

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: **English**

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

Date: **25 October 2024**

PRE-TRIAL CHAMBER I

Before:

**Judge Nicolas Guillou, Presiding Judge
Judge Reine Adélaïde Sophie Alapini-Gansou
Judge Beti Hohler**

SITUATION IN THE STATE OF PALESTINE

Secret

***ex parte* only available to the Prosecution**

Decision terminating proceedings in relation to Mr Yahya Sinwar

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

The Office of the Prosecutor [REDACTED]	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	<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 (the ‘Chamber’) of the International Criminal Court issues this decision following the Prosecution’s notification of the withdrawal of the application for a warrant of arrest for Mr Yahya Sinwar.¹

1. On 20 May 2024, the Prosecution filed the ‘Prosecution’s application under article 58 for a warrant of arrest against Mr Yahya Sinwar’ (the ‘Application’).²
2. On 22 October 2024, the Prosecution withdrew the Application because of the changed circumstances caused by Mr Sinwar’s death.³
3. The Chamber takes notes of the Prosecution’s withdrawal of the Application. As noted previously,⁴ at this stage, where the Chamber is seized of an application for a warrant of arrest pursuant to article 58 of the Rome Statute and has not made a determination on the matter, the withdrawal of the Application falls within prosecutorial discretion, and therefore does not require further assessment by the Chamber.
4. As the Chamber is no longer seized of the Application, the Chamber considers it appropriate to formally terminate any proceedings in relation to Mr Sinwar.
5. The Chamber further notes the Prosecution’s request to reclassify its withdrawal. The Chamber will instruct the Registry to reclassify the Prosecution’s withdrawal and the present decision at a later stage.

¹ Prosecution’s withdrawal of the “Prosecution’s application under article 58 for a warrant of arrest against Yahya SINWAR” (ICC-01/18-169-SECRET-Exp), 22 October 2024, ICC-01/18-365-SECRET-Exp.

² Prosecution’s application under article 58 for a warrant of arrest against Mr Yahya Sinwar, ICC-01/18-169-SECRET-Exp.

³ ICC-01/18-365-SECRET-Exp.

⁴ Decision terminating proceedings against Mr Ismail Haniyeh, 9 August 2024, ICC-01/18-324, para. 3.

FOR THESE REASONS, THE CHAMBER HEREBY

TAKES NOTE of the Prosecution's withdrawal of the Application; and

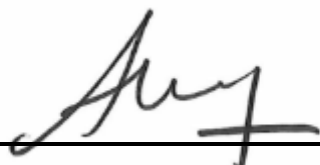
TERMINATES the proceedings in relation to Mr Yahya Sinwar.

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



Judge Nicolas Guillou

Presiding Judge



**Judge Reine Adélaïde Sophie Alapini-
Gansou**



Judge Beti Hohler

Dated this Friday, 25 October 2024

At The Hague, The Netherlands