Cour
Pénale
Internationale

International
Criminal
Court

Original: English

No. ICC-01/18
Date: 2 December 2025

THE APPEALS CHAMBER

Before: **Judge Tomoko Akane, Presiding**
Judge Luz del Carmen Ibáñez Carranza
Judge Solomy Balungi Bossa
Judge Gocha Lordkipanidze
Judge Erdenebalsuren Damdin

SITUATION IN THE STATE OF PALESTINE

Public document

Decision on the "OPCV request to appear before the Appeals Chamber pursuant to regulation 81(4) of the Regulations of the Court"

Decision 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**	☐ **Amicus Curiae**

REGISTRY

Registrar Mr Osvaldo Zavala Giler	☐ **Counsel Support Section**
☐ **Victims and Witnesses Unit**	☐ **Detention Section**
☐ **Victims Participation and Reparations Section**	☐ **Other**

The Appeals Chamber of the International Criminal Court,

Having before it the "Request to Disqualify the Prosecutor and for Ancillary Remedies" of 19 November 2025 (ICC-01/18-471-Anx1),

Having before it the "OPCV request to appear before the Appeals Chamber pursuant to regulation 81(4) of the Regulations of the Court" of 21 November 2025 (ICC-01/18-473),

Renders the following

DECISION

1. The "OPCV request to appear before the Appeals Chamber pursuant to regulation 81(4) of the Regulations of the Court" is granted.

2. The Office of Public Counsel for Victims is directed to file written submissions representing the general interests of victims in relation to the above-mentioned request, by 16h00 on Wednesday, 10 December 2025.

REASONS

I. PROCEDURAL HISTORY

1. On 19 November 2025, the Registry transmitted to the Appeals Chamber the "Request to Disqualify the Prosecutor and for Ancillary Remedies" filed by the State of Israel.[1]

2. On 21 November 2025, the Office of Public Counsel for Victims (hereinafter: "OPCV") filed the "OPCV request to appear before the Appeals Chamber pursuant to regulation 81(4) of the Regulations of the Court" (hereinafter: "OPCV's Request").[2]

[1] Registry transmission of "Request to Disqualify the Prosecutor and for Ancillary Remedies", ICC-01/18-471, with public Annex 1 ("Request to Disqualify the Prosecutor and for Ancillary Remedies"), ICC-01/18-471-Anx1 (hereinafter: "Request for Disqualification"), public Annex A, ICC-01/18-471-AnxA and confidential Annex B, ICC-01/18-471-AnxB.
[2] OPCV request to appear before the Appeals Chamber pursuant to regulation 81(4) of the Regulations of the Court, ICC-01/18-473.

3. On 26 November 2025, the Appeals Chamber issued an order, inviting the Prosecutor to file written submissions with respect to the Request for Disqualification, pursuant to article 42(8) of the Statute and rule 34(2) of the Rules of Procedure and Evidence (hereinafter: "Rules").[3]

4. On 1 December 2025, the Office of the Prosecutor filed the "Prosecution's Response to Israel's "Request to Disqualify the Prosecutor and for Ancillary Remedies" (ICC-01/18-471-Anx1)".[4]

II. MERITS

5. At the outset, the Appeals Chamber notes that the Request for Disqualification is based on article 42(7) of the Statute. It recalls that proceedings in relation to article 42(7) and (8) of the Statute and rule 34(2) and (3) of the Rules are *sui generis* in nature.[5]

6. The OPCV requests to represent the general interests of victims in relation to the Request for Disqualification, pursuant to regulation 81(4) of the Regulations of the Court (hereinafter: "Regulations").[6] According to the OPCV, victims have a compelling interest in ensuring, *inter alia*, that the proceedings concerning the alleged crimes committed against them are "not jeopardi[s]ed by procedural disputes or allegations of misconduct within the Office of the Prosecutor".[7]

7. The Appeals Chamber notes that, pursuant to regulation 81(4)(b) of the Regulations, the tasks of the OPCV shall include "[a]ppearing, on the instruction or with the leave of the Chamber, in respect of specific issues". In the present proceedings, the Appeals Chamber considers the general interests of victims in relation to the Request for Disqualification may be a specific issue in respect of which the OPCV may appear before it.

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[3] Order on the filing of submissions, ICC-01/18-474.
[4] Prosecution's Response to Israel's "Request to Disqualify the Prosecutor and for Ancillary Remedies" (ICC-01/18-471-Anx1), ICC-01/18-475.
[5] Appeals Chamber, *Situation in the Bolivarian Republic of Venezuela I*, Decision on the "Request for Recusal of the Prosecutor of the International Criminal Court in the Case of Venezuela I Due to Conflict of Interest", 10 February 2025, ICC-02/18-109, para. 49.
[6] OPCV's Request, paras 1, 9.
[7] OPCV's Request, para. 6.

8. In light of the above, the Appeals Chamber considers it appropriate to grant the OPCV's Request. The OPCV may file written submissions with respect to the general interests of victims in relation to the Request for Disqualification.

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

Judge Tomoko Akane
Presiding

Dated this 2nd day of December 2025
At The Hague, The Netherlands