



Original: English

No. ICC-RoC46(3)-01/18

Date: 29 May 2018

**PRE-TRIAL CHAMBER I**

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

**REQUEST UNDER REGULATION 46(3) OF THE REGULATIONS OF THE COURT**

**Public**

Decision on the "Request for leave to submit an *Amicus Curiae* brief pursuant to Rule 103(1) of the Rules of Procedure and Evidence on the 'Prosecution's Request for a Ruling on Jurisdiction under Article 19(3) of the Statute'"

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

**The Office of the Prosecutor**

Fatou Bensouda, Prosecutor

James Stewart, Deputy Prosecutor

**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*

Fannie Lafontaine, Director of the  
Canadian Partnership for International  
Justice

**REGISTRY**

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**Registrar**

Peter Lewis

**Defence 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 decision on the “Request for leave to submit an *Amicus Curiae* brief pursuant to Rule 103(1) of the Rules of Procedure and Evidence on the ‘Prosecution’s Request for a Ruling on Jurisdiction under Article 19(3) of the Statute’” (the “Request”).<sup>1</sup>

1. On 9 April 2018, the Prosecutor filed the “Prosecution’s Request for a Ruling on Jurisdiction under Article 19(3) of the Statute” (the “Prosecutor’s Request”) pursuant to regulation 46(3) of the Regulations of the Court and article 19(3) of the Rome Statute (the “Statute”).<sup>2</sup>

2. On 11 April 2018, the President of the Pre-Trial Division assigned the Prosecutor’s Request to the Chamber.<sup>3</sup>

3. On 28 May 2018, the Chamber received the Request in which members of the Canadian Partnership for International Justice (the “Applicants”)<sup>4</sup> sought leave to submit *amicus curiae* observations on the Prosecutor’s Request.<sup>5</sup>

4. The Chamber notes article 21(1)(a) of the Statute and rule 103 of the Rules of Procedure and Evidence (the “Rules”).

5. The Chamber notes in particular rule 103(1) of the Rules, according to which the Chamber may, at any stage of the proceedings, “if it considers it desirable for

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<sup>1</sup> ICC-RoC46(3)-01/18-6.

<sup>2</sup> ICC-RoC46(3)-01/18-1.

<sup>3</sup> President of the Pre-Trial Division, “Decision assigning the ‘Prosecution’s Request for a Ruling on Jurisdiction under Article 19(3) of the Statute’ to Pre-Trial Chamber I”, 11 April 2018, ICC-RoC46(3)-01/18-2.

<sup>4</sup> The Request was presented on behalf of 17 members of the Canadian Partnership for International Justice, namely Ms. Jennifer Bond, Mr. Robert J. Currie, Ms. Amanda Ghahremani, Ms. Julia Grignon, Mr. Mark Kersten, Ms. Fannie Lafontaine, Mr. François Larocque, Mr. Frédéric Mégret, Ms. Valerie Oosterveld, Mr. Frederick John Packer, Mr. Pascal Paradis, Mr. Darryl Robinson, Ms. Penelope Simons, Mr. Érick Sullivan, Mr. Alain-Guy Tachou Sipowo, Ms. Mirja Trilsch and Ms. Jo-Anne Wemmers.

<sup>5</sup> ICC-RoC46(3)-01/18-6, paras 1-2 and 24.

the proper determination of the case, [...] grant leave to a State, organization or person to submit [...] any observation on any issue that the Chamber deems appropriate”.

6. The Chamber recalls that the Appeals Chamber has underlined that, when acting within the parameters of rule 103 of the Rules, the respective Chamber should take into consideration whether the proposed submission of observations may assist it “in the proper determination of the case”.<sup>6</sup>

7. The Chamber notes that the Applicants have extensive experience in the field of international criminal law, human rights law, refugee law, migration and humanitarian law and that they have previously intervened as *amici curiae* before both domestic and international courts.<sup>7</sup> The Chamber takes the view that the Applicants’ proposed submissions are desirable for the proper determination of the Prosecutor’s Request, within the meaning of rule 103 of the Rules.

#### **FOR THESE REASONS, THE CHAMBER HEREBY**

**GRANTS** the Request to submit written observations in accordance with paragraph 7 of the present decision, no later than Monday, 18 June 2018, at 16.00hrs.

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<sup>6</sup> Appeals Chamber, “Decision on ‘Motion for Leave to File Proposed Amicus Curiae Submission of the International Criminal Bar Pursuant to Rule 103 of the Rules of Procedure and Evidence’”, 22 April 2008, ICC-01/04-01/06-1289, para. 8.

<sup>7</sup> ICC-RoC46(3)-01/18-6, paras 15-19.

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 Tuesday, 29 May 2018

At The Hague, The Netherlands