

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: **English**

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

Date: **09 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

Public

**Order in relation to the OPCD's submissions on *amicus curiae* observations and
the Prosecution's request to file a consolidated response**

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

The Office of the Prosecutor
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**
Paolina Massidda

**The Office of Public Counsel
for the Defence**
Marie O'Leary

States Representatives

Amicus Curiae

REGISTRY

Registrar
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 (the ‘Court’) issues this order in relation to the ‘OPCD Submissions on *Amicus Curiae* Observations’ (the ‘OPCD Submissions’)¹ and the ‘Prosecution’s request to file a consolidated response to the observations by *amicus curiae*, the Office of Public Counsel for Victims and legal representatives of victims’ (the ‘Prosecution’s Request’ or the ‘Request’).²

1. On 27 June 2024, the Chamber granted the United Kingdom leave to file written observations pursuant to rule 103 of the Rules of Procedure and Evidence (the ‘Rules’) and further indicated that other requests for leave to file *amicus curiae* observations, if any, shall be filed by 12 July 2024.³
2. On 12 July 2024, the Office of the Public Counsel for Defence (the ‘OPCD’) filed the OPCD Submissions, indicating that the Chamber, in a previous composition, had granted the OPCD leave to submit *amicus curiae* observations on the general interest of the defence on the issue of jurisdiction, and that the current litigation carries greater implication of defence rights.⁴ In the OPCD’s view, its observations ‘can provide a necessary defence rights-focused perspective that would otherwise be lacking in the range of submissions to be heard by the Pre-Trial Chamber’.⁵
3. On 11 July 2024, the Office of Public Counsel for Victims (the ‘OPCV’) filed a request to appear before the Chamber pursuant to regulation 81(4) of the Regulation of the Court (the ‘Regulations’) and by 15 July 2024 the Chamber had received additional requests for leave to file observations pursuant to *inter alia* rule 103 of the Rules and article 68(3) of the Statute by a variety of states, organisations and persons.
4. On 22 July 2024, the Chamber issued a decision with regard to the requests for leave to file *amicus curiae* observations pursuant to rule 103(1) of the Rules, granting some requests submitted under this provision, setting the page limit to 10 pages per applicant

¹ ICC-01/18-201-SECRET.

² ICC-01/18-259-SECRET-Exp.

³ Public redacted version of ‘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’, ICC-01/18-173-Red, paras 5-6.

⁴ ICC-01/18-201-SECRET, para 3, referring to Decision on Applications for Leave to File Observations Pursuant to Rule 103 of the Rules of Procedure and Evidence, ICC-01/18-63, 20 February 2020, paras 55-56.

⁵ ICC-01/18-201-SECRET, para. 4.

or group of applicants, and ordering for these observations to be filed no later than 6 August 2024 (the ‘Rule 103 Decision’).⁶

5. On 30 July 2024, the Chamber issued a decision concerning views, concerns and general interests of victims, granting requests from a number of legal representatives of victims to provide observations pursuant to article 68(3) of the Statute and the OPCV’s request to appear under regulation 81(4)(e) of the Regulations. The Chamber set the page limit to 10 pages per applicant or group of applicants, and ordered for these observations to be filed no later than 12 August 2024 (the ‘Victims’ Views and Concerns Decision’).⁷
6. On 31 July 2024, the Prosecution filed its Request, indicating that according to rule 103(2) of the Rules and regulation 24(1) of the Regulations, the Prosecution is entitled to respond to each of the observations granted by the Chamber in the Rule 103 Decision and the Victims’ Views and Concerns Decision.⁸ The Prosecution requests, in light of the number of applications expected and in the interest of procedural economy and the expeditious conduct of the proceedings, to file a single consolidated response to all the observations, not exceeding 50 pages, by 26 August 2024, namely three days after its latest deadline to respond to the observations submitted by the victims legal representatives and the OPCV.⁹
7. The Chamber finds it appropriate to invite the OPCD to submit observations under rule 103 of the Rules on the general defendant’s rights at this stage of the proceedings. Its observations shall not exceed 10 pages and shall be filed public no later than 16 August 2024. Noting that the OPCD indicates that its submissions may be reclassified as public, pursuant to Regulation 23*bis*(3), the Chamber instructs the Registry to reclassify the OPCD Submissions as public.
8. Concerning the Prosecution Request, the Chamber considers that receiving a consolidated response to all applications as proposed by the Prosecution will contribute to the expeditious and efficient conduct of the proceedings. As to the three days extension of time limits, the Chamber considers that the reasons provided by the Prosecution show good cause within the meaning of regulation 35(2) of the Regulations. Accordingly, the

⁶ Decision on requests for leave to file observations pursuant to rule 103 of the Rules of Procedure and Evidence, ICC-01/18-249.

⁷ Decision concerning the views, concerns and general interests of victims, ICC-01/18-256-Red.

⁸ Prosecution Request, para. 4.

⁹ Prosecution Request, para. 5.

Chamber grants the Prosecution Request and instructs it to file a consolidated response no later than 26 August 2024. The Prosecution is to include in its consolidated response any argument in response to the OPCD's observations referred to above. For this purpose, the Chamber permits the Prosecution to file a response not exceeding 53 pages.

9. Noting the public classification of the Rule 103 Decision and the Victims' Views and Concerns Decision, the Chamber orders the Prosecution to either request for reclassification of its Request as public or file a public redacted version thereof.

IN LIGHT OF THE FOREGOING, THE CHAMBER HEREBY

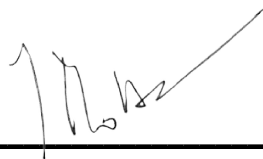
INVITES the OPCD to submit observations under rule 103 of the Rules as specified at paragraph 7 of this decision no later than 16 August 2024;

GRANTS the Prosecution's Request and **INSTRUCTS** it to submit a consolidated response as specified at paragraph 8 of this decision no later than 26 August 2024;

ORDERS the Prosecution to either request for reclassification of its Request as public or file a public redacted version thereof; and

INSTRUCTS the Registry to reclassify the OPCD Submissions as public.

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



Judge Iulia Antoanella Motoc
Presiding Judge



**Judge Reine Adélaïde Sophie Alapini-
Gansou**



Judge Nicolas Guillou

Dated this Friday, 09 August 2024

At The Hague, The Netherlands