

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: **English**

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

Date: **30 July 2024**

Date of redacted version: **7 August 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

Public

Public redacted version of ‘Decision concerning the views, concerns and general interests of victims’, 30 July 2024, ICC-01/18-256-Conf

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

The Office of the Prosecutor Karim A. A. Khan KC	Counsel for the Defence
Legal Representatives of Victims • Katherine Gallagher • Khaled Al Shouli and Wael Al Masry • Bradley Parker and Khaled Quzmar • Raji Sourani, Chantal Meloni and Triestino Mariniello • Nada Kiswanson von Hooydonk and Rodney Dixon KC • Liesbeth Zegveld • [REDACTED] • Dominique Cochain Assi • Gilles Devers • [REDACTED] • Yael Vias Gvirsman • [REDACTED] • [REDACTED] • Juan Branco • Yasser Hassan and Lamia Mobada • [REDACTED]	Legal Representatives of Applicants
Unrepresented Victims	Unrepresented Applicants for Participation/Reparations
The Office of Public Counsel for Victims Paolina Massidda	The Office of Public Counsel for the Defence
States Representatives	<i>Amicus Curiae</i>
REGISTRY	
Registrar Osvaldo Zavala Giler	Counsel Support Section
Victims and Witnesses Unit	Detention Section
Victims Participation and Reparations Section	Other

PRE-TRIAL CHAMBER I (the ‘Chamber’) of the International Criminal Court (the ‘Court’) issues this decision on requests for leave to make observations pursuant to article 68(3) of the Rome Statute (the ‘Statute’).

1. On 10 June 2024, the United Kingdom filed a request to provide written *amicus curiae* observations under rule 103(1) of the Rules of Procedure and Evidence (the ‘Rules’).¹
2. On 27 June 2024, the Chamber granted the request by the United Kingdom,² and further indicated that other requests for leave to file *amicus curiae* observations, if any, shall be filed by 12 July 2024.³
3. On 11 July 2024, the Office of Public Counsel for Victims (‘OPCV’) filed a request to appear before the Chamber pursuant to regulation 81(4) of the Regulations of the Court (the ‘Regulations’), submitting that it previously represented victims who did not have legal representation in the Situation in the State of Palestine, that the general interests of victims are affected by the present proceedings, and requesting to be allowed to submit written observations.⁴
4. By 15 July 2024, the Registry transmitted to the Chamber additional requests for leave to file observations pursuant to *inter alia* rule 103(1) of the Rules and under article 68(3) of the Statute by a variety of states, organisations, and persons, including by the following persons on behalf of (potential) victims: Mr Khaled Al Shouli and Mr Wael Al Masry;⁵ Raji Sourani, Chantal Meloni and Triestino Mariniello;⁶ Mr Bradley Parker and Mr

¹ Request by the United Kingdom for Leave to Submit Written Observations Pursuant to Rule 103, ICC-01/18-171-SECRET-Exp-Anx (reclassified as public on 27 June 2024, ICC-01/18-171-Anx).

² 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, ICC-01/18-173-SECRET (‘Order’) (public redacted version issued on the same date, ICC-01/18-173-Red). See also Decision on the ‘Request by the United Kingdom for Extension of Time Limit’, 4 July 2024, ICC-01/18-178.

³ Order, para. 6.

⁴ OPCV Request to appear before the Chamber pursuant to regulation 81(4) of the Regulations of the Court, ICC-01/18-185-SECRET (the ‘OPCV Request’), paras 4, 21-24, 25. See also email from OPCV of 24 July 2024, at 14:31, requesting the OPCV Request to be reclassified as public.

⁵ Mémoire devant le Chambre Préliminaire 1, aux fins d’être autorisé à déposer un mémoire en tant que *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, ICC-01/18-189-SECRET-Exp-Anx.

⁶ Request of the Legal Representatives of Victims for Leave to Submit Written Observations Pursuant to Rule 103, ICC-01/18-218-SECRET-Exp-Anx.

Khaled Quzmar;⁷ Ms Nada Kiswanson von Hooydonk and Mr Rodney Dixon KC;⁸ and Ms Gallagher.⁹

5. On 22 July 2024, the Chamber issued a decision with regard to the requests for leave to file *amicus curiae* observations pursuant to rule 103(1) of the Rules, granting some requests submitted under this provision, setting the page limit to 10 pages per applicant or group of applicants, and ordering for these observations to be filed public and no later than 6 August 2024 (the ‘Rule 103 Decision’).¹⁰ In this decision, the Chamber noted that some applicants appeared to have requested leave to file observations pursuant to rule 103 of the Rules as legal representatives of victims. In this regard, the Chamber specified that *amicus curiae* observations are not the proper legal basis to provide views and concerns of potential victims and that such requests should be submitted under article 68(3) of the Statute instead.¹¹
6. Between 24 and 26 July 2024, the Registry transmitted additional requests to the Chamber, which had been filed pursuant to article 68(3) of the Statute with reference to the Chamber’s Rule 103 Decision, by Ms Nada Kiswanson von Hooydonk and Mr Rodney Dixon KC;¹² Mr Raji Sourani, Ms Chantal Meloni and Mr Triestino Mariniello;¹³ and Mr Bradley Parker and Mr Khaled Quzmar.¹⁴
7. The Chamber has carefully evaluated the requests mentioned at paragraphs 4 and 6 of the present decision. In this regard, the Chamber notes that some applicants correctly referred to article 68(3) of the Statute as legal basis – either in the title or in the body of their submissions – some of which also already provided substantive submissions regarding the views and concerns of (potential) victims.¹⁵ The Chamber considers that the following

⁷ Submissions on behalf of child victims and their families pursuant to articles 19(3) and 68(3) of the statute, ICC-01/18-216-SECRET-Exp-Anx.

