

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: **English**

No.: **ICC-01/18**
Date: **05 March 2025**

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

Public
with SECRET, *EX PARTE*, Annex A only available to the Prosecution

Public redacted version of “Prosecution’s notification with respect to Mohammed Diab Ibrahim AL-MASRI (“DEIF”), 15 November 2024, ICC-01/18-372-SECRET-EXP”

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
(Participation/Reparation)

☐ The Office of Public Counsel for
Victims

☐ The Office of Public Counsel for the
Defence

☐ States Representatives

☐ Amicus Curiae

REGISTRY

Registrar
Mr Osvaldo Zavala Giler

☐ Counsel Support Section

☐ Victims and Witnesses Unit

☐ Detention Section

☐ Victims Participation and Reparations
Section

☐ Other

SUBMISSIONS

1. The Prosecution hereby informs Pre-Trial Chamber I of the steps that it has taken to ascertain whether Mohammed Diab Ibrahim AL-MASRI (“DEIF”) is deceased. Mohammed Diab Ibrahim AL-MASRI (محمد دياب إبراهيم المصري) known as “Abu Khaled” (أبو خالد) and more commonly as “DEIF” (الضيف) (“the Guest”) is the Commander-in-Chief or Head of the *Izz ad-Din al-Qassam Brigades* (“*al-Qassam Brigades*” or “IQB”).¹ On 20 May 2024, the Prosecution filed an article 58 application for an arrest warrant against him.² The Prosecution is aware of certain reports regarding DEIF’s alleged death in an Israeli strike on 13 July 2024.³ The Prosecution also notes this Chamber’s holding in relation to the Prosecution’s withdrawal of the arrest warrants against Ismail HANIYEH and Yahya SINWAR, as a result of their deaths: “[a]t this stage of the proceedings, where the Chamber is seised 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

2. The Prosecution informs the Chamber that, in the context of its investigation, [REDACTED].⁵ At this stage, the Prosecution does not consider itself to have sufficient and reliable information with respect to DEIF’s death so as to withdraw its Article 58 Application against him. If further information becomes available and/or the Prosecution considers that there is a change of circumstances that requires it to withdraw the Article 58 Application, it will do so.

¹ ECFR Mohammed Deif, [PSE-OTP-00144864](#); BBC, 19 Mar. 2024, [PSE-OTP-00144869](#); IDF Deif, 15 Oct. 2023, [PSE-OTP-00144871](#).

² [REDACTED].

³ See e.g. [PSE-OTP-00156090](#), [PSE-OTP-00156092](#), [PSE-OTP-00156098](#), [PSE-OTP-00156101](#), [PSE-OTP-00156104](#), [PSE-OTP-00156083](#); but see [PSE-OTP-00156076](#).

⁴ [ICC-01/18-324](#); ICC-01/18-368-SECRET-Exp.

⁵ [REDACTED].

3. Accordingly, the Prosecution maintains and reiterates its request for this Chamber to decide the application for an arrest warrant against DEIF as well as for arrest warrants against Benjamin NETANYAHU and Yoav GALLANT with utmost urgency.

4. Pursuant to regulation 23bis(2), this request is filed SECRET and *Ex Parte*, since the Prosecution's Article 58 Application bears the same classification.



Karim A.A. Khan KC, Prosecutor

Dated this 5th day of March 2025

At The Hague, The Netherlands