

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: **English**

No.: **ICC-01/18**
Date: **11 April 2025**

PRE-TRIAL CHAMBER I

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

SITUATION IN THE STATE OF PALESTINE

Public

Order on reclassification and other procedural matters

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 |

PRE-TRIAL CHAMBER I (the ‘Chamber’) of the International Criminal Court issues this order giving various instructions to the Registry in relation to reclassification of filings and addressing certain other procedural matters.

I. Relevant procedural history

1. On 20 May 2024, the Prosecution filed five applications for warrants of arrest, classified as secret, *ex parte* only available to the Prosecution,¹ in the *Situation in the State of Palestine* (the ‘Situation’).
2. On 22 July 2024, following the request from a total of 70 States, organisations, and persons, submitted between 10 June 2024 and 12 July 2024, the Chamber (in a different composition) granted leave to 64 of them to file *amicus curiae* observations.² Between 27 July and 6 August 2024, 61 such observations were received (the ‘Rule 103 Observations’).³
3. Between 7 August and 16 August 2024, having been authorised to do so,⁴ several representatives of victims,⁵ the Office of Public Counsel for Victims⁶ (the ‘OPCV’) and the Office of Public Counsel for the Defence⁷ (the ‘OPCD’) submitted their respective observations.

¹ ICC-01/18-165-SECRET-Exp; ICC-01/18-166-SECRET-Exp; ICC-01/18-167-SECRET-Exp; ICC-01/18-168-SECRET-Exp; ICC-01/18-169-SECRET-Exp.

² Decision on requests for leave to file observations pursuant to rule 103 of the Rules of Procedure and Evidence, ICC-01/18-249, paras 11-12. In the ‘Order deciding on the United Kingdom’s request to provide observations pursuant to Rule 103(1) of the Rules of Procedure and Evidence, and setting deadlines for any other requests for leave to file *amicus curiae* observations’ of 27 June 2024 (ICC-01/18-173-Red), the Chamber had set a deadline for any other requests pursuant to rule 103 of the Rules.

³ See ICC-01/18-254; ICC-01/18-257; ICC-01/18-260-Corr; ICC-01/18-261; ICC-01/18-262; ICC-01/18-264; ICC-01/18-265; ICC-01/18-267; ICC-01/18-268; ICC-01/18-269; ICC-01/18-270; ICC-01/18-272-Corr; ICC-01/18-273-Corr; ICC-01/18-274; ICC-01/18-275; ICC-01/18-276; ICC-01/18-277; ICC-01/18-278; ICC-01/18-279; ICC-01/18-280; ICC-01/18-281; ICC-01/18-282; ICC-01/18-283; ICC-01/18-284; ICC-01/18-285; ICC-01/18-286; ICC-01/18-287; ICC-01/18-288; ICC-01/18-289; ICC-01/18-290; ICC-01/18-291; ICC-01/18-292; ICC-01/18-293; ICC-01/18-294; ICC-01/18-295; ICC-01/18-296; ICC-01/18-297; ICC-01/18-298; ICC-01/18-299; ICC-01/18-300; ICC-01/18-302; ICC-01/18-303; ICC-01/18-304; ICC-01/18-305; ICC-01/18-306; ICC-01/18-307; ICC-01/18-308; ICC-01/18-309; ICC-01/18-310; ICC-01/18-311; ICC-01/18-312-Corr; ICC-01/18-313; ICC-01/18-314; ICC-01/18-315; ICC-01/18-317; ICC-01/18-318; ICC-01/18-320; ICC-01/18-321; ICC-01/18-326; ICC-01/18-331. The cover pages of some of the Rule 103 observations were corrected at a later date.

⁴ Decision concerning the views, concerns and general interests of victims, 30 July 2024, ICC-01/18-256-Red..

⁵ ICC-01/18-322; ICC-01/18-330; ICC-01/18-333; ICC-01/08-334; ICC-01/08-335; ICC-01/18-336; ICC-01/18-337; ICC-01/18-338; ICC-01/18-344-Conf-AnxI; ICC-01/18-348-Conf-AnxI.

