

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-01/18
Date: 23 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 Annex
only available to the Prosecution**

Registry Transmission of a "Request to Reconsider Decision ICC-0118-249 of 22 July 2024 under Rule 103 on behalf of the Non-Governmental Organisation Simon Wiesenthal Center ("SWC")

Source: Registry

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

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

REGISTRY

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

I. INTRODUCTION

1. The Registry hereby transmits to Pre-Trial Chamber I ("Chamber"), a request received on 22 July 2024, from the Simon Wiesenthal Center ("SWC") to "reconsider Decision ICC-0118-249 of 22 July 2024 under Rule 103 on behalf of the Non-Governmental Organisation Simon Wiesenthal Center".¹

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").²
3. On 12 July 2024, the Registry received an e-mail from Mr Jonathan Turner, with a document attached thereto, entitled "*Request for Leave to Make Observations on Inaccuracies and Omissions in the Prosecutor's Applications for Arrest Warrants pursuant to Rule 103(1) of the Rules of Procedure on behalf of the Non-Governmental Organisations UK Lawyers for Israel ("UKLFI"), B'nai B'rith UK ("BBUK"), the International Legal Forum ("ILF"), the Jerusalem Initiative ("JI") and the Simon Wiesenthal Centre ("SWC")*" (First Request).³

¹ Email from Mr Robert Gilmore to the CMS, dated 23 July 2024 at 00:27.

² 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'".

³ Email from Mr Jonathan Turner to the Registry's Court Management Section ("CMS"), on 12 July 2024, at 14:56

4. In the context of a similar request, and upon the Registry's request for guidance, on 1 July 2024, the Chamber provided the Registry with directions as to how to process this type of documents.⁴
5. Accordingly, the Chamber instructed the Registry to ("Instructions"):
 - submit the First Request in the record of the Situation *via* a Registry's transmission filing;
 - file the transmission filing and the First Request on a Secret basis⁵ and;
 - annex the First Request to the transmission filing.⁶
6. On 15 July 2024, the Registry received e-mails from Mr Turner indicated that he had submitted two Requests ("First " and "Second Request", respectively), that the CMS had not received due to the size of the attachments.⁷
7. On 16 July 2024, the Registry contacted the Chamber to seek guidance on how to process the Second Request and its annex.⁸
8. On the same day, the Chamber instructed the CMS to append the Second Request and its annex to the First Request.⁹

⁴ Phone conversation between CMS staff and the Legal Adviser of the Chamber, on 1st July 2024, at 15:30.

⁵ See ICC-01/18-163-SECRET.

⁶ See ICC-01/18-234-SECRET-Anx

⁷ Emails from Mr Jonathan Turner to the CMS, on 15 July 2024, at 15:52 and 17:08

⁸ Phone conversation between CMS staff and the Legal Adviser of the Chamber on 16th July 2024, at 10:15.

⁹ See ICC-01/18-234-SECRET AnxII and AnxII.1

9. On 22 July 2024, the Chamber issued its “Decision on requests for leave to file observations pursuant to rule 103 of the Rules of Procedure and Evidence”.¹⁰
10. On 23 July 2024, the Registry received an e-mail from Mr Robert Gilmore, on behalf of the SWC, with a document attached thereto, entitled “*Request to Reconsider Decision ICC-0118-249 of 22 July 2024 under Rule 103*” (“Third Request”).¹¹
11. On the same day, upon the Registry’s request for guidance, the Chamber instructed the CMS to submit the Third Request via a transmission filing.¹²

III. CLASSIFICATION

12. 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.

¹⁰ - Pre-Trial Chamber I, “Decision on requests for leave to file observations pursuant to rule 103 of the Rules of Procedure and Evidence”, dated 22 July 2024, ICC-01/18-249 .

¹¹ *op. cit.* 1.

¹² See e-mail from the Legal Adviser of the Chamber to the CMS dated 23 July 2024, at 11:04

IV. TRANSMISSION

13. The Registry hereby transmits the present filing and its annex, consisting of the Third Request, in accordance with the Chamber's Instructions.

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Marc Dubuisson, Director, Division of Judicial Services

On behalf of

Oswaldo Zavala Giler, Registrar

Dated this 23 July 2024

At The Hague, the Netherlands