAL CRIMINAL COURT

Short Title	Reference
Afghanistan Decision	Appeals Chamber Decision, Judgment on
	the appeal against the decision on the
	authorisation of an investigation into the
	situation in the Islamic Republic of
	Afghanistan, Situation in the Islamic
	Republic of Afghanistan, ICC-02/17-138,
	5 March 2020
Bangladesh Decision	Pre-Trial Chamber, Decision on the
	"Prosecution's Request for a Ruling on
	Jurisdiction under Article 19(3) of the
	Statute", Request under Regulation 46(3)
	of the Regulations of the Court, ICC-
	RoC46(3)-01/18, 9 June 2018
Bangladesh Request	Office of the Prosecutor, Prosecution's
	Request for a Ruling on Jurisdiction
	under Article 19(3) of the Statute,
	Application Under Regulation 46(3), 9
	April 2018

Bemba Decision	Decision Pursuant to Article 61(7)(a) and
	(b) of the Rome Statute on the Charges of
	the Prosecutor Against Jean-Pierre Bemba
	Gombo, Situation in the Central African
	Republic, In the Case of the Prosecutor v.
	Jean-Pierre Bemba Gombo, 15 June 2009
Georgia Decision	Pre-Trial Chamber, Decision on the
	Prosecutor's request for authorization of an
	investigation, Situation in Georgia, ICC-
	01/15-12, 27 January 2016
Judge Kovács Separate Opinion	Pre-Trial Chamber, Separate Opinion of
	Judge Péter Kovács, Situation in Georgia,
	ICC-01/15-12, 27 January 2016
Bangladesh Investigation Decision	Pre-Trial Chamber, Decision Pursuant to
	Article 15 of the Rome Statute on the
	Authorisation of an Investigation into the
	Situation in the People's Republic of
	Bangladesh/Republic of the Union of
	Myanmar, ICC-01-19, 14 November 2019

# IV. JURISPRUDENCE OF OTHER INTERNATIONAL COURTS AND TRIBUNALS a. International Court of Justice (ICJ)

Short Title	Reference
Advisory Opinion	Legal Consequences of the Construction of
	a Wall in the Occupied Palestinian
	Territory, International Court of Justice, 9
	July 2004
Arrest Warrant Case	Oral Proceedings, Arrest Warrant of 11
	April 2000 (Democratic Republic of the
	Congo v. Belgium), International Court of
	Justice, 20 November 2000
East Timor Judgment	Judgment, Case Concerning East Timor,
	International Court of Justice, 30 June
	1995
ICJ AO State Admission	Advisory Opinion, Competence of the
	General Assembly for the Admission of a
	State to the United Nations, International
	Court of Justice, 3 March 1950
Petren Fisheries Dissent	Fisheries Jurisdiction Case (Second
	<i>Phase</i> ), ICJ Rep 1974 p 3, 162 (Judge
	Petren)
Monetary Gold	Italy v. France, United Kingdom of Great
	Britain and Northern Ireland and United
	States of America, 1954 ICJ Rep 19 (15
	June 1954)
Nuclear Weapons Case	Advisory Opinion, Legality of the Threat
	or Use of Nuclear Weapons, International
	Court of Justice, 8 July 1996

Separate Opinion of Judge Elaraby	Separate Opinion of Judge Elaraby, Legal
	Consequences of the Construction of a
	Wall in the Occupied Palestinian Territory,
	International Court of Justice, 9 July 2004
Separate Opinion of Judge Higgins	Separate Opinion of Judge Higgins, Legal
	Consequences of the Construction of a
	Wall in the Occupied Palestinian Territory,
	International Court of Justice, 9 July 2004
Separate Opinion of Judge Owada	Separate Opinion of Judge Owada, Legal
	Consequences of the Construction of a
	Wall in the Occupied Palestinian Territory,
	International Court of Justice, 9 July 2004

#### b. Permanent Court of Arbitration

Short Title	Reference
Islands of Palmas Case	Islands of Palmas Case (Netherlands v.
	U.S.), Permanent Court of Arbitration, 2
	U.N. Rep. International Arbitral Awards
	829, 4 April 1928
Larsen	Larsen v. Hawaiian Kingdom, Permanent
	Court of Arbitration, 1999-01, 5 February
	2001

### c. Permanent Court of International Justice

Short Title	Reference
<u>Lotus</u>	Judgment, The Case of the S.S. Lotus,
	France v. Turkey, Permanent Court of
	International Justice, Twelfth (Ordinary)
	Session, 7 September 1927

