



Original: English

No. **ICC-01/18**
Date: **23 March 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 'Prosecution's Urgent Request for Extension of Time'

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

Amicus Curiae

REGISTRY

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 ‘Prosecution’s Urgent Request for Extension of Time’.

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’).¹

2. On 28 January 2020, the Chamber issued the ‘Order setting the procedure and the schedule for the submission of observations’, thereby *inter alia* inviting: (i) the State of Palestine, victims in the Situation in the State of Palestine, and the State of 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 this 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 2020.²

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’, thereby *inter alia*: (i) admitting a number of States, organisations and individuals to participate in the proceedings as *amici curiae* by submitting written observations on the question of jurisdiction set forth in paragraph 220 of the Prosecutor’s Request by no later than 16 March 2020; and (ii) ordering the Prosecutor to submit a consolidated response to any observations on the Prosecutor’s Request by no later than 30 March 2020 (the ‘Prosecutor’s Consolidated Response’).³

4. On 17 March 2020, the Chamber received the ‘Prosecution’s Urgent Request for Extension of Time’ (the ‘Prosecutor’s Urgent Request’).⁴

5. The Prosecutor ‘respectfully seeks a one month extension of time for the filing of [the Prosecutor’s Consolidated Response] to the observations filed in this situation relating to the Prosecutor’s request for a ruling on jurisdiction under article 19(3) of the Rome Statute’, which would render the Prosecutor’s Consolidated Response due

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

² ICC-01/18-14, paras 13, 16, 17, 20.

³ ICC-01/18-63, paras 51-60.

⁴ ICC-01/18-116.

on 30 April 2020.⁵ She submits that ‘[t]his extension of time is sought due to the effect of external circumstances on the operations of the Prosecution—specifically the global pandemic of the novel coronavirus known as COVID-19 [...]’.⁶

6. As a preliminary matter, the Chamber observes that a number of observations from legal representatives on behalf of victims in the Situation in the State of Palestine have been received. The Chamber considers it appropriate to notify these legal representatives for the purposes of the present decision without prejudice to any further decision the Chamber may take in relation to their mandates.

7. Turning to the Prosecutor’s Urgent Request, the Chamber notes regulation 35(2) of the Regulations of the Court, which provides, in the relevant part, that ‘[t]he Chamber may extend or reduce a time limit if good cause is shown and, where appropriate, after having given the participants an opportunity to be heard’.

8. The Chamber takes note of the measures adopted as a result of the COVID-19 pandemic, most notably the physical closure of the Court as of 17 March 2020, that is approximately two weeks before the Prosecutor’s Consolidated Response is due. In addition, the Chamber has received a significant number of observations on the Prosecutor’s Request from the State of Palestine, victims and *amici curiae*. In these circumstances, the Chamber considers that good cause for the extension of the time limit for the submission of the Prosecutor’s Consolidated Response has been shown. Accordingly, the Chamber grants the Prosecutor’s Urgent Request.

⁵ Prosecutor’s Urgent Request, ICC-01/18-116, paras 1, 8.

⁶ Prosecutor’s Urgent Request, ICC-01/18-116, para. 1.

FOR THESE REASONS, THE CHAMBER HEREBY

- a) **GRANTS** the Prosecutor's Urgent Request; and
- b) **ORDERS** the Prosecutor to submit the Prosecutor's Consolidated Response by no later than 30 April 2020.

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



Judge Péter Kovács, Presiding Judge



Judge Marc Perrin de Brichambaut



**Judge Reine Adélaïde Sophie
Alapini-Gansou**

Dated this Monday, 23 March 2020

At The Hague, The Netherlands