Cour
Pénale
Internationale

International
Criminal
Court

Original: **English**

No.**: ICC-01/18**
Date: **14 May 2025**

PRE-TRIAL CHAMBER I

Before: **Judge Nicolas Guillou, Presiding Judge**
Judge Reine Adélaïde Sophie Alapini-Gansou
Judge Beti Hohler

SITUATION IN THE STATE OF PALESTINE

Public

Decision on Israel's 'Request for leave to appeal "Decision on Israel's challenge to the jurisdiction of the Court pursuant to article 19(2) of the Rome Statute"'

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**
State of Israel

☐ **Amicus Curiae**

REGISTRY

Registrar
Mr Osvaldo Zavala Giler

☐ **Counsel 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'), having regard to article 82(1)(d) of the Rome Statute (the 'Statute'), issues this decision.

1. On 23 September 2024, the State of Israel ('Israel') challenged the jurisdiction of the Court pursuant to article 19(2) of the Statute.[1]

2. On 21 November 2024, the Chamber issued the 'Decision on Israel's challenge to the jurisdiction of the Court pursuant to article 19(2) of the Rome Statute' (the 'Article 19(2) Decision'),[2] rejecting Israel's challenge.

3. On 27 November 2024, Israel filed a notice of appeal of the Article 19(2) Decision before the Appeals Chamber pursuant to article 82(1)(a) of the Statute.[3] On the same day, Israel filed before this Chamber a request for leave to appeal the Article 19(2) Decision pursuant to article 82(1)(d) of the Statute (the 'Request').[4]

4. On 12 December 2024, the Chamber issued a decision deferring 'its consideration of Israel's Request until the Appeals Chamber's determination on the admissibility of Israel's appeal pursuant to article 82(1)(a) of the Statute'.[5]

5. On 13 December 2024, Israel filed its appeal brief against the Article 19(2) Decision (the 'Appeal').[6]

6. On 24 April 2025, the Appeals Chamber issued its judgment on Israel's appeal (the 'Judgment').[7]

7. The Chamber notes that, in its Judgment, the Appeals Chamber found that Israel's 'appeal is admissible under article 82(1)(a) of the Statute', and ruled on the Appeal.[8] As a result, Israel's Request under article 82(1)(d) of the Statute has been rendered moot and shall therefore be dismissed.

8. Furthermore, pursuant to the Appeals Chamber's determination that 'the most appropriate course of action is to reverse the [Article 19(2) Decision] and remand the matter to

[1] Public Redacted version of "Israel's challenge to the jurisdiction of the Court pursuant to article 19(2) of the Rome Statute", ICC-01/18-354-AnxII-Corr.
[2] ICC-01/18-374.
[3] Notice of Appeal of "Decision on Israel's challenge to the jurisdiction of the Court pursuant to article 19(2) of the Rome Statute" (ICC-01/18-374), ICC-01/18-386.
[4] Request for leave to appeal "Decision on Israel's challenge to the jurisdiction of the Court pursuant to article 19(2) of the Rome Statute", ICC-01/18-388.
[5] Deferral of the Chamber's consideration of two requests for leave to appeal filed by the State of Israel, ICC-01/18-398.
[6] Appeal of "Decision on Israel's challenge to the jurisdiction of the Court pursuant to article 19(2) of the Rome Statute" (ICC-01/18-374), ICC-01/18-402.
[7] Judgment on the appeal of the State of Israel against Pre-Trial Chamber I's "Decision on Israel's challenge to the jurisdiction of the Court pursuant to article 19(2) of the Rome Statute", ICC-01/18-422.
[8] Judgment, p. 3.

[this Chamber] for it to rule on the substance of the jurisdictional challenge',[9] the Chamber will do so in due course.

FOR THESE REASONS, THE CHAMBER HERBY

DISMISSES the Request as moot.

Done in English. A French translation will follow. The English version remains authoritative.

Judge Nicolas Guillou
Presiding Judge

Judge Reine Adélaïde Sophie Alapini-Gansou

Judge Beti Hohler

Dated this Wednesday, 14 May 2025
At The Hague, The Netherlands

[9] Judgment, para. 64. The Chamber also notes the recent filings from the Prosecution and Israel. See Prosecution, Prosecution's observations regarding the procedure to be followed following the issuance of the warrants of arrest against Benjamin Netanyahu and Yoav Gallant and the Appeal Judgment ICC-01/18-422-OA2, 5 May 2025, ICC-01/18-425; State of Israel, Request to have arrest warrants withdrawn or vacated and response to Prosecution observations dated 5 May 2025, 9 May 2025, ICC-01/18-426.