

ANNEX 14

PUBLIC

18/06/2026 20:40

[ICC-01/11-01/25] Decision on Defence Request for Leave to Reply
(ICC-01/11-01/25-136-Conf)

To [REDACTED] • [REDACTED] •
[REDACTED] • El Hishri LRV Team OPCV [REDACTED] Copy
Associate Legal Officer-Court Officer [REDACTED] • [REDACTED]
[REDACTED]

Dear Counsel,

The Chamber takes note of the Defence's request for leave to reply (ICC-01/11-01/25-136-Conf), as well as the Prosecution's email from 18 June 2026, at 12:10, and the Defence's email from 18 June 2026, at 14:20.

Having reviewed the parties' submissions, and in the interests of efficiency, the Chamber hereby rejects the Defence's request for leave to reply, with reasons to follow.

Kind regards,

PTC I

On 18/06/2026 14:20 CEST [REDACTED] wrote:

Dear Pre-Trial Chamber I

Dear colleagues,

The Defence submits that its consolidated request for leave to reply (ICC-01/11-01/25-136-Conf) ("Consolidated Request") should be accepted as validly filed.

The Defence takes issue with the Prosecution's interpretation of the order relating to requests for leave to reply as set out in paragraph 4 of the Order setting time limits (ICC-01/11-01/25-116) ("Order").

The PTC ordered that Libya was to submit observations to the Defence's Jurisdiction Challenge by 5 June 2026, and that any responses to those observations were to be filed by 12 June 2026. In the event, only the Defence filed a response to Libya's observations (ICC-01/11-01/25-133-Conf).

The very next sentence in paragraph 4 of the Order directs that "[r]equests for leave to reply are to be filed on the record by 16 June 2026." Given the immediate following-on of this sentence from the preceding sentence relating to responses to Libya's observations only, the PTC clearly meant, or at least the Defence reasonably understood the PTC to mean, that requests for leave to reply *to any responses to Libya's observations* should be filed by 16 June 2026.

The PTC clearly did not mean, or at least the Defence reasonably did not understand the PTC to mean, that "[r]equests for leave to reply" were to any requests for leave to reply *to responses to the Jurisdiction Challenge* itself.

The Defence did not understand the PTC to have issued any special deadlines for requests for leave to reply to responses to the Jurisdiction Challenge in the Order. Hence, the Defence proceeded to file its Consolidated Request in relation to responses to the Jurisdiction Challenge pursuant to the standard provisions of Regulation 34(c) of the Regulations of the Court ("RoC") (to which specific reference was made in paragraphs 1 and 16 of the Consolidated Request).

The Consolidated Request was filed within three days of notification of the OTP and OPCV's responses to the Jurisdiction Challenge. Notification of these was on Friday, 12 June 2026, meaning the clock started to run from Monday, 15 June. The Consolidated Request was duly filed within the time limit on Wednesday, 17 June 2026.

The Prosecution's interpretation of the Order is unreasonable and is wrong. However, even if the Prosecution's interpretation is right and the Defence is in error, the error was based on an innocent misinterpretation of the terms of the Order such that, it is respectfully submitted, good cause for a variation of the time limit has been established within the meaning of Regulation 35(2) of the RoC. If the Defence has indeed misinterpreted the Order, we apologise for our error and for any inconvenience caused thereby.

The Defence would stress that any inadvertent exceeding of the deadline is minimal – by one day only – and has occasioned no prejudice to the Prosecution or OPCV.

The Defence does not, of course, object to the PTC receiving the Prosecution's response to the Consolidated Request. Indeed, the Defence would submit that, pursuant to Regulation 34(c), the Prosecution has until tomorrow to file its response.

Yours sincerely,

[Redacted Signature]

On 18/06/2026 12:10 CEST [Redacted] wrote:

Dear Pre-Trial Chamber I,
Dear Colleagues,

Pursuant to the instruction set out at paragraph 4 of the Order setting time limits ([ICC-01/11-01/25-116](#)), the Prosecution respectfully submits, attached, its response to the Defence's consolidated request for leave to reply ([ICC-01/11-01/25-136-Conf](#)) ("Request").

Should the Chamber deem necessary, the Prosecution can file its response into the case record.

In sum, the Prosecution submits that the Request should be dismissed *in limine* as it was filed after the set deadline and, in parts, improperly anticipates substantive submissions. On its merits, the Request should equally be dismissed as it (i) does not identify any issue that is either new or could not have been anticipated in its challenge to the jurisdiction of the Court ("Challenge"), (ii) misrepresents evidence relied on by the Prosecution in its response, and/or (iii) simply reiterates arguments already advanced in its Challenge. As such, a reply would not assist the Chamber in its determination.

Given the late filing of the Request, compounded by the outage of e-mails and the intermittent disruption of access to JWP caused by maintenance performed on the afternoon of 17 June 2026, the Prosecution respectfully requests that the Chamber vary the deadline for response to the Request set in its Order setting time limits, pursuant to regulation 35(2) of the Regulations of the Court ("Regulations").

Best,
The EI Hishri Prosecution Team