

Pursuant to Pre-Trial Chamber I's instruction dated 21.11.2024, this document is reclassified as Public

Annex I

Pursuant to Pre-Trial Chamber I's instruction dated 21.11.2024, this document is reclassified as Public

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-01/18
Date: 27 September 2024

PRE-TRIAL CHAMBER I

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

SITUATION IN THE STATE OF PALESTINE

Confidential

Request to re-classify Israel's "Request for Access to the Application for Arrest Warrants for Benjamin Netanyahu and Yoav Gallant", ICC-01/18-187-SECRET-Exp-AnxI

Source: The State of Israel

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

The Office of the Prosecutor
Mr. Karim A.A. Khan KC

Counsel for the Defence

Legal Representatives of Victims

Legal Representatives of Applicants

Unrepresented Victims

Unrepresented Applicants
(Participation / Reparation)

**The Office of Public Counsel for
Victims**

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

States' Representatives
Office of the Attorney General of Israel

Amicus Curiae

REGISTRY

Registrar
Mr. Osvaldo Zavala Giler

Counsel Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

**Public Information and Outreach
Section**

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1. The State of Israel, through its Office of the Attorney General ("Israel"),¹ respectfully requests that its "Request for Access to the Application for Arrest Warrants for Benjamin Netanyahu and Yoav Gallant", ("Request"), filed confidentially,² and all related filings,³ be reclassified as public.

2. This request for reclassification is based, *inter alia*, on the Prosecution's observation in relation to a different filing, which referred to the same correspondence between Israel and the Office of the Prosecutor annexed to the Request,⁴ that it "sees no basis for the present classification [as confidential] and submits that these matters should be public."⁵

3. Furthermore, Israel notes that the Prosecution, in its response to the Request, commented that "[i]f the Request is reclassified, this Response can follow the same classification."⁶ In addition, in its Response to Israel's Request for Leave to Reply to the Prosecution Response to the Request, the Prosecution again confirmed that "[i]f the Request is reclassified, this Response can follow the same classification."⁷ The Prosecution has not expressed the view that the Request or its Response, or any related filings, need to be classified as "Secret". Under these circumstances, there is no further justification for the filing not to be reclassified as public.

¹ Israel is a State not Party to the Rome Statute. This filing is without prejudice to that status, and to Israel's position concerning the Court's lack of jurisdiction in respect of this Situation. Reference to the "Situation in the State of Palestine" on the cover page, rather than "Situation in Palestine", has been made in accordance with the Pre-Trial Chamber's instruction of 23 September 2024. This change is made without prejudice to Israel's well-known position that "Palestine" is not a State.

² ICC-01/18-187-SECRET-Exp-AnxI, 10 July 2024.

³ Prosecution Response to Israel's "Request for Access to the Application for Arrest Warrants for Benjamin Netanyahu and Yoav Gallant", 22 July 2024, ICC-01/18-248-SECRET-Exp; Request for leave to reply to the "Prosecution Response to Israel's Request for Access to the Application for Arrest Warrants for Benjamin Netanyahu and Yoav Gallant" (ICC-01/18-248-SECRET-Exp), 29 July 2024, ICC-01/18-255-SECRET-Exp-AnxI; Prosecution Response to Israel's "Request for leave to reply to the 'Prosecution Response to Israel's Request for Access to the Application for Arrest Warrants for Benjamin Netanyahu and Yoav Gallant'" (ICC-01/18-255-SECRET-Exp-AnxI), 30 July 2024, ICC-01/18-258-SECRET-Exp; Decision on Israel's request for leave to reply, 14 August 2024, ICC-01/18-341-SECRET; Reply to the "Prosecution Response to Israel's Request for Access to the Application for Arrest Warrants for Benjamin Netanyahu and Yoav Gallant" (ICC-01/18-248-SECRET-Exp), 19 August 2024, ICC-01/18-343-Exp; Decision on Israel's request for access to the Prosecution's applications for warrants of arrest, 6 September 2024, ICC-01/18-350-SECRET-Exp.

⁴ Request to extend the page limit for submissions concerning article 18(1), 21 August 2024, ICC-01/18-345-SECRET-Exp-Anx.

⁵ Prosecution Response to Israel's "Request to extend the page limit for submissions concerning article 18(1)" (ICC-01/18-345-SECRET-Exp-Anx), ICC-01/18-349-SECRET-Exp, 5 September 2024, para. 2.

⁶ Prosecution Response to Israel's "Request for Access to the Application for Arrest Warrants for Benjamin Netanyahu and Yoav Gallant", 22 July 2024, ICC-01/18-248-SECRET-Exp, para. 2.

⁷ Prosecution Response to Israel's "Request for leave to reply to the 'Prosecution Response to Israel's Request for Access to the Application for Arrest Warrants for Benjamin Netanyahu and Yoav Gallant'" (ICC-01/18-255-SECRET-Exp-AnxI), 30 July 2024, ICC-01/18-258-SECRET-Exp, para. 2.

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4. Pursuant to regulation 23*bis*(2) of the Regulations of Court, this request is filed confidentially as it refers to filings that are currently confidential. If this request is granted, the present filing may also be reclassified as public.

Respectfully submitted:



Dr. Gilad Noam, Office of the Attorney-General of Israel

Dated this 27 day of September 2024, at Jerusalem, Israel.