

**Cour  
Pénale  
Internationale**



**International  
Criminal  
Court**

*Original: English*

No.: ICC-01/18  
Date: 8 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**

**SECRET**

***EX PARTE* only available to the Prosecution  
With SECRET Annexes I and II  
only available to the Prosecution**

**Registry Transmission of a Request for the submission of observations as *Amicus Curiae***

**Source:** Registry

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

|                                                     |                                                         |
|-----------------------------------------------------|---------------------------------------------------------|
| <div>The Office of the Prosecutor</div> <div></div> | <div>Counsel for the Defence</div>                      |
| <div>Legal Representatives of the Victims</div>     | <div>Legal Representatives of the Applicants</div>      |
| <div>The Office of Public Counsel for Victims</div> | <div>The Office of Public Counsel for the Defence</div> |
| <div>States' Representatives</div>                  | <div>Amicus Curiae</div>                                |

|                                                          |                                    |
|----------------------------------------------------------|------------------------------------|
| <div>REGISTRY</div>                                      |                                    |
| <div>Registrar</div> <div>Osvaldo Zavala Giler</div>     | <div>Counsel Support Section</div> |
| <div>Victims and Witnesses Unit</div>                    | <div>Detention Section</div>       |
| <div>Victims Participation and Reparations Section</div> | <div>Other</div>                   |

## I. INTRODUCTION

1. The Registry hereby transmits to Pre-Trial Chamber I ("Chamber"), a request received on 5 July 2024, from Mr Gilles Devers, on behalf of the Islamic Movement Hamas, to submit observations in the present Situation as Amicus Curiae, in accordance with rule 103(1) of the Rules of Procedure and Evidence.

## II. PROCEDURAL HISTORY

2. On 27 June 2024, the Chamber issued its *"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' ('Order')"*.<sup>1</sup>
3. On 5 July 2024, the Court Management Section ("CMS") received an e-mail from Mr Gilles Devers attaching a *"Mémoire devant la Chambre Préliminaire I, aux fins d'être autorisé à déposer un mémoire en tant qu'amicus curiae en application de la règle 103 (1) du règlement de procédure et de preuve, ce suite à la décision du 27 juin 2024"* ("Request")<sup>2</sup> and the « declaration of Principle of the movement ».
4. Upon receipt of a similar request, the CMS had contacted the Chamber on 1 July 2024, to seek guidance on how to process this type of documents.<sup>3</sup>

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<sup>1</sup> ICC-01/18-173-Red – "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'".

<sup>2</sup> See e-mail sent by Mr Gilles Devers to CMS on 5 July 2024, 17:35.

<sup>3</sup> Phone conversation between the CMS and the Legal Adviser of the Chamber on 1<sup>st</sup> July 2024, 15:30.

5. The Chamber instructed the Registry to ("Instructions"):

- submit the documents only in the record of the Situation *via* a Registry's transmission filing;
- file the transmission filing and the attached document on a Secret basis<sup>4</sup> and;
- annex the document to the transmission filing.

### III. CLASSIFICATION

6. In accordance with regulation 23 *bis* (1) of the Regulations of the Court and in compliance with the Chamber's Instructions, the present submission and its Annex are classified Secret.

### IV. TRANSMISSION

7. The Registry hereby transmits the present filing and its annexes in accordance with the Chamber's Instructions.

p.p. 

Marc Dubuisson, Director, Division of Judicial Services

On behalf of

Osvaldo Zavala Giler, Registrar

Dated this 8 July 2024

At The Hague, the Netherlands

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<sup>4</sup> See ICC-01/18-163-SECRET.