⁶ OPCV Observations on Jurisdictional Matters affecting the general interest of Victims, 12 August 2024, ICC-01/18-327. The Pre-Trial Chamber had granted the requests by the OPCV and groups of legal representatives of victims to submit their observations in its ‘Decision concerning the views, concerns and general interests of victims’, 30 July 2024, ICC-01/18-256.

⁷ OPCD Rule 103 Observations on Defence Rights at this Stage of the Proceedings, 16 August 2024, ICC-01/18-342.

4. On 23 August 2024, the Prosecution responded to the Rule 103 Observations and views submitted by victim representatives, the OPCV and the OPCD.⁸

5. On 21 November 2024, the Chamber issued three warrants of arrest.⁹

II. Determination

6. The Chamber notes that regulation 23bis(3) of the Regulations of the Court (the ‘Regulations’) provides that the Chamber may reclassify a document when the basis for the reclassification no longer exists, including on its own motion. The Chamber has conducted a comprehensive review of the situation record and issues this order on the reclassification of certain filings and other issues, in the interest of transparency and publicity of the proceedings.

7. In light of the relevant party’s or participant’s agreement to the reclassification of their filings, the Chamber hereby instructs the Registry to reclassify as public the following documents¹⁰:

- ICC-01/18-187-SECRET-Exp; ICC-01/18-187-SECRET-Exp-AnxI; excluding any other related annex;
- ICC-01/18-248-SECRET-Exp; excluding any related annex;
- ICC-01/18-255-SECRET-Exp; ICC-01/18-255-SECRET-Exp-AnxI; excluding any other related annex;
- ICC-01/18-258-SECRET-Exp;
- ICC-01/18-341-SECRET-Exp;
- ICC-01/18-343-SECRET-Exp; ICC-01/18-343-SECRET-Exp-Corr-Anx;
- ICC-01/18-350-SECRET-Exp.

8. Considering that the termination of the proceedings against Yahya Sinwar has been made public by the Chamber on 21 November 2024, and mindful of the Prosecution’s request for reclassification of its filing,¹¹ the Chamber considers that the ‘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)’ and the ‘Decision terminating proceedings in relation to Mr

⁸ 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, ICC-01/18-346.

⁹ ICC-01/18-376-SECRET; ICC-01/18-377-SECRET; ICC-01/18-378-SECRET. Proceedings against one of the three suspects have since been terminated. See ICC-01/18-417.

¹⁰ Where annexes contain correspondence between the filing party/participant and one or more other entities, or other sensitive information, the Chamber has decided to retain the original classification.

¹¹ ICC-01/18-365, para. 6.

Yahya Sinwar’ can be reclassified as public. Accordingly, the Registry is hereby directed to reclassify the following documents as public:

- ICC-01/18-365-SECRET-Exp;
- ICC-01/18-368-SECRET-Exp.

9. In light of the nature and purpose of observations under rule 103 of the Rules of Procedure and Evidence (the ‘Rules’), and the stage of the proceedings during which these observations were submitted, the Chamber considers that no reason exists for the documents to retain their current level of classification. Therefore, the Chamber hereby directs the Registry to reclassify the following documents as public:

