

ANNEX

Public



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The Embassy of the Republic of South Africa to the Kingdom of the Netherlands presents its compliments to the Registry of the International Criminal Court and has the honour to refer to the Pre-Trial Chamber II's decision convening a public hearing for the purposes of a determination under Article 87 (7) of the Rome Statute with respect to the Republic of South Africa, on 7 April 2017.

The Republic of South Africa is invited to make written submissions prior to the public hearing on 7 April 2017 by 17 March 2017 for this purpose. It is noted from the decision that the Prosecutor, any interested State Party to the Rome Statute and representatives of the United Nations are also invited to make written submissions on the matter.

In light of the Court's decision and taking note of the various stakeholders that the Court has invited to make submissions, South Africa is of the view that the 20-page submission limit in terms of Regulation 37 (1) of the Regulations of the Court, will not suffice for the purposes of South Africa presenting its views to the Court.

In terms of Regulation 37 (2), the "Chamber can, at the request of a participant, extend the page limit in exceptional circumstances". Exceptional circumstances indeed exist in this case as this is the first Article 87 (7) public hearing that the Court is convening and where it invited all interested States Parties to also make submissions.

There are particular international law issues that need to be thoroughly addressed. In the interests of fairness and justice, it would be appropriate to afford South Africa the opportunity to present its views in full. This necessitates the granting of an extension of the page limit in terms of Regulation 37 (2).

The Embassy of the Republic of South Africa to the Kingdom of the Netherlands avails itself of the opportunity to renew to the Registry of the International Criminal Court the assurances of its highest consideration.



The Hague
20 February 2017

The Registry
International Criminal Court
The Hague