

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: **English**

No.: ICC-01/22
Date: **14 June 2023**

PRE-TRIAL CHAMBER II

Before: Judge Rosario Salvatore Aitala, Presiding Judge
Judge Tomoko Akane
Judge Sergio Gerardo Ugalde Godínez

SITUATION IN UKRAINE

Confidential and *EX PARTE*
Only available to the Prosecution, the Registry and the Republic of South Africa
Urgent request for extension of time

Source: Office of the Prosecutor

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

The Office of the Prosecutor

Mr Karim A. A. Khan KC, Prosecutor
Ms Brenda J. Hollis

Counsel for the Defence

Legal Representatives of the Victims

Legal Representatives of the Applicants

Unrepresented Victims

Unrepresented Applicants

The Office of Public Counsel for Victims

The Office of Public Counsel for the Defence

States Representatives

Republic of South Africa

Amicus Curiae

REGISTRY

Registrar

Mr Osvaldo Zavala Giler

Counsel Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations Other
Section**

1. At the recent hearing convened by the Pre-Trial Chamber for the purpose of consultations between the Court and the Republic of South Africa, under article 97, the Chamber authorised the filing of any written observations by 16:00 on Thursday 15 June 2023.
2. The Prosecution is very grateful for the observations of the Republic of South Africa, and its concrete measures to cooperate with the Court. The Prosecution further notes that South Africa has since indicated that its oral observations during the hearing suffice to communicate its views and concerns.¹ While the Prosecution likewise maintains its own oral observations, it will however provide written submissions in order to fully address the specific points made orally by South Africa. This may assist South Africa and the Chamber, and favour the spirit of the present consultations.
3. Despite his present schedule of travel for the purpose of long-standing engagements with other States Parties, the Prosecutor affords the highest importance to the particular issues raised by the Republic of South Africa. Accordingly, in order to ensure that the Prosecution's written submissions are of the greatest assistance and to permit adequate internal review, the Prosecution requests the Chamber to extend the deadline for filing written observations to 16:00 on Thursday 22 June 2023. The Prosecution respectfully submits that good cause is shown in these circumstances, considered in the context of the relevant interests.
4. This application is filed confidentially and *ex parte*, consistent with the classification of the other materials related to this matter. This application is filed urgently, in light of the imminent deadline already set by the Pre-Trial Chamber in the recent hearing. Of course, in the event that the Prosecution is not notified of any further order by the Pre-Trial Chamber by 14:00 on Thursday 15 June 2023, it will proceed to file its written observations as ordered.



Karim A. A. Khan KC, Prosecutor

Dated this 14th day of June 2023

At The Hague, The Netherlands

¹ See ICC-01/22-36-Conf-Anx.