- ICC-01/18-172-SECRET-Exp; ICC-01/18-172-SECRET-Exp-Anx;
- ICC-01/18-174-SECRET-Exp; ICC-01/18-174-SECRET-Exp-Anx;
- ICC-01/18-175-SECRET-Exp; ICC-01/18-175-SECRET-Exp-Anx;
- ICC-01/18-177-SECRET-Exp; ICC-01/18-177-SECRET-Exp-Anx;
- ICC-01/18-179-SECRET-Exp; ICC-01/18-179-SECRET-Exp-AnxI; ICC-01/18-179-SECRET-Exp-AnxII;
- ICC-01/18-180-SECRET-Exp; ICC-01/18-180-SECRET-Exp-Anx;
- ICC-01/18-181-SECRET-Exp; ICC-01/18-181-SECRET-Exp-Anx;
- ICC-01/18-182-SECRET-Exp; ICC-01/18-182-SECRET-Exp-AnxI; ICC-01/18-182-SECRET-Exp-AnxII; ICC-01/18-182-SECRET-Exp-AnxIII;
- ICC-01/18-183-SECRET-Exp; ICC-01/18-183-SECRET-Exp-Anx;
- ICC-01/18-184-SECRET-Exp; ICC-01/18-184-SECRET-Exp-Anx;
- ICC-01/18-186-SECRET-Exp; ICC-01/18-186-SECRET-Exp-Anx;
- ICC-01/18-188-SECRET-Exp; ICC-01/18-188-SECRET-Exp-Anx;
- ICC-01/18-189-SECRET-Exp; ICC-01/18-189-SECRET-Exp-Anx;
- ICC-01/18-190-SECRET-Exp; ICC-01/18-190-SECRET-Exp-Anx;
- ICC-01/18-191-SECRET-Exp; ICC-01/18-191-SECRET-Exp-Anx;
- ICC-01/18-192-SECRET-Exp; ICC-01/18-192-SECRET-Exp-Anx;
- ICC-01/18-193-SECRET-Exp; ICC-01/18-193-SECRET-Exp-Anx;
- ICC-01/18-194-SECRET-Exp; ICC-01/18-194-SECRET-Exp-Anx;
- ICC-01/18-195-SECRET-Exp; ICC-01/18-195-SECRET-Exp-Anx;
- ICC-01/18-196-SECRET-Exp; ICC-01/18-196-SECRET-Exp-Anx;
- ICC-01/18-197-SECRET-Exp; ICC-01/18-197-SECRET-Exp-Anx;
- ICC-01/18-198-SECRET-Exp; ICC-01/18-198-SECRET-Exp-Anx;

- ICC-01/18-199-SECRET-Exp; ICC-01/18-199-SECRET-Exp-Anx;
- ICC-01/18-200-SECRET-Exp; ICC-01/18-200-SECRET-Exp-Anx;
- ICC-01/18-202-SECRET-Exp; ICC-01/18-202-SECRET-Exp-Anx;
- ICC-01/18-203-SECRET-Exp; ICC-01/18-203-SECRET-Exp-Anx;
- ICC-01/18-204-SECRET-Exp; ICC-01/18-204-SECRET-Exp-Anx;
- ICC-01/18-205-SECRET-Exp; ICC-01/18-205-SECRET-Exp-Anx;
- ICC-01/18-206-SECRET-Exp; ICC-01/18-206-SECRET-Exp-Anx;
- ICC-01/18-207-SECRET-Exp; ICC-01/18-207-SECRET-Exp-Anx;
- ICC-01/18-208-SECRET-Exp; ICC-01/18-208-SECRET-Exp-Anx;
- ICC-01/18-209-SECRET-Exp; ICC-01/18-209-SECRET-Exp-Anx;
- ICC-01/18-210-SECRET-Exp; ICC-01/18-210-SECRET-Exp-Anx;
- ICC-01/18-211-SECRET-Exp; ICC-01/18-211-SECRET-Exp-Anx;
- ICC-01/18-212-SECRET-Exp; ICC-01/18-212-SECRET-Exp-Anx;
- ICC-01/18-213-SECRET-Exp; ICC-01/18-213-SECRET-Exp-Anx;
- ICC-01/18-214-SECRET-Exp; ICC-01/18-214-SECRET-Exp-Anx;
- ICC-01/18-215-SECRET-Exp; ICC-01/18-215-SECRET-Exp-Anx;
- ICC-01/18-216-SECRET-Exp; ICC-01/18-216-SECRET-Exp-Anx;
- ICC-01/18-217-SECRET-Exp; ICC-01/18-217-SECRET-Exp-Anx;
- ICC-01/18-218-SECRET-Exp; ICC-01/18-218-SECRET-Exp-Anx;
- ICC-01/18-219-SECRET-Exp; ICC-01/18-219-SECRET-Exp-Anx;
- ICC-01/18-220-SECRET-Exp; ICC-01/18-220-SECRET-Exp-Anx;
- ICC-01/18-221-SECRET-Exp; ICC-01/18-221-SECRET-Exp-Anx;
- ICC-01/18-222-SECRET-Exp; ICC-01/18-222-SECRET-Exp-Anx;
- ICC-01/18-223-SECRET-Exp; ICC-01/18-223-SECRET-Exp-Anx;
- ICC-01/18-224-SECRET-Exp; ICC-01/18-224-SECRET-Exp-Anx;
- ICC-01/18-225-SECRET-Exp; ICC-01/18-225-SECRET-Exp-Anx;
- ICC-01/18-226-SECRET-Exp; ICC-01/18-226-SECRET-Exp-Anx;
- ICC-01/18-227-SECRET-Exp; ICC-01/18-227-SECRET-Exp-Anx;
- ICC-01/18-228-SECRET-Exp; ICC-01/18-228-SECRET-Exp-Anx;
- ICC-01/18-229-SECRET-Exp; ICC-01/18-229-SECRET-Exp-Anx;
- ICC-01/18-230-SECRET-Exp; ICC-01/18-230-SECRET-Exp-Anx;
- ICC-01/18-231-SECRET-Exp; ICC-01/18-231-SECRET-Exp-Anx;
- ICC-01/18-233-SECRET-Exp; ICC-01/18-233-SECRET-Exp-Anx;