## d. International Criminal Tribunal for the former Yugoslavia (ICTY)

Short Title	Reference
Milošević Decision	Decision on Motion for Judgement of
	Acquittal, Prosecutor v. Slobodan
	Milosevic, IT-02-54-T, 16 June 2004

### e. European Court of Human Rights (ECtHR)

Judgment, Case of Loizidou v. Turkey, European Court of Human Rights, Application no. 15318/89, 18 December
1996

# f. International Centre for the Settlement of Investment Disputes (ICSID)

Short Title	Reference
Fraport II	Fraport AG Frankfurt Airport Services
	Worldwide v Philippines, (10 December
	2014), ICSID, Case No ARB/11/12

# V. INTERNATIONAL LEGAL INSTRUMENTS

Short Title	Reference
GCIV	Convention (IV) relative to the Protection
	of Civilian Persons in Time of War,
	Geneva, 12 August 1949
<u>ICTY Rules (1995)</u>	Rules of Procedure and Evidence,
	International Tribunal for the Prosecution
	of Persons Responsible for Serious
	Violations of International Humanitarian
	Law Committed in the Territory of Former
	Yugoslavia since 1991, IT/32/Rev.3, 30
	January 1995
<u>ICTY Rules (2009)</u>	Rules of Procedure and Evidence,
	International Tribunal for the Prosecution
	of Persons Responsible for Serious
	Violations of International Humanitarian
	Law Committed in the Territory of Former
	Yugoslavia since 1991, IT/32/Rev.43, 24
	July 2009
IRMCT Rules	Rules of Procedure and Evidence,
	International Residual Mechanism for
	Criminal Tribunals, MICT/1/Rev.6, 18
	December 2019
Regulations	Regulations of the Court, International
	Criminal Court, ICC-BS/01-05-16, 15
	November 2018
Rome Statute	Rome Statute, International Criminal
	Court, ICC-PIOS-LT-03-002/15_Eng
	(2011)
U.N. Charter	Charter of the United Nations and Statute
	of the International Court of Justice, 26
	June 1945
VCLT	Vienna Convention on the Law of Treaties,
	Vienna, 23 May 1969

## VI. UNITED NATIONS DOCUMENTS

# a. United Nations Security Council Documents (UNSC)

Short Title	Reference
<u>S/2014/916</u>	United Nations Security Council,
	Jordan:draft resolution 30 December 2014
SC Res 242	United Nations Security Council,
	Resolution 242, 22 November 1967
SC Res 338	United Nations Security Council,
	Resolution 338, 22 October 1973
SC Palestine	United Nations, Question of Palestine
	website, Security Council [visited 15
	March 2020]
UNSC Membership Committee Report on	United Nations Security Council, Report of
Palestine (2011)	the Committee on the Admission of New
	Members concerning the application of
	Palestine for admission to membership in
	the United Nations, S/2011/705, 11
	November 2011
<u>UNSC PR 2016</u>	United Nations Security Council Press
	Release, Counter 'Hate-driven Agenda'
	Threatening Two-State Solution to Middle
	East Conflict, Urges Special Coordinator,
	in Security Council Briefing, 23 November
	2016
SC 2020 Statement	Times of Israel, UN Security Council calls
	for two-state solution to be respected in
	Middle East, 24 February 2020

## b. United Nations General Assembly (UNGA) – RESOLUTIONS

Short Title	Reference
Partition Resolution	United Nations General Assembly,
	Resolution 181 (II), Future Government of
	Palestine, A/RES/181 (II), 29 November
	1947
Resolution 1653	United Nations General Assembly,
	Resolution 1653, Declaration on the
	prohibition of the use of nuclear and
	thermonuclear weapons, A/RES/1653
	(XVI), 24 November 1961
Resolution 67/19	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
<u>UNGA Resolution 48/58 (1993)</u>	United Nations General Assembly,
	Resolution 48/58, Midde East Peace
	Process, A/RES/48/58, 13 January 1994
<u>UNGA Resolution 49/88 (1994)</u>	United Nations General Assembly,

	Resolution 49/88, Midde East Peace
	Process, A/RES/49/88, 7 February 1995
<u>UNGA Resolution 50/21 (1995)</u>	United Nations General Assembly,
	Resolution 50/21, Midde East Peace
	Process, A/RES/50/21, 12 December 1995
<u>UNGA Resolution 51/29 (1996)</u>	United Nations General Assembly,
	Resolution 51/29, Midde East Peace
	Process, A/RES/51/29, 11 February 1997

