



**Original: English**

**No. ICC-01/18  
Date: 17 June 2020**

**PRE-TRIAL CHAMBER I**

**Before: Judge Péter Kovács, Presiding Judge  
Judge Marc Perrin de Brichambaut  
Judge Reine Adélaïde Sophie Alapini-Gansou**

**SITUATION IN THE STATE OF PALESTINE**

**Public**

Decision on the ‘Motion for Leave to File Supplemental Observations  
with respect to the Situation in the State of Palestine  
on behalf of the European Centre for Law and Justice’

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

**The Office of the Prosecutor**

) Fatou Bensouda  
) James Stewart

**Counsel for the Defence**

**Legal Representatives of Victims**

) Liesbeth Zegveld  
) Fergal Gaynor and  
Nada Kiswanson van Hooydonk  
) Bradley Parker and Khaled Quzmar  
) Nitsana Darshan-Leitner  
) Katherine Gallagher  
) Raji Sourani, Chantal Meloni and  
Triestino Mariniello  
) Dominique Cochain Assi  
) Gilles Devers  
) Steven Powles QC and Sahar Francis

**Legal Representatives of Applicants**

**Unrepresented Victims**

**Unrepresented Applicants  
for Participation/Reparations**

**The Office of Public Counsel  
for Victims**

) Paolina Massidda  
) Sarah Pellet

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

**States Representatives**

) The competent authorities of the  
State of Palestine

**Amici Curiae**

) The European Centre for Law and Justice

**REGISTRY**

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**Registrar**

Peter Lewis

**Counsel Support Section**

**Victims and Witnesses Unit**

**Detention Section**

**Victims Participation and  
Reparations Section**

Philipp Ambach

**Other**

**PRE-TRIAL CHAMBER I** of the International Criminal Court issues this Decision on the ‘Motion for Leave to File Supplemental Observations with respect to the Situation in the State of Palestine on behalf of the European Centre for Law and Justice’.

1. On 22 January 2020, the Chamber received the ‘Prosecution request pursuant to article 19(3) for a ruling on the Court’s territorial jurisdiction in Palestine’ (the ‘Prosecutor’s Request’).<sup>1</sup>
2. On 28 January 2020, the Chamber issued the ‘Order setting the procedure and the schedule for the submission of observations’,<sup>2</sup> thereby *inter alia* inviting: (i) the State of Palestine (‘Palestine’), victims in the present situation, and the State of Israel (‘Israel’) to submit written observations on the question of jurisdiction set forth in paragraph 220 of the Prosecutor’s Request, without addressing any other issues arising from the present situation, by no later than 16 March 2020; and (ii) other States, organisations and/or persons to submit applications for leave to file such written observations by no later than 14 February 2020.<sup>3</sup>
3. On 20 February 2020, the Chamber issued the ‘Decision on Applications for Leave to File Observations Pursuant to Rule 103 of the Rules of Procedure and Evidence’ (the ‘20 February 2020 Decision’).<sup>4</sup>
4. On 16 March 2020, the Chamber received the ‘Observations with respect to the Situation in the State of Palestine on behalf of the European Centre for Law and Justice’ (the ‘ECLJ’ and the ‘ECLJ Observations’).<sup>5</sup>
5. On 26 May 2020, the Chamber issued the ‘Order requesting additional information’ (the ‘26 May 2020 Order’).<sup>6</sup>
6. On 17 June 2020, the Chamber received the ‘Motion for Leave to File Supplemental Observations with respect to the Situation in the State of Palestine on behalf of the European Centre for Law and Justice’ (the ‘Request’).<sup>7</sup>

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<sup>1</sup> [ICC-01/18-12](#), together with Public Annex A.

<sup>2</sup> [ICC-01/18-14](#).

<sup>3</sup> [ICC-01/18-14](#), paras 13, 17, 20.

<sup>4</sup> [ICC-01/18-63](#).

<sup>5</sup> [ICC-01/18-70](#) (submitted on 13 March 2020, notified on 16 March 2020).

<sup>6</sup> [ICC-01/18-134](#).

7. The ECLJ is of the view that the position espoused in the ECLJ Observations ‘has been significantly buttressed by recent public pronouncements by senior Palestinian officials confirming that no State of Palestine currently exists and that the Court lacks jurisdiction in the present case’.<sup>8</sup> On this basis, the ECLJ ‘requests leave [...] to supplement its observations as set forth [in the Request]’.<sup>9</sup>

8. At the outset, the Chamber finds that it is not necessary to await any responses to the Request pursuant to regulation 24(1)-(3) of the Regulations of the Court as it is in a position to dispose of the Request immediately for the following reasons.

9. The Chamber recalls that, in the 20 February 2020 Decision, it found that ‘having regard to the significant number of submissions to be submitted in the context of the present proceedings, [...] it is not necessary to receive any further responses to the observations to be submitted by the *amici curiae* or any replies to the Prosecutor’s consolidated response’.<sup>10</sup> By the same token, the Chamber considers that any supplemental observations on behalf of the *amici curiae* are not necessary.

10. In addition, the Chamber recalls that, in the 26 May 2020 Order, it specifically ordered the Prosecutor and invited Israel to respond to any additional information provided by Palestine by no later than 24 June 2020. The Chamber did not invite any additional observations to be submitted by the *amici curiae*.

11. Lastly, noting that the ECLJ has set forth its supplemental observations in the Request prior to awaiting the Chamber’s decision on this matter, the Chamber further finds it appropriate to order the Registry to strike the Request from the record of the situation and to withdraw it from the Court’s website.

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<sup>7</sup> ICC-01/18-137 (submitted on 16 June 2020, notified on 17 June 2020).

<sup>8</sup> ICC-01/18-137, para. 5.

<sup>9</sup> ICC-01/18-137, para. 23.

<sup>10</sup> [ICC-01/18-63](#), para. 61.

**FOR THESE REASONS, THE CHAMBER HEREBY**

- a. **REJECTS** the Request; and
- b. **ORDERS** the Registry to strike the Request from the record of the situation and to withdraw it from the Court's website.

Done in both English and French, the English version being authoritative.



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**Judge Péter Kovács, Presiding Judge**



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**Judge Marc Perrin de Brichambaut**



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**Judge Reine Adélaïde Sophie  
Alapini-Gansou**

Dated this Wednesday, 17 June 2020

At The Hague, The Netherlands