- ICC-01/18-234-SECRET-Exp; ICC-01/18-234-SECRET-Exp-Anx; ICC-01/18-234-SECRET-Exp-AnxII; excluding any other related annex;
- ICC-01/18-235-SECRET-Exp; ICC-01/18-235-SECRET-Exp-Anx;
- ICC-01/18-236-SECRET-Exp; ICC-01/18-236-SECRET-Exp-Anx;
- ICC-01/18-237-SECRET-Exp; ICC-01/18-237-SECRET-Exp-Anx;
- ICC-01/18-238-SECRET-Exp; ICC-01/18-238-SECRET-Exp-Anx;
- ICC-01/18-239-SECRET-Exp; ICC-01/18-239-SECRET-Exp-Anx;
- ICC-01/18-240-SECRET-Exp; ICC-01/18-240-SECRET-Exp-Anx;
- ICC-01/18-241-SECRET-Exp; ICC-01/18-241-SECRET-Exp-Anx;
- ICC-01/18-242-SECRET-Exp; ICC-01/18-242-SECRET-Exp-Anx;
- ICC-01/18-243-SECRET-Exp; ICC-01/18-243-SECRET-Exp-Anx;
- ICC-01/18-244-SECRET-Exp; ICC-01/18-244-SECRET-Exp-Anx;
- ICC-01/18-245-SECRET-Exp; ICC-01/18-245-SECRET-Exp-Anx;
- ICC-01/18-246-SECRET-Exp; ICC-01/18-246-SECRET-Exp-Anx;
- ICC-01/18-247-SECRET-Exp; ICC-01/18-247-SECRET-Exp-Anx;
- ICC-01/18-250-SECRET-Exp; ICC-01/18-250-SECRET-Exp-AnxI
- ICC-01/18-319-SECRET-Exp; ICC-01/18-319-SECRET-Exp-Anx;
- ICC-01/18-323-SECRET.

10. As regards the ‘Request by UK Lawyers for Israel (“UKLFI”) for Leave to Make Further Observations Under Rule 103(1) of the Rules of Procedure’ and ‘Professor David Chilstein’s Application to submit additional Observations as Amicus Curiae pursuant to Rule 103(1) of the Rules of Procedure and Evidence’, the Chamber notes that it did not consider necessary to entertain the requests contained therein, which exceeded the Chamber’s authorisation in its 22 July 2024 decision. The Chamber hereby directs the Registry to reclassify them as public:

- ICC-01/18-351-SECRET-Exp; ICC-01/18-351-SECRET-Exp-Anx;
- ICC-01/18-347-Conf-Corr; ICC-01/18-347-Conf-Corr-Anx.