# c. The Secretary-General of the United Nations (SG)

Short Title	Reference
2013 SG Report	Status of Palestine in the United Nations, Report of the Secretary-General, 8 March 2013
2015 SG's Briefing	Farhan Haq, Daily Press Briefing by the Office of the Spokesperson for the Secretary-General, 20 October 2015
SG Accession Clarification	United Nations Secretary-General, Note to correspondents - Accession of Palestine to multilateral treaties, 7 January 2015
SG February 2019	António Guterres, United Nations Secretary-General, Remarks to Committee on the Exercise of the Inalienable Rights of the Palestinian People, 15 February 2019
SG July 2016	United Nations Secretary-General, Statement attributable to the Spokesman for the Secretary-General on the Quartet Report, 1 July 2016
SG November 2019	António Guterres, United Nations Secretary-General, Thinking Middle East Conflict Can Be Managed or Contained 'A Dangerous Illusion', Warns Secretary- General in Observing Day of Solidarity with Palestinian People, 27 November 2019
SG 2020	António Guterres, United Nations Secretary-General, Secretary-General's introductory remarks at Security Council open briefing on the Middle East [as delivered], 11 February 2020
SG February 2020	António Guterres, United Nations Secretary-General, Remarks at Committee on Exercise of the Inalienable Rights of the Palestinian People, 4 February 2020
SG January 2020	António Guterres, United Nations Secretary-General, Remarks at the Handover Ceremony of the Chairmanship

	of the Group of 77 and China, 15 January 2020
2013 SG Report	Status of Palestine in the United Nations, Report of the Secretary-General, 8 March 2013
2015 SG's Briefing	Farhan Haq, Daily Press Briefing by the Office of the Spokesperson for the Secretary-General, 20 October 2015
SG Accession Clarification	United Nations Secretary-General, Note to correspondents - Accession of Palestine to multilateral treaties, 7 January 2015

# d. The Office of the United Nations Special Coordinator for the Middle East Peace Process (UNSCO)

Short Title	Reference
Mladenov April 2019	Nickolay E. Mladenov, I welcome the formation of a new #Palestinian government and call on all to work together in the interest of peace and to overcome internal divisions. Unity and elections are essential to reconciliation, Special Coordinator for the Middle East
Mladenov Feb 2020	Peace Process blog, 13 April 2019 UN Special Coordinator Nickolay Mladenov's Remarks at the Security Council Open Briefing on the Middle East, 11 February 2020
Mladenov June 2016.	United Nations News, Quartet report cites violence, settlements and Gaza as barriers to Middle East peace – UN envoy, 30 June 2016
Mladenov October 2018	Nickolay E. Mladenov, Avoid war, alleviate humanitarian crisis, support #Egypt to bring back the legitimate government to #Gaza. No other way forward. Enough words, time to act. My briefing to the #UNSC, Special Coordinator for the Middle East Peace Process blog, 18 October 2018
Mladenov November 2019	Nickolay E. Mladenov, Upholding #UN resolutions and international law is just as important as preventing escalation and #war in #Gaza and paving the way for negotiations, Special Coordinator for the Middle East Peace Process blog, 20 November 2019

## e. Other United Nations Documents

Short Title	Reference
Quartet 2015 Note	United Nations Secretary-General, Note to Correspondents: Statement by the Middle East Quartet Principals, 30 September 2015
UNDAF Palestine	United Nations Development Assistance Framework, State of Palestine, 2018-2022
Key Issues at Stake	The Question of Palestine website, Key issues at stake (visited 15 March 2020)
<u>Dugard Report</u>	John Dugard, Special Rapporteur, Sixth report on diplomatic protection, A/CN.4/546, 11 August 2004
Shaheed Report	United Nations General Assembly, Elimination of all forms of religious intolerance, A/74/358, 20 September 2019
<u>UN GAOR 67/44</u>	U.N. GAOR, 67th Sess., 44th plen. mtg., U.N. Doc. A/67/PV.44 (29 Nov. 2012)
<u>UN GAOR 67/45</u>	U.N. GAOR, 67th Sess., 45th plen. mtg., U.N. Doc. A/67/PV.45 (29 Nov. 2012).
UNGA Rules	Rules of Procedure of the General Assembly, A/520/Rev.18*, 21 February 2017
UN 1950 Yearbook	Yearbook of the United Nations, 1950 (NY: Columbia University Press, 1951)
UNSCOP	UN Special Committee on Palestine, Report to the General Assembly (1947)

