

Pursuant to Pre-Trial Chamber I's instruction dated 06.09.2024, this document is reclassified as Public.

**Cour
Pénale
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**International
Criminal
Court**

Original: **English**

No.: **ICC-01/18**
Date: **31 July 2024**

PRE-TRIAL CHAMBER I

Before: Judge Iulia Motoc, Presiding Judge
Judge Reine Adélaïde Sophie Alapini-Gansou
Judge Nicolas Guillou

SITUATION IN THE STATE OF PALESTINE

Secret and *EX PARTE*, only available to the Prosecution

Prosecution's request to file a consolidated response to the observations by *amicus curiae*, the Office of Public Counsel for Victims and legal representatives of victims

Source: Office of the Prosecutor

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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
Mr Andrew Cayley KC

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

Amicus Curiae

REGISTRY

Registrar
Mr Osvaldo Zavala Giler

Counsel Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations Other
Section**

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I. INTRODUCTION

1. On 22 July 2024, Pre-Trial Chamber I granted leave to provide observations pursuant to rule 103 of the Rules to a significant number of applicants (including members of academia, private individuals, non-governmental and governmental organisations and States) by 6 August 2024.¹ On 30 July 2024, the Chamber granted leave to provide observations pursuant to article 68(3) of the Statute to at least five groups of legal representatives of victims and the Office of Public Counsel for Victims (“OPCV”) by 12 August 2024.² In the interest of procedural economy, and to facilitate the expeditious conduct of proceedings, the Prosecution requests the Chamber to permit the Prosecution to file a single consolidated response of no more than 50 pages by 26 August 2024.

II. CONFIDENTIALITY

2. Pursuant to regulation 23bis(2) of the Regulations of the Court, this request is filed SECRET since the applicants’ requests for leave to provide observations under rule 103, to which this request refers, remain classified as SECRET.³ If the requests are reclassified as public, this filing can likewise be reclassified.

III. SUBMISSIONS

3. A significant number of applicants have been granted leave to provide observations under rule 103 of the Rules and article 68(3) of the Statute by 6 and 12 August 2024, respectively. In terms of volume, these observations could amount to approximately 700 pages.⁴

4. Pursuant to rule 103(2) and regulation 24(1), respectively,⁵ the Prosecution is entitled to respond to each of the applicants’ observations. Unless otherwise provided, these responses

¹ [ICC-01/18-249](#) (“Decision on Rule 103 Requests”). The Prosecution will interchangeably refer to Pre-Trial Chamber I as Pre-Trial Chamber or the Chamber.

² ICC-01/18-256 (“Decision on Victims Requests”).

³ Some victims’ requests for leave to submit views and concerns have been filed as public: *see e.g.* ICC-01/18-251, ICC-01/18-252, ICC-01/18-253.

⁴ The number of observations may even exceed those expressly authorised by the Chamber in its decisions since the Chamber also allowed for the possibility that other persons previously designated as legal representatives by (potential) victims may be notified and may provide observations under article 68(3) of the Statute: Decision on Victims Requests, para. 9.

⁵ RPE, rule 103(2) (concerning *amici curiae*); Regulations of the Court, reg. 24(1) (concerning legal representatives of victims and OPCV). The Chamber has already acknowledged the Prosecution’s right to respond to the rule 103 observations: [ICC-01/18-173-Red](#), para. 8.

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must be filed within 10 days of notification of the filings,⁶ not exceeding 20 pages each.⁷ This would not only mean that the Chamber would receive a large number of potentially repetitive submissions from the Prosecution, but also that they would be filed with the Chamber according to a staggered schedule over the coming weeks.⁸ The Prosecution respectfully submits that this would not assist the Chamber, and would not contribute either to procedural economy or facilitate the expeditious conduct of the proceedings.

5. Accordingly, the Prosecution proposes instead to file a single consolidated response to all the observations, not exceeding 50 pages,⁹ and to do so by 26 August 2024, that is, only three days after the latest of the existing deadlines. This would not only significantly reduce the total number of pages that the Prosecution would file in separately responding to each of the observations, but will also ensure that the Chamber can proceed expeditiously. In these particular circumstances, and to the extent that the Prosecution's proposed approach requires a modest extension of time, the Prosecution submits that it has shown good cause pursuant to regulation 35(2) of the Regulations of the Court.

IV. RELIEF REQUESTED

6. The Prosecution requests to file a single consolidated response to all the observations, not exceeding 50 pages, by 26 August 2024.



Karim A.A. Khan KC, Prosecutor

Dated this 31st day of July 2024

At The Hague, The Netherlands

⁶ Regulations of the Court, regulation 34(b).

⁷ Regulations of the Court, regulation 37(1).

⁸ Some authorised applicants have already filed their observations: *see e.g.*: ICC-01/18-254 (Prof. John Quigley) and ICC-01/18-257 (Prof. William Schabas).

⁹ This Pre-Trial Chamber, in a previous composition, has previously allowed the Prosecution to file a consolidated response of 75 pages to a smaller number of applicants' observations, each of a permitted length of 30 pages: [ICC-01/18-63](#). The original deadline was subsequently extended one month: [ICC-01/18-125](#).