

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: **English**

No.: **ICC-01/22**

Date: **6 November 2024**

The Appeals Chamber

Before:

**Judge Tomoko Akane, Presiding
Judge Luz del Carmen Ibáñez Carranza
Judge Solomy Balungi Bossa
Judge Gocha Lordkipanidze
Judge Erdenebalsuren Damdin**

SITUATION IN UKRAINE

Public

Prosecution response to Mongolia's "Urgent request for suspensive effect"

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
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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
State Authorities of Mongolia

Amicus Curiae

REGISTRY

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Counsel Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations Other
Section**

I. Introduction and Submissions

1. The Appeals Chamber should dismiss Mongolia's Request under article 82(3) of the Rome Statute¹ asking it to grant suspensive effect to Pre-Trial Chamber II's decision referring Mongolia to the Assembly of States Parties for non-compliance with the Court's request to arrest and surrender Vladimir Vladimirovich PUTIN ("PTC Non-Compliance Decision" or "Decision").²
2. Under article 82(3), "An *appeal* shall not have suspensive effect unless the Appeals Chamber so orders, upon request, in accordance with the Rules of Procedure and Evidence."³
3. Since Pre-Trial Chamber II has not yet decided on Mongolia's request for leave to appeal the PTC Non-Compliance Decision,⁴ at this stage there is no "appeal" of which the Appeals Chamber is seised for which orders for suspensive effect can be issued under article 82(3).
4. Based on the above, Mongolia's Request should be dismissed.



Karim A. A. Khan KC, Prosecutor

Dated this 6th of November 2024
At The Hague, The Netherlands

¹ ICC-01/22-94-Anx, 1 November 2024 ("Request").

² ICC-01/22-90, 24 October 2024 ("PTC Non-Compliance Decision" or "Decision").

³ Article 82(3) of the Statute (Emphasis added). See also *Lubanga* Appeal Decision, [ICC-01/04-01/06-1290 OA11](#), para. 6.

⁴ ICC-01/22-91-Anx, 29 October 2024.