#### VII. EUROPEAN UNION DOCUMENTS AND PUBLICATIONS

Short Title	Reference
EU Council Conclusions	Council of the European Union, Council
	conclusions on the Middle East Peace
	Process, 18 January 2016
EU Council 2014	Council of the European Union, Council
	conclusions on the Middle East Peace
	Process, 22 July 2014
European Joint Strategy	European Joint Strategy in Support of
	Palestine 2017-2020

# VIII. HISTORICAL DOCUMENTS

Short Title	Reference
Armistice	Israel-Jordan Armistice Agreement (on file with Israel
	Ministry of Foreign Affairs) 3 April 1949
Balfour Declaration	Balfour Declaration: Text of the Declaration (on file with
	Jewish Virtual Library), 2 November 1917
British Mandatory Iraq	British Mandatory Iraq, Treaty of Alliance between Great
	Britain and Irak, 10 October 1922
Faisal-Weizmann Agreement	United Nations, Question of Palestine website, Text of the
	Faisal-Weizmann Agreement, 3 January 1919
French Mandate	French Mandate for Syria and the Lebanon, The
	American Journal of International Law, Vol. 17, No. 3,
	Supplement: Official Documents (Jul., 1923), pp. 177-
	182
Gaza-Jericho Agreement	United Nations Peacemaker, Agreement on the Gaza Strip
	and the Jericho Area, Cairo, 4 May 1994
Hebron Protocol	United Nations Peacemaker, Protocol Concerning the
	Redeployment in Hebron, 17 January 1997
Jordan Treaty of Alliance	United Kingdom of Great Britain and Northern Ireland
	and Trans-Jordan, Treaty of Alliance (with Annex and
	Exchange of Notes), London, 6 United NationsTreaty
	Series 74, 22 March 1946
Oslo I	Declaration of Principles on Interim Self-Government
	Arrangements signed 13 September 1993, Annex to
	Letter dated 8 October 1993 from the Permanent
	Representatives of the Russian Federation and the United
	States of America to the United Nations addressed to the
Oala II	Secretary-General, A/48/486, S/26560, 11 October 1993
Oslo II	Israeli-Palestinian Interim Agreement on the West Bank
	and the Gaza Strip signed 28 September 1995, Annex to Letter dated 27 December 1995 from the Permanent
	Representatives of the Russian Federation and the United
	States of America to the United Nations addressed to the
	Secretary-General, A/51/889, S/1997/357, 5 May 1997
Palestine Mandate	United Nations, Question of Palestine website, Mandate
Tarestine ivididate	for Palestine, League of Nations, C. 529 M. 314. 1922.
	VI. 12 August 1922
San Remo Convention	Extract from the San Remo Convention, from: From: <i>The</i>
	Israel-Arab Reader, edited, Walter Laqueur, New York,
	Bantam Books, 1976, pps 34-42, available at
	https://wwi.lib.byu.edu/index.php/San Remo Convention
	(last visited 16 March 2020)(
Wye River Memorandum	The Wye River Memorandum (on file with the Israel
-	Ministry of Foreign Affairs) 23 October 1998

## IX. ISRAELI TEXTS AND DOCUMENTS

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	The Implementation Of The Interim
	Agreement
Shamgar (1971)	Meir Shamgar, The Observance of
	International Law in the Administered
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Letter from Yitzhak Rabin to Yasser Arafat	Letter from Yitzhak Rabin, Prime Minister,
	Gov't of the State of Israel to Yasser
	Arafat, Chairman, Palestinian Liberation
	Org. (Sept. 9, 1993) (on file with Israel's
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### X. PALESTINIAN TEXTS AND DOCUMENTS

