

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: **English**

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

Date: **23 September 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 and UK Lawyers for Israel

**Prosecution Response to “Request by UK Lawyers for Israel (“UKLFI”) for Leave to
Make Further Observations Under Rule 103(1) of the Rules of Procedure”
(ICC-01/18-351-SECRET-Exp-Anx)**

Source: Office of the Prosecutor

Document 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 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 UK Lawyers for Israel (UKLFI)

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

I. INTRODUCTION

1. The Request by UK Lawyers for Israel ("UKLFI") for leave to make further observations under rule 103(1) of the Rules should be summarily dismissed.¹ In setting out the rule 103 process, the Chamber did not allow for replies to be filed. On this basis alone, the Request should be rejected. In addition, UKLFI provides its submissions without having been granted leave to do so. This again merits dismissal. Finally, there is no legal basis for the request by UKLFI that the Chamber should wait for the outcome of any disciplinary proceeding ensuing from the UKLFI's frivolous complaints against the Prosecutor and his staff as a result of the Article 58 Applications that the Prosecutor submitted on 20 May 2024. The Office will not be deterred from discharging its mandate in this or any other situation.

II. CONFIDENTIALITY

2. Pursuant to regulation 23bis(2) of the Regulations of the Court, this application is filed SECRET, in line with the classification of the UKLFI's Request. The Prosecution asserts that it sees no basis for this present classification and submits that these matters should be public. If the Request is reclassified as public, this Response can follow the same classification. Likewise, the annexes attached to the Request should be made available to the Office since the complaints of professional misconduct have been made public by UKLFI.

III. SUBMISSIONS

3. The Chamber should summarily dismiss the UKLFI's Request for all or any one of the following reasons.

4. First, the Chamber's orders setting out the rule 103 process does not allow for replies, nor for additional requests to be filed.² The UKLFI Request should be dismissed on this basis alone.

5. Second, UKLFI improperly provides the observations for which it seeks leave without having being granted leave by the Chamber.³ This also merits dismissal.

6. Finally, the UKLFI's request that the Chamber await the outcome of the so-called disciplinary proceeding ensuing from the frivolous complaints that this organisation has filed against the Prosecutor and two of his staff lacks legal basis and should likewise be dismissed.

¹ ICC-01/18-351-SECRET-Exp-Anx ("UKLFI's Request" or "Request"). The Prosecution will interchangeably use "Pre-Trial Chamber I" and "the Chamber" and will refer to the "Article 58 Applications".

² ICC-01/18-173-Red ("[First Order](#)"), ICC-01/18-249 ("[Second Amicus Order](#)"), ICC-01/18-256-Red ("[Victims Order](#)"), ICC-01/18-325 ("[OPCD Order](#)").

³ UKLFI's Request, paras. 4-10.

There is no provision in the Statute that allows for this measure. To the extent necessary, the Prosecutor and his staff will respond to these groundless claims in the proper fora.

7. The Office will not be intimidated or deterred from discharging its mandate in this or any other situation. As the Prosecutor has stated: “[i]t is critical in this moment that my Office and all parts of the Court, including its independent judges, are permitted to conduct their work with full independence and impartiality. I insist that all attempts to impede, intimidate or improperly influence the officials of this Court must cease immediately. My Office will not hesitate to act pursuant to article 70 of the Rome Statute if such conduct continues”.⁴

IV. RELIEF REQUESTED

8. For these reasons, the Prosecution submits that UKLFI's Request should be summarily dismissed.



Karim A.A. Khan KC, Prosecutor

Dated this 23rd day of September 2024

At The Hague, The Netherlands

⁴ [Statement of ICC Prosecutor Karim A.A. Khan KC: Applications for arrest warrants in the situation in the State of Palestine](#), 20 May 2024.