

Situation in the State of Palestine

Annex I

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-01/18
Date: **6 September 2024**

PRE-TRIAL CHAMBER I

Before: Judge Iulia Antoanella Motoc, Presiding Judge
Judge Reine Adélaïde Sophie Alapini-Gansou
Judge Nicolas Guillou

SITUATION IN THE ALLEGED STATE OF PALESTINE

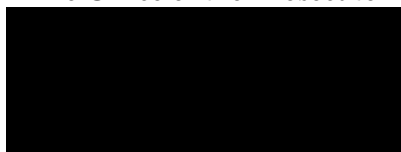
SECRET

**Request by UK Lawyers for Israel ("UKLFI") for
Leave to Make Further Observations
Under Rule 103(1) of the Rules of Procedure**

Source: UK Lawyers for Israel ("UKLFI")

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

The Office of Public Counsel for Victims The Office of Public Counsel for the Defence



Amici Curiae

REGISTRY

Registrar

Mr Osvaldo Zavala Giler

Counsel Support Section

Victims and Witnesses Unit

Detention Section

Victims Participation and Reparations Section Other



Introduction

1. As the Court may recall from our previous Observations and Requests under Rule 103, UK Lawyers for Israel (UKLFI) is an association of lawyers who support Israel and seek the proper application of laws in matters relating to Israel.
2. We respectfully request leave to make further Observations on two matters arising out of the Prosecutor's Response of 23 August 2024 and subsequent developments, namely:
 - (a) The Prosecutor's unexpected submission in his Response that Observations by Interveners on matters other than the impact of the Oslo Accords on jurisdiction should be rejected in limine;¹ and
 - (b) Complaints of misconduct made against the Prosecutor and staff of the Office of the Prosecutor (OtP) who participated in the preparation of the applications for the arrest of Benjamin Netanyahu and Yoav Gallant ("the Applications").
3. We realise that the Court must rightly wish to avoid prolonging the procedure any more than necessary, but these matters go to the integrity of the Court, its processes and its Prosecutor. In order to assist the Court to secure that integrity while minimising any extension of the procedure, we invite the Court, if it grants leave, to let this request for leave stand as our Observations on the two points mentioned above, and to make it public accordingly.

The Prosecutor's submission that Observations should be rejected in limine

4. As regards (a), we respectfully point out that the two requests for leave to make observations filed by our organisation together with other NGOs on 12 July 2024 clearly identified the points on which we sought to make observations. One of those requests sought leave to make observations on inaccuracies and omissions in the Applications.² The other sought leave to make observations on jurisdiction and admissibility.³
5. The Court's Order of 22 July 2024⁴ granted our requests without specifying any restriction as to subject-matter. In its §13, the Court stated that it was granting both of our requests, but the observations related to both requests must be filed together in one document of maximum 10 pages. Thus the Court clearly granted us leave to make

¹ ICC-01/18-346 <https://www.icc-cpi.int/sites/default/files/CourtRecords/0902ebd180949087.pdf> at §§33-36

² ICC-01/18-234-SECRET-Exp-Anx

³ ICC-01/18-234-SECRET-Exp-AnxII

⁴ ICC-01/18-249 <https://www.icc-cpi.int/sites/default/files/CourtRecords/0902ebd1809006d1.pdf>

observations on inaccuracies and omissions in the Applications, as well as on jurisdiction and admissibility.

6. Moreover our request for leave to make observations on jurisdiction and admissibility included points other than the effect of the Oslo Accords on jurisdiction. In granting that request, the Court clearly gave leave to make observations on those other points.
7. We expect that requests of other organisations and individuals for leave to make observations under Rule 103 also identified points on which they sought to make observations and that a number of these referred to issues other than the effect of the Oslo Accords. If so, the Court clearly granted leave to make those requested observations.

Complaints of misconduct

8. We have today made the following complaints of misconduct relating to the Applications:
 - (a) To the Registrar, against Brenda Hollis, Andrew Cayley KC and other staff of the OtP who have participated in the preparation of the Applications. A copy of this complaint is provided as Annex I.
 - (b) To the Bar Standards Board for England and Wales, against the Prosecutor and Andrew Cayley KC. A copy of this complaint is provided as Annex II.

These complaints both refer to our letter to the Prosecutor of 27 August 2024. A copy of this letter and its annexes are provided as Annexes III, IV and V.

9. If we have made or will make any complaint to the ICC against the Prosecutor it must remain confidential in accordance with Rule 26(1) of the Rules of Procedure and Evidence.
10. We submit that the concerns described in our letter to the Prosecutor of 27 August 2024 and raised in the complaints mentioned above cannot properly be dismissed as frivolous or vexatious. On the contrary they present a strong case of misconduct on the part of the Prosecutor and other staff of the OtP. If we are right, the material provided to the Court is highly unreliable and it would be improper and grossly unjust for the Court to issue arrest warrants on the basis of it. In these circumstances, we respectfully submit that the Court should await the outcome of disciplinary proceedings ensuing from the above complaints before taking any decision on the basis of the Applications.

Respectfully submitted by



Jonathan Turner, Chief Executive, on behalf of UK Lawyers for Israel (“**UKLFI**”),

Dated this 6th day of September 2024 at London, UK