Short Title	Reference
12(3) Acceptance	Mahmoud Abbas, Declaration Accepting
	the Jurisdiction of the International
	Criminal Court, 31 December 2014
PA UN Mission	Permanent Observer Mission of the State
	of Palestine to the United Nations:
	Diplomatic Relations
Letter from Yasser Arafat to Yitzhak Rabin	Letter from Yasser Arafat, Chairman,
	Palestinian Liberation Org. to Yitzhak
	Rabin, Prime Minister, Gov't of the State
	of Israel (Sept. 9, 1993) (on file with
	Israel's Ministry of Foreign Affairs)
Palestinian Security	Security, State of Palestine, Palestine
	Liberation Organization, Negotiations
	Affairs Department (visited 15 March
	2020)
Palestinian Claims	Claims Resolution, State of Palestine,
	Palestine Liberation Organization,
	Negotiations Affairs Department (visited
	15 March 2020)
Palestinian Agenda	State of Palestine: 2017-22 National Policy
	Agenda, Putting Citizens First, December
	2016

## XI. ACADEMIC WORKS

Short Title	Reference
<u>Ash (2009)</u>	Robert Weston Ash, Is Palestine a "State"?
	a Response to Professor John Quigley's
	Article, "The Palestine Declaration to the
	International Criminal Court: The
	Statehood Issue," 36 Rutgers Law Record
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Cassesse (1995)	Antonio Cassesse, Self-Determination of
	Peoples: A legal reappraisal, Issue 12 of Hersch Lauterpacht memorial lectures
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	in International Law Second Edition
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	Competence of the General Assembly, The
	American Journal of International Law,
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<u>Horbach (2007)</u>	N. Horbach, R. Lefeber & Ribbelink, Handboek Internationaal Recht, Den Haag:
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Luban et al.	David J. Luban, Julie R. O'Sullivan, David
	P. Stewart and Neha Jain, <i>International</i>
	and Transnational Criminal Law (Wolters
	Kluwer, 2019)
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	Possibility of Palestinian Statehood,
	University of Florida Levin College of
	Law, UF Law Scholarship Repository, 1
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	Criminal Court Threatens Treaty Norms, Vanderbilt Journal of Transnational Law,
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	Palestine: Still too much too soon?, in Christine Chinkin and Freya Baetens (eds)
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	Other Human Rights Courts, Chicago

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	Article 9, 1 January 2009.
<u>Schwebel (1979)</u>	Stephen M. Schwebel, The Effect of
	Resolutions of the UN General Assembly
	on Customary International Law,
	Proceedings of the Annual Meeting
	(American Society of International Law),
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<u>Vidmar (2013)</u>	Jure Vidmar, Palestine and the Conceptual
	Problem of Implicit Statehood, 12 Chinese
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ICC Leg History	The Legislative History of the International
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### XII. OPEN SOURCE MATERIAL

Short Title	Reference
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	Convention (I) for the Amelioration of the
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	March 2020)
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	selling land to Israelis, 31 December 2018
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Daraghmeh (2018)	Mohammed Daraghmeh, Palestinian gets
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Richemond-Barak (2020)	Daphné Richemond-Barak, Of Temporal
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## XIII. OTHER DOCUMENTS

Short Title	Reference
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	and Arab Palestine, 24 November 1954
Nobel Peace	The Nobel Peace Prize, Yasser Arafat,
	Shimon Peres, Yitzhak Rabin (1994)
<u>Francis (1727)</u>	Richard Francis, Maxims of Equity 5
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### XIV. EXPLANATORY GLOSSARY

Acronym used in Statement of	Full Citation
Observations	
ADL	Anti-Defamation League
CRS	Congressional Research Service
ECFR	European Council on Foreign Relations
ECtHR	European Court of Human Rights
EU	European Union
fn.	Footnote
fns.	Footnotes
GA	General Assembly
GAOR	General Assembly Official Records
GCIV	Fourth Geneva Convention
HLMG	High Level Military Group
IADL	International Association of Democratic
	Lawyers
ICC	International Criminal Court
ICG	International Crisis Group
ICJ	International Court of Justice
ICRC	International Committee of the Red Cross
ICSID	International Centre for Settlement of
	Investment Disputes
ICTY	International Criminal Tribunal for the
	former Yugoslavia
IFF	Israel Forever Foundation
IRMCT	International Residual Mechanism for
	Criminal Tribunals
NY	New York

OTP	Office of the Prosecutor
PA	Palestinian Authority
para.	Paragraph
Paras	Paragraphs
PE	Preliminary Examination
PLO	Palestine Liberation Organization
pp.	Pages
SG	Secretary-General
TRNC	Turkish Republic of Northern Cyprus
UN	United Nations
UNGA	United Nations General Assembly
UNSC	United Nations Security Council
UNSCOP	United Nations Special Committee on
	Palestine
US	United States of America
VCLT	Vienna Convention on the Law of Treaties