⁸ Victims’ Request for Leave to Submit Observation, ICC-01/18-229-SECRET-Exp-Anx.

⁹ Victims’ Observations on the Proceedings pursuant to articles 19(3) and 68(3), ICC-01/18-232-SECRET-Exp-Anx.

¹⁰ Decision on requests for leave to file observations pursuant to rule 103 of the Rules of Procedure and Evidence, ICC-01/18-249.

¹¹ Rule 103 Decision, para. 14.

¹² Victims’ Request for Leave to Submit Views and Concerns under Articles 68(3) and 19(3) of the Rome Statute, notified 24 July 2024, ICC-01/18-251.

¹³ Request of the Legal Representatives of Victims to submit observations on behalf of Victims in the proceedings related to the Situation in the State of Palestine, notified 25 July 2024, ICC-01/18-252.

¹⁴ Submissions on behalf of child victims and their families pursuant to articles 19(3) and 68(3) of the statute, notified 26 July 2024, ICC-01/18-253.

¹⁵ This notably concerns the following filings: Submissions on behalf of child victims and their families pursuant to articles 19(3) and 68(3) of the statute, ICC-01/18-216-SECRET-Exp-Anx; Victims’ Request for Leave to

persons may either file or re-file¹⁶ observations under article 68(3) of the Statute: Ms Gallagher; Mr Khaled Al Shouli and Mr Wael Al Masry; Mr Bradley Parker and Mr Khaled Quzmar; Mr Raji Sourani, Ms Chantal Meloni and Mr Triestino Mariniello; and Ms Nada Kiswanson von Hooydonk and Mr Rodney Dixon KC. These observations shall clearly indicate, including in the title, that they are filed under article 68(3) of the Statute and shall not be more than 10 pages. They must be filed no later than 12 August 2024.

8. With regard to the OPCV Request, the Chamber notes regulation 81(4)(e) of the Regulations and grants the OPCV to represent the general interests of victims. The OPCV is instructed to observe the same page limit, namely a maximum of 10 pages, and to file its observations public by 12 August 2024. Furthermore, the Chamber grants the OPCV's request for reclassification,¹⁷ and the Registry is accordingly instructed to reclassify the OPCV Request as public.
9. Finally, for the purpose of notification of the present decision, the Chamber considers it appropriate to notify all¹⁸ persons who were previously designated by (potential) victims as their legal representatives, either in victims' application forms or in powers of attorney received by the Victims Participation and Reparations Sections of the Court, in the Situation in the State of Palestine. However, this is without prejudice to the Chamber's determination in relation to their respective mandates as legal representatives of victims. Should any of the notified persons, who have not done so thus far, wish to submit observations under article 68(3) of the Statute at this stage of the proceedings, they may do so in accordance with the instructions set out at paragraph 7 of the present decision.

Submit Observation, ICC-01/18-229-SECRET-Exp-Anx; Victims' Observations on the Proceedings pursuant to articles 19(3) and 68(3), ICC-01/18-232-SECRET-Exp-Anx; Victims' Request for Leave to Submit Views and Concerns under Articles 68(3) and 19(3) of the Rome Statute, ICC-01/18-251; Request of the Legal Representatives of Victims to submit observations on behalf of Victims in the proceedings related to the Situation in the State of Palestine, notified 25 July 2024, ICC-01/18-252; and Submissions on behalf of child victims and their families pursuant to articles 19(3) and 68(3) of the statute, notified 26 July 2024, ICC-01/18-253.

¹⁶ For those applicants who already provided views and concerns of victims (notably, Victims' Observations on the Proceedings pursuant to articles 19(3) and 68(3), ICC-01/18-232-SECRET-Exp-Anx, and Submissions on behalf of child victims and their families pursuant to articles 19(3) and 68(3) of the statute (ICC-01/18-216-SECRET-Exp-Anx and ICC-01/18-253, respectively)), the Chamber invites them to re-file their observations according to the instructions on the time and page limits and classification, as specified in the present decision.

¹⁷ Email from OPCV of 24 July 2024, at 14:31. See also OPCV Request, para. 13.

¹⁸ The Chamber recalls that, on 1 March 2022, the Chamber, in a previous composition, took note of the request of one counsel to withdraw as legal representatives of victims in the Situation in the State of Palestine (email from the Chamber, in a previous composition, 1 March 2022 at 13:39).

IN LIGHT OF THE FOREGOING, THE CHAMBER HEREBY

GRANTS the requests, as specified at paragraph 7 above;

ORDERS those observations to be filed public and no later than 12 August 2024;

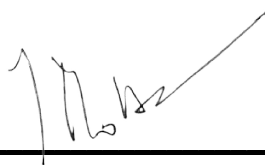
SETS the page limit for the observations to 10 pages per applicant or group of applicants;

GRANTS the OPCV Request and **INSTRUCTS** the Registry to reclassify the OPCV Request as public;

SETS the page limit for the OPCV observations to 10 pages; and

ORDERS the OPCV to file its public observations no later than 12 August 2024.

Done in English. A French translation will follow. The English version remains authoritative.



Judge Iulia Antoanella Motoc
Presiding Judge



Judge Reine Adélaïde Sophie Alapini-
Gansou



Judge Nicolas Guillou

Dated this Wednesday, 7 August 2024

At The Hague, The Netherlands