11. Consequently, the ‘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)’, which addresses one of the aforementioned requests, can also be reclassified as public.¹² The Registry is thus directed to also reclassify ICC-01/18-356-SECRET-Exp as public.

¹² The Prosecution explicitly submitted that the relevant litigation should be public. See ICC-01/18-356, para. 2.

12. In connection with the ‘Request for Reclassification of “12 July 2024: Public, Redacted Victims’ Observations on the Proceedings pursuant to articles 19(3) and 68(3) (ICC-01/18-232-SECRET-Exp-anx)”’, the Chamber agrees with the submitter that the observations can be made public and therefore grants the request. The Chamber notes that only the secret version had been formally registered in the Situation record but not the public redacted version of the filing. Accordingly, the Registry is hereby directed to:

- reclassify ICC-01/18-332-SECRET-Exp and ICC-01/18-332-SECRET-Exp-Anx as public;
- reclassify ICC-01/18-232-SECRET-Exp as public;
- place the redacted version of ICC-01/18-232-SECRET-Exp-Anx on the record as a public filing with record number ICC-01/18-232-Anx2.

13. In addition, the Chamber orders the Registry to redact all individual names of parties and participants on the notification pages of the documents referenced in paragraphs 7 to 12 when proceeding with the reclassifications, in accordance with the relevant Registry directives on the matter.

14. Finally, in order to facilitate any future interactions with external persons or organisations requesting authorisation to make submissions or observations before the Chamber (e.g. requests for authorisation to file *amicus curiae* submissions or requests for authorisation to present views of victims not admitted as participants in the proceedings), the Chamber, in consultation with the Registry, has adopted a template for such requests in order to ensure their efficient and effective processing. The aforementioned template can be obtained from the Court Management Services (the ‘CMS’) of the Registry when a person or an entity intends to make such a filing before this Chamber. The Chamber clarifies that the template only applies to instances where a person or entity is requesting *authorisation* to make submissions.

15. Any requests for authorisation must be limited to three pages (excluding notification pages). The Registry will only transmit requests that abide by the instructions in the template. The Registry’s transmission filings, as well as the accompanying request and any other annexes, if applicable, shall initially be classified as confidential, unless cogent reasons require more restrictive classification. The Registry may transmit multiple requests for authorisation to make submissions into the Situation record with a single transmission filing, where appropriate.

16. The Registry is hereby instructed to: (i) inform any person or entity requesting authorisation to make submissions before the Chamber to do so using the template; (ii) indicate to such a

person or entity that for the aforementioned request for authorisation to be transmitted to the Chamber it must not exceed three pages (excluding notification pages); and (iii) register by way of confidential (unless a more restrictive classification is necessary) transmission filing into the Situation record only those requests that abide by the page limit and the instructions listed in the template.

FOR THESE REASONS, THE CHAMBER HEREBY

ORDERS the Registry to reclassify as public the abovementioned documents as set out in paragraphs 7 to 13 above, by no later than 2 May 2025;

ORDERS the Registry to act in accordance with the instructions contained in paragraphs 14 to 16 above.

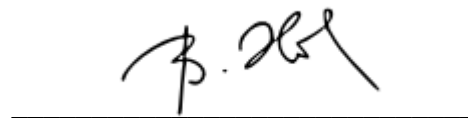
Done in English. A French translation will follow. The English version remains authoritative.



Judge Nicolas Guillou
Presiding Judge



**Judge Reine Adélaïde Sophie Alapini-
Gansou**



Judge Beti Hohler

Dated this Friday, 11 April 2025
At The Hague, The Netherlands