

**Cour  
Pénale  
Internationale**



**International  
Criminal  
Court**

Original: **English**

No.: **ICC-01/22**

Date: **11 December 2024**

**PRE-TRIAL CHAMBER II**

**Before:** Judge Rosario Salvatore Aitala, Presiding Judge  
Judge Sergio Gerardo Ugalde Godínez  
Judge Haykel Ben Mahfoudh

**SITUATION IN UKRAINE**

**PUBLIC**

**With public annexes A and B**

**Prosecution request to withdraw its “Prosecution response to Mongolia’s “Request for reconsideration of the ‘Decision on Mongolia’s request for leave to appeal, temporary stay of the proceedings, and related matters’” or alternatively, to file an amended pleading**

**Source:** Office of the Prosecutor

**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  
 Ms Brenda J. Hollis

**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**

**States Representatives**  
 State Authorities of Mongolia

**Amicus Curiae**

**REGISTRY**

**Registrar**  
 Mr Osvaldo Zavala Giler

**Counsel Support Section**

**Victims and Witnesses Unit**

**Detention Section**

**Victims Participation and Reparations Other  
 Section**

## I. Introduction and Submissions

1. On 6 December 2024, the Prosecution filed its response<sup>1</sup> to Mongolia's request for reconsideration<sup>2</sup> of the Chamber's Decision on Mongolia's request for leave to appeal, temporary stay of the proceedings, and related matters.<sup>3</sup>
2. On 6 December 2024, after filing the response above, the Prosecution informed the Chamber of its intention to withdraw the 6 December Response, and file an amended response.
3. Pursuant to permission granted by the Chamber's Order of 11 December 2024,<sup>4</sup> the Prosecution hereby files a request to withdraw the 6 December Response. The Prosecution requests this withdrawal because there are significant, substantive revisions to the Response which most accurately reflect the Prosecution's position on Mongolia's request. These revisions are not reflected in the 6 December Response.
4. If the Chamber grants the request to withdraw, the Prosecution hereby submits in Annex A its submissions replacing the withdrawn 6<sup>th</sup> December 2024 Response.
5. In the alternative, should the Chamber decide not to grant the withdrawal of the 6 December Response, the Prosecution files a corrigendum to the 6 December Response (which is the same submissions in Annex A), and Annex B identifying the amendments.



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Karim A. A. Khan KC, Prosecutor

Dated this 11<sup>th</sup> day of December 2024

At The Hague, The Netherlands.

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<sup>1</sup> Hereinafter "6<sup>th</sup> December 2024 Response."

<sup>2</sup> ICC-01/22-112-Anx, 2 December 2024 ("Mongolia's Reconsideration Request").

<sup>3</sup> ICC-01/22-111, 29 November 2024 ("Decision on Leave to Appeal").

<sup>4</sup> Email from the Chamber dated 11 December 2024 (authorising the Prosecution to file a request for withdrawal).