

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: **English**

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

Date: **14 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

Secret

Decision on Israel's request for leave the reply

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

The Office of the Prosecutor 	Counsel for the Defence
Legal Representatives of Victims	Legal Representatives of Applicants
Unrepresented Victims	Unrepresented Applicants for Participation/Reparations
The Office of Public Counsel for Victims	The Office of Public Counsel for the Defence
States Representatives State of Israel	<i>Amicus Curiae</i>

REGISTRY

Registrar Mr Osvaldo Zavala Giler	Counsel Support Section
Victims and Witnesses Unit	Detention Section
Victims Participation and Reparations Section	Other

PRE-TRIAL CHAMBER I of the International Criminal Court issues this decision on the 'Request for Leave to reply to the "Prosecution Response to Israel's Request for Access to the Application for Arrest Warrants for Benjamin Netanyahu and Yoav Gallant"' (the 'Request').¹

1. On 11 July 2024, the State of Israel ('Israel') requested access to the applications for arrest warrants for Benjamin Netanyahu and Yoav Gallant ('Access Request').² On 22 July 2024, the Prosecution responded to the Access Request ('Response').³
2. On 29 July, Israel filed the Request, to which the Prosecution responded on 30 July 2024,⁴ requesting the Chamber to deny Israel leave to reply.
3. Israel identifies two issues it seeks to address in its reply, if granted, namely: i) whether the Chamber, in deciding on the Access Request, must resolve either Israel's standing to file a request or the merits of jurisdictional or admissibility issues that may be presented by Israel; and ii) whether the Rule 103 observations that were authorised by the Chamber are relevant to, or preclude, the Access Request. According to the Prosecution, Israel does not identify an issue that it could not have reasonably foreseen when filing its Access Request.
4. Mindful of the fact that the filing of the applications for warrants was made public and noting the scope of the Prosecution's response, the Chamber considers that the full extent of the Prosecution's arguments on Israel's standing to file the Access Request could not reasonably have been anticipated by Israel.
5. The Chamber therefore considers it appropriate to grant the Request.

¹ 29 July 2024, ICC-01/18-255-SECRET-Exp-Anx1.

² ICC-01/18-187-SECRET-Exp-AnxI.

³ ICC-01/18-248-SECRET-Exp.

⁴ ICC-01/18-258-SECRET-Exp.

IN LIGHT OF THE FOREGOING, THE CHAMBER HEREBY

AUTHORISES Israel to file a reply to the Response, of no more than five pages, by 19 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, 14 August 2024

At The Hague, The Netherlands