

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-01/18

Date: 3 October 2024

PRE-TRIAL CHAMBER I

Before: Judge Iulia Motoc (Presiding Judge)
Judge Reine Alapini-Gansou
Judge Nicolas Guillou

SITUATION IN THE STATE OF PALESTINE

Confidential

**Professor David Chilstein's Application to submit additional Observations as
Amicus Curiae pursuant to Rule 103(1) of the Rules of Procedure and Evidence**

Source:

Professor David Chilstein

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 (Participation/Reparation)
The Office of Public Counsel for Victims	The Office of Public Counsel for the Defence
States' Representatives	Amicus Curiae Mr Eli M. Rosenbaum; Professor David Chilstein; Professor John Quigley; High Level Military Group; European Centre for Law & Justice; Professor Steven E. Zipperstein; Mr and Mrs Serge and Beate Klarsfeld; Professors Yuval Shany and Amichai Cohen; the State of Palestine; Professor William Schabas; the Jerusalem Center for Public Affairs and the Institute for NGO Research; the Kingdom of Norway; the Organisation of Islamic Cooperation; Hungary; Republic of Argentina; the Touro Institute on Human Rights and the Holocaust; Canadian Union of Jewish Students (CUJS) and the World Union of Jewish Students (WUJS); Arab Organisation for Human Rights UK (AOHR UK); Assistant Professor Halla Shoaibi and Professor Asem Khalil; Centre for Israel and Jewish Affairs; the Palestine Independent Commission for Human Rights (ICHR); Law
REGISTRY	

for Palestine; Professor Sascha Dominik Dov Bachman, Dr Deborah Mayersen, Professor Gregory Rose and Dr Colin Rubenstein; US Senator Lindsey O. Graham; Lawyers for Palestinian Human Rights; Israel Bar Association; Czech Republic; International Centre of Justice for Palestinians and the Centre for Human Rights Law (SOAS University of London); Jerusalem Institute of Justice; Chile and Mexico; Centre for European Legal Studies on Macro-Crime (MACROCRIMES); Dr Robert Heinsch and Dr Giulia Pinzauti; The Hague Initiative for International Cooperation; ICJ Norway and Defend International Law; UN Special Rapporteurs and Working Groups; the United States of America; Professor Neve Gordon; Al-Quds Human Rights Clinic and Al-Quds University; the League of Arab States; L'association des Juristes pour le respect du droit international and la Fédération internationale pour les droits humains; University Network for Human Rights, the International Human Rights Clinic, Boston University School of Law, the International Human Rights Clinic, Cornell Law School and the Lowenstein Human Rights Project, Yale Law School; Professor Richard Falk and Professor Michael Lynk; Professor Adil Ahmad Haque; Open Society Justice Initiative, European Center for Constitutional and Human Rights, REDRESS Trust, Human Rights Watch and Amnesty International; Republic of Colombia; Hostages and Missing Families Forum and the Raoul Wallenberg Centre for Human Rights; Addameer Prisoner Support and Human Rights Association; International Association of Jewish Lawyers and Jurists; Kingdom of Spain; UK Lawyers for Israel, B'nai B'rith UK, the

International Legal Forum, the Jerusalem Initiative and the Simon Wiesenthal Centre; International Commission of Jurists (ICJ); The Palestinian Association for Human Rights (Witness); Guernica 37 Chambers; the Federative Republic of Brazil; ALMA – Association for the Promotion of International Humanitarian Law; Ireland; Avocats pour la Justice au Proche-Orient (AJPO); Federal Republic of Germany; Dr Shahd Hammouri; Al-Haq Law in the Service of Mankind (Al-Haq), Al Mezan Center for Human Rights (Al-Mezan) and the Palestinian Center for Human Rights (PCHR); République Démocratique du Congo; Arpit Batra; South Africa, Bangladesh, Bolivia, Comoros, and Djibouti.

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

I. INTRODUCTION

1. Further to the Pre-Trial Chamber's directions in its Decision on requests for leave to file observations pursuant to rule 103 of the Rules of Procedure and Evidence, Professor David Chilstein has submitted his observations as *amicus curiae* pursuant to Rule 103(1) of the Rules of Procedure and Evidence (the "**Rules**") ("**Professor Chilstein's Observations**")¹.
2. Professor Chilstein further refers to the Prosecution's consolidated response to observations by interveners pursuant to article 68(3) of the Rome Statute and rule 103 of the Rules of Procedure and Evidence of 23 August 2024 (the "**Prosecution's Consolidated Response**").

II. PROFESSOR CHILSTEIN'S APPLICATION TO SUBMIT ADDITIONAL OBSERVATIONS PURSUANT TO RULE 103(1)

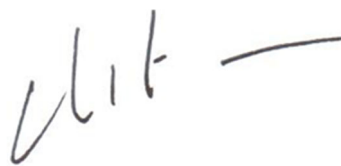
3. Professor Chilstein has reviewed the Prosecution's Consolidated Response and respectfully requests the right to submit a short rebuttal.
4. The Prosecution's Consolidated Response contends, notably at paragraph 98, that some of the submissions misunderstand the features of the situation and the Prosecution's investigation thereof. Accordingly, the Prosecution was not required to open a new investigation and there was no basis for issuing new article 18(1) letters. As set forth in his Observations, Professor Chilstein respectfully disagrees and respectfully request the right to elaborate and respond to the Prosecution on this point.
5. Likewise, Professor Chilstein would like to address the Prosecution's Observations on the complementarity principle.
6. Professor Chilstein's proposed submissions would be strictly limited to addressing and rebutting the Prosecution's Observations and would assist the Pre-Trial Chamber. They are therefore desirable for the proper determination of the Prosecutor's Application.

III. CONCLUSION

7. For the foregoing reasons, Professor Chilstein respectfully requests that the Pre-Trial Chamber I grant him leave to make additional observations strictly responding to the

¹ ICC-01/18-285 (« [Chilstein](#) »).

Prosecution's observations in accordance with Rule 103 of the Court's Rules of Procedure and Evidence.

A handwritten signature in dark ink, appearing to read 'D. Chilstein', is positioned above a horizontal line.

Professor David Chilstein

Dated this 3 October 2024

At Paris, France