

Pursuant to Pre-Trial Chamber I's instruction dated 06.09.2024, this document is reclassified as Public.

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: **English**

No.: **ICC-01/18**

Date: **9 August 2024**

PRE-TRIAL CHAMBER I

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

SITUATION IN THE STATE OF PALESTINE

Secret

ex parte, only available to the Prosecution

Decision terminating proceedings against Mr Ismail Haniyeh

Pursuant to Pre-Trial Chamber I's instruction dated 06.09.2024, this document is reclassified as Public.

Decision 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 for
Participation/Reparations**

**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 decision terminating the proceedings against Mr Ismail Haniyeh.

1. On 20 May 2024, the Prosecution filed the ‘Prosecution’s application under article 58 for a warrant of arrest against Mr Ismail Haniyeh’ (the ‘Application’).¹
2. On 2 August 2024, the Prosecution withdrew the Application because of the changed circumstances caused by Mr Haniyeh’s death.²
3. The Chamber takes notes of the Prosecution’s withdrawal of the Application. At 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. In light of the foregoing, the Chamber is no longer seised of the Application and as a result it terminates the proceedings against Mr Ismail Haniyeh.

FOR THESE REASONS, THE CHAMBER HEREBY

NOTES the Prosecution’s withdrawal of the Application; and

TERMINATES the proceedings against Mr Ismail Haniyeh.

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

¹ ICC-01/18-168-SECRET-Exp.

² ICC-01/18-263-SECRET-Exp.



Judge Iulia Antoanella Motoc
Presiding Judge



Judge Reine Adélaïde Sophie Alapini-
Gansou



Judge Nicolas Guillou

Dated this Friday, 9 August 2024
At The Hague, The Netherlands