Cour
Pénale
Internationale

International
Criminal
Court

Original: **English**

No.**: ICC-01/18**
Date: **4 June 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 the 'OPCV's request to appear before the 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
State of Israel
State of Palestine

☐ 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') 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 Rome Statute (the 'Statute' and 'Israel's Challenge').[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'), rejecting Israel's Challenge as premature.[2]

3. On the same day, the Chamber issued three warrants of arrest, including against Benjamin Netanyahu (Mr Netanyahu) and Yoav Gallant (Mr Gallant).[3]

4. On 27 November 2024, Israel filed a notice of appeal against the Article 19(2) Decision before the Appeals Chamber pursuant to article 82(1)(a) of the Statute.[4]

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

6. On 24 April 2025, the Appeals Chamber issued its judgement on Israel's Appeal (the 'Judgement').[6]

7. On 28 May 2025, the Chamber issued a decision on the conduct of proceedings and other procedural matters (the 'Decision on the conduct of proceedings').[7]

8. On 2 June 2025, the Office of Public Counsel for Victims (the 'OPCV') requested the Chamber to appear before it pursuant to regulation 81(4) of the Regulations of the Court (the 'Regulations').[8]

[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] Decision on Israel's challenge to the jurisdiction of the Court pursuant to article 19(2) of the Rome Statute, ICC-01/18-374.
[3] ICC-01/18-376-SECRET; ICC-01/18-377-SECRET; ICC-01/18-378-SECRET. The issuance of the arrest warrants was made public on the same day. See Press release, Situation in the State of Palestine: ICC Pre-Trial Chamber I rejects the State of Israel's challenges to jurisdiction and issues warrants of arrest for Benjamin Netanyahu and Yoav Gallant.
[4] 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.
[5] 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.
[6] Judgement 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.
[7] Decision on the conduct of proceedings and other procedural matters related to 'Israel's challenge to the jurisdiction of the Court pursuant to article 19(2) of the Rome Statute', ICC-01/18-435.
[8] OPCV's request to appear before the Chamber pursuant to regulation 81(4) of the Regulations of the Court, ICC-01/18-438.

9. The Chamber recalls that, in its previous composition, it authorised the OPCV to present observations on two separate occasions in relation to the *Situation in the State of Palestine* on matters related to jurisdiction.[9]

10. The Chamber notes regulation 81(4)(c) of the Regulations, and the OPCV's submissions that it 'has been approached by Victims and Victims' organisations [who have not] formally appointed counsel of their own choosing'.[10] In the interest of giving all victims who have communicated with the Court an opportunity to be heard, the Chamber authorises the OPCV to submit the views of victims who (i) fall within the scope of the cases against Mr Netanyahu and Mr Gallant respectively, (ii) have communicated with the OPCV prior to the issuance of the Decision on the conduct of proceedings, and (iii) have not identified their own legal representatives in the process.

11. In accordance with regulation 38(2)(c) of the Regulations, the OPCV's observations shall not exceed 60 pages. The Chamber further instructs the OPCV to submit such observations by no later than Friday, 27 June 2025.

12. Israel may also respond to the OPCV's observations in the consolidated reply it is invited to submit on 11 July 2025.

[9] See Order setting the procedure and the schedule for the submissions of observations, 28 January 2020, ICC-01/18-14; Decision concerning the views, concerns and general interests of victims, 30 August 2024, ICC-01/18-256-Conf (a public redacted version of the decision was filed on 7 August 2024, ICC-01/18-256-Red).

[10] OPCV's request to appear before the Chamber pursuant to regulation 81(4) of the Regulations of the Court, 28 May 2025, ICC-01/18-438, para. 18.

FOR THESE REASONS, THE CHAMBER HEREBY

INVITES the OPCV to submit written observations on Israel's Challenge on behalf of the victims as instructed in paragraphs 10 and 11, by no later than Friday, 27 June 2025.

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, 4 June 2025
At The Hague, The Netherlands