

**Analysis of Amicus Curiae Intervention before the International Criminal Court**  
*Current through 15 September 2021*

- In all proceedings before the Court – Article 5 or Article 70 cases, at the Situation stage, or in Article 19(3) proceedings through 15 September 2021 – there have been **228 unique instances** in which either:
  - (i) a prospective *amicus* or group of *amici* has sought leave to submit *amicus curiae* submissions pursuant to Rule 103 or Article 75 with such leave granted or denied (**209 instances** or **92%**); or
  - (ii) *amicus* briefs have been admitted or an indication given that a brief will be submitted further to the invitation of a Chamber without any requirement that the *amicus* first seek leave to intervene (**19 instances** or **8%**, **with no such instances since June 2018**).
- With respect to the first category, **134** of these **209** requests for leave have been granted – a success rate of **64%**. It should be noted that such requests have been rejected on the merits as well as for procedural reasons.
- With respect to the second category, the great majority – **15** of these **19** ‘invited’ *amicus* briefs – were submitted at the reparations stage of proceedings. Of the remaining four briefs, two were submitted at the situation stage in the Darfur Situation, an additional brief submitted in the *Al Bashir* case (pre-trial) and a further brief is slated to be filed, again in the *Al Bashir* case (pre-trial).
- Of the total **138<sup>1</sup>** *amicus* briefs that the Chambers of the Court have admitted into the record or decided shall be admitted into the record once filed – whether by leave or invitation – the briefs were submitted at the following stages of proceedings:
  - Situation: **68** (53%)
  - Pre-trial: **25** (20%)
  - Trial: **5** (4%)
  - Reparations : **18** (14%)
  - Appeal : **12** (9%)
- With regard to whether the admitted *amicus* briefs were more inclined towards / favorable to the position of the defence or victims, or primarily concerned with defence or victims related issues, or addressing other issues / interests, the **28** admitted briefs breakdown as follows:
  - Defence: **5** (4%)
  - Victims: **33** (26%)

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<sup>1</sup> It appears one brief was not submitted (deadline for submission passed) even though leave was granted to the prospective *amicus*. 9 briefs had not yet been filed as of 15 September 2021, after having been granted leave by the Chamber. Thus, as of 15 September 2021, 128 *amicus* briefs had been filed before the ICC for purposes of this review.

- Other topics/General law: **90** (70%)
- With respect to the subject area of the **128** admitted *amicus* briefs – law, social science, or a mixture of both – the briefs breakdown as follows:
  - Primarily legal: **104** (81%)
  - Primarily social science: **2** (2%)
  - Mixture: **21** (16%)
  - Other : **1** (1%)