

**Cour  
Pénale  
Internationale**



**International  
Criminal  
Court**

Original: **English**

No.:  
Date: **8 June 2022**

**Before:**

**Pre-Trial Chamber I**

**REQUEST UNDER REGULATION 24(5) OF THE REGULATIONS OF THE COURT**

**Public**

**Request for leave to reply to the “Prosecution response to FIDH and CAJAR requests ICC-RoC46(3)-01/22-3 and ICC-RoC46(3)-01/22-1-Red” of 6 June 2022**

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

**The Office of the Prosecutor**

**Counsel for the Defence**

**Legal Representatives of the Victims**

**Legal Representatives of the Applicants**

**Unrepresented Victims**

**Unrepresented Applicants  
(Participation/Reparation)**

**The Office of Public Counsel for  
Victims**

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

**States' Representatives  
Colombia**

**Amicus Curiae**

## **REGISTRY**

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**Registrar**

**Counsel Support Section**

**Victims and Witnesses Unit**

**Detention Section**

**Victims Participation and Reparations  
Section**

**Other**

1. The International Federation for Human Rights (“FIDH”) and CAJAR, representing victims in Colombia (“the Applicants”), pursuant to Regulation 24(5) of the Regulations of the Court, seek leave to reply to the Prosecution’s response of 6 June 2022.

### **PROCEDURAL HISTORY**

2. On 27 April 2022 a Request was submitted by International Federation for Human Rights (“FIDH”) and CAJAR, representing victims in Colombia (“the Applicants”), asking that a Pre-Trial Chamber be assigned in order to review the Prosecutor’s decision to close the preliminary examination in Colombia.
3. On 6 May 2022, the Request was assigned to Pre-Trial Chamber I.
4. On 25 May 2022 FIDH and CAJAR requested a public hearing, to provide additional information regarding the Prosecutor’s decision of 28 October 2021 to close the preliminary examination of the situation in Colombia.
5. On 6 June 2022 the Office of the Prosecutor responded to FIDH and CAJAR’s requests (“Prosecution response to FIDH and CAJAR requests ICC-RoC46(3)-01/22-3 and ICC-RoC46(3)-01/22-1-Red”), requesting that the Pre-Trial Chamber dismiss Applicants’ requests because of lack of standing and instruct the Registry not to file into the record further requests from the Applicants.

### **APPLICABLE LAW**

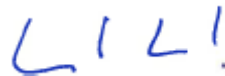
6. Regulation 24(5) of the Regulations of the Court states: “Participants may only reply to a response with the leave of the Chamber, unless otherwise provided in these Regulations. Unless otherwise permitted by the Chamber, a reply must be limited to new issues raised in the response which the replying participant could not reasonably have anticipated.”

7. As has been held by this Court's case law, a reply may be granted if the conditions of Regulation 24(5) are met, "unless it considers that a reply would otherwise be necessary for the adjudication of the appeal"<sup>1</sup>.

## REQUEST

8. Applicants seek leave to reply to the following issues (i) whether Applicants have standing to bring the requests; and (ii) whether the Prosecutor's notification by way of his press release and the accompanying Cooperation Agreement is sufficient to notify those who provided information during the preliminary examination.
9. Further, Applicants seek to reiterate their request for a public hearing of 25 May 2022.

Respectfully submitted on behalf of the Applicants by Counsel,



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Dated this 8 of June 2022

At Paris, France

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<sup>1</sup> Appeals Chamber, [Decision on Mr Ntaganda's request for leave to reply](#), 3 March 2017, ICC-01/04-02/06 OA 5, para. 8.