

**Cour  
Pénale  
Internationale**



**International  
Criminal  
Court**

Original: **English**

No.: **ICC-01/22**  
Date: **27 June 2023**

**PRE-TRIAL CHAMBER II**

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

**SITUATION IN UKRAINE**

**Confidential**  
**With one Confidential Annex**

**Registry transmission of a communication received from the Republic of South  
Africa dated 27 June 2023**

**Source:** The Registry

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

|                                                                                   |                                                                |
|-----------------------------------------------------------------------------------|----------------------------------------------------------------|
| <b>The Office of the Prosecutor</b><br>Mr Karim A. A. Khan<br>Ms Brenda J. Hollis | <b>Counsel for the Defence</b>                                 |
| <b>Legal Representatives of the Victims</b>                                       | <b>Legal Representatives of the Applicants</b>                 |
| <b>Unrepresented Victims</b>                                                      | <b>Unrepresented Applicants<br/>(Participation/Reparation)</b> |
| <b>The Office of Public Counsel for<br/>Victims</b>                               | <b>The Office of Public Counsel for the<br/>Defence</b>        |
| <b>Other</b><br>Republic of South Africa                                          | <b>Amicus Curiae</b>                                           |
| <b>REGISTRY</b>                                                                   |                                                                |
| <b>Registrar</b><br>Mr Osvaldo Zavala Giler                                       | <b>Counsel Support Section</b>                                 |
| <b>Victims and Witnesses Unit</b>                                                 | <b>Detention Section</b>                                       |
| <b>Victims Participation and Reparations<br/>Section</b>                          |                                                                |

## I. Introduction

1. In relation to Pre-Trial Chamber II's ("Chamber") "Order scheduling a hearing at the request of a State Party" ("Order")<sup>1</sup> and pursuant to rule 13(1) of the Rules of Procedure and Evidence ("Rules"), the Registry hereby submits for the Chamber's consideration a note verbale received from the Embassy of the Republic of South Africa ("South Africa") dated 27 June 2023,<sup>2</sup> in which the authorities request leave to provide brief clarifications on a few points raised by the Prosecution in their written observations of 22 June 2023.<sup>3</sup> The Embassy of South Africa confirmed that the note verbale can be made available to the Prosecution.

## II. Procedural history

2. On 24 April 2023, the Chamber instructed the Registry, *inter alia*, to prepare and notify requests to all States Parties to the Rome Statute ("States Parties") for the provisional arrest of Mr Vladimir Vladimirovich Putin ("Mr Putin") and Ms Maria Alekseyevna Lvova-Belova ("Ms Lvova-Belova").<sup>4</sup>
3. On 26 April 2023, the Registry submitted two requests for cooperation addressed to all States Parties for the provisional arrest of Mr Putin and Ms Lvova-Belova pursuant to article 92 of the Rome Statute and in implementation of the warrants of arrest, when the opportunity to do so arises and in the event that either or both of the suspects are present on the territory of one of the State Parties ("Requests for Cooperation").<sup>5</sup>

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<sup>1</sup> Pre-Trial Chamber II, "Order scheduling a hearing at the request of a State Party", 5 June 2023, ICC-01/22-35-Conf.

<sup>2</sup> Annex to the present report.

<sup>3</sup> Prosecution, "Prosecution's additional observations on article 97 consultations relating to the implementation of warrants of arrest by the Republic of South Africa," 22 June 2023, ICC-01/22-38-Conf-Exp.

<sup>4</sup> Pre-Trial Chamber II, "Order regarding requests for provisional arrest and a note verbale 24 April 2023, 24 April 2023, ICC-01/22-23-Conf-Exp.

<sup>5</sup> Registry, "Request to all States Parties to the Rome Statute for the provisional arrest of Vladimir Vladimirovich Putin pursuant to article 92 of the Rome Statute in implementation of Pre-Trial Chamber II's Order of 24 April 2023", 26 April 2023, ICC-01/22-25-Conf and "Request to all States Parties to the Rome Statute for the provisional arrest of Maria Alekseyevna Lvova-Belova pursuant to article 92 of the

4. On 1 May 2023, the Registry communicated to the Embassy of Republic of South Africa ("South Africa") the Requests for Cooperation accompanied by a transmission note verbale.
5. On 16 May 2023, the Embassy of South Africa confirmed receipt of the Requests for Cooperation, by way of note verbale.<sup>6</sup>
6. On 2 June 2023, the authorities of South Africa requested the Chamber to engage in consultations pursuant to article 97(c) of the Rome Statute, indicating that 8 or 9 June would be most suitable for the delegation.<sup>7</sup>
7. On 5 June 2023, the Chamber issued the Order scheduling a hearing for 8 June 2023 at 14h30 and inviting representatives of South Africa to attend. Representatives of the Prosecution and the Registry were also instructed to be represented at the hearing.<sup>8</sup> During the hearing, the Chamber authorized the submission of any written observations by Thursday 15 June 2023.
8. On 9 June 2023, the authorities of South Africa informed, by way of note verbale, that they wished to "abide by the oral submissions that have been made by its representatives during the hearing" and that they did "not intend to make further submissions in writing."<sup>9</sup>

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Rome Statute in implementation of Pre-Trial Chamber II's Order of 24 April 2023", 26 April 2023, ICC-01/22-26-Conf.

<sup>6</sup> Registry, "Registry transmission of a communication received from the Republic of South Africa in relation to Pre-Trial Chamber II's Order dated 24 April 2023 (ICC-01/22-23-Conf-Exp)", 2 June 2023, ICC-01/22-34-Conf-Exp + AnxII.

<sup>7</sup> Registry, "Registry transmission of a communication received from the Republic of South Africa in relation to Pre-Trial Chamber II's Order dated 24 April 2023 (ICC-01/22-23-Conf-Exp)", 2 June 2023, ICC-01/22-34-Conf-Exp + Anxs.

<sup>8</sup> Pre-Trial Chamber II, "Order scheduling a hearing at the request of a State Party", 5 June 2023, ICC-01/22-35-Conf.

<sup>9</sup> Registry, "Registry transmission of a communication received from the Republic of South Africa following the hearing of 8 June 2023", 9 June 2023, ICC-01/22-36-Conf-Anx, p. 2.

9. On 14 June 2023, the Prosecution requested the Chamber “to extend the deadline for filing written observations to 16:00 on Thursday 22 June 2023.”<sup>10</sup>
10. On 22 June 2023, the Prosecution submitted its written observations on the consultations pursuant to article 97 of the Statute in relation to the implementation of the Requests for Cooperation.<sup>11</sup>

### III. Classification

11. In accordance with regulation 23 *bis*(2) of the Regulations of the Court, the present request is classified as confidential, in line with the classification of the Order.

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Marc Dubuisson, Director of the Division of Judicial Services  
on behalf of  
Osvaldo Zavala Giler, Registrar

Dated this 27 June 2023

At The Hague, Netherlands

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<sup>10</sup> Prosecution, “Urgent request for extension of time”, 14 June 2023, ICC-01/22-37-Conf-Exp, p.3.

<sup>11</sup> Prosecution, “Prosecution’s additional observations on article 97 consultations relating to the implementation of warrants of arrest by the Republic of South Africa,” 22 June 2023, ICC-01/22-38-Conf-Exp.