

**Cour  
Pénale  
Internationale**



**International  
Criminal  
Court**

*Original: English*

*No.: ICC-01/18*  
Date: 21 November 2025

**THE APPEALS CHAMBER**

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

**SITUATION IN THE STATE OF PALESTINE**

**Public Document**

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

**Source: Office of Public Counsel for Victims**

Document to be notified in accordance with regulation 31 of the *Regulations of the Court* to:

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| <input checked="" type="checkbox"/> The Office of the Prosecutor               | <input type="checkbox"/> Counsel for the Defence                             |
| <input type="checkbox"/> Legal Representatives of the Victims                  | <input type="checkbox"/> Legal Representatives of the Applicants             |
| <input type="checkbox"/> Unrepresented Victims                                 | <input type="checkbox"/> Unrepresented Applicants (Participation/Reparation) |
| <input checked="" type="checkbox"/> The Office of Public Counsel for Victims   | <input type="checkbox"/> The Office of Public Counsel for the Defence        |
| <input checked="" type="checkbox"/> States' Representatives<br>State of Israel | <input type="checkbox"/> Amicus Curiae                                       |

## REGISTRY

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| <b>Registrar</b><br>M. Zavala Giler, Osvaldo                           | <input type="checkbox"/> Counsel Support Section |
| <input type="checkbox"/> Victims and Witnesses Unit                    | <input type="checkbox"/> Detention Section       |
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## I. INTRODUCTION

1. Pursuant to regulation 81(4) of the Regulations of the Court (the “Regulations”), the Principal Counsel of the Office of Public Counsel for Victims (the “OPCV” or the “Office”) requests leave to appear before the Appeals Chamber in order to represent the general interests of Victims in relation to the State of Israel’s “Request to Disqualify the Prosecutor and for Ancillary Remedies” (the “Request”).<sup>1</sup>

2. Counsel of the Office has previously been authorised to present observations conveying the general interests of Victims and unrepresented Victims in the Situation in the State of Palestine.<sup>2</sup> Of particular relevance to the present request, the Appeals Chamber has, on a previous occasion, instructed the Office to file written submissions concerning the disqualification of the Prosecutor in the Situation of the Bolivarian Republic of Venezuela I.<sup>3</sup>

3. An essential function of the OPCV - in line with Regulation 81(4)(b) of the Regulations - is to *appear before a Chamber in respect of specific issues* to assist the Court in effectively conveying the general interests of Victims affected by its proceedings.

4. The issues brought before the Appeals Chamber by the State of Israel have a potential to fundamentally shape the future course of proceedings in the Situation. The interests and concerns of the Victims are therefore not a marginal issue or reflection. As recently ruled by the Appeals Chamber, considering the disqualification of the Prosecutor, whether triggered by a duly filed request or considered *proprio motu*

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<sup>1</sup> See the “Request to Disqualify the Prosecutor and for Ancillary Remedies”, [No. ICC-01/18-471-Anx1](#), 19 November 2025 (the “Request”).

<sup>2</sup> See the “Order setting the procedure and the schedule for the submission of observations” (Pre-Trial Chamber I), [No. ICC-01/18-14](#), 28 January 2020, para. 14. See also, the “Decision concerning the views, concerns and general interests of victims” (Pre-Trial Chamber I), No. ICC-01/18-256-Conf, 30 August 2024. A public redacted version of the decision was issued on 7 August 2024 as [No. ICC-01/18-256-Red](#); and the “Decision on the ‘OPCV’s request to appear before the Chamber pursuant to regulation 81(4) of the Regulations of the Court’” (Pre-Trial Chamber I), [No. ICC-01/18-439](#), 4 June 2025.

<sup>3</sup> See the “Order on the filing of submissions” (Appeals Chamber), [No. ICC-02/18-111](#), 9 April 2025 (the “Venezuela I Order”).

in its absence, requires that the Appeals Chamber *inter alia* comply with its statutory duty to “hear and consider the views and concerns of the victims”<sup>4</sup> on issues bearing significant impact on the overall fairness and integrity of the proceedings. Ensuring that the Appeals Chamber is thoroughly apprised on the Victims’ perspective is a key element envisaged by regulation 81(4) of the Regulations, particularly at the early stages of proceedings.

## II. SUBMISSIONS

5. Pursuant to regulation 81(4) of the Regulations, “[t]he tasks of the Office of Public Counsel for victims shall include: [...] (b) Appearing, on the instruction or with the leave of the Chamber, in respect of specific issues; [...] and (e) Representing a victim or victims throughout the proceedings, on the instruction or with the leave of the Chamber, when this is in the interests of justice”.<sup>5</sup>

6. The Office has been authorised by Chambers to appear on numerous occasions.<sup>6</sup> Notably, the Appeals Chamber has previously instructed the Office to

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<sup>4</sup> See the “Decision on the ‘Request for the Appeals Chamber to Conduct an Ex Officio Review of the Prosecutor’s Conflict of Interest in the Venezuela I Situation’” (Appeals Chamber), [No. ICC-02/18-118](#), 1 August 2025, para. 28. See also, the “Order on the filing of submissions” (Appeals Chamber), [No. ICC-02/18-111](#), 9 April 2025.

<sup>5</sup> See regulation 81(4) of the Regulations of the Court, Doc. [ICC-BD/01-05-16](#).

<sup>6</sup> See the “Decision on the ‘OPCV’s request to appear before the Chamber pursuant to regulation 81(4) of the Regulations of the Court’” (Pre-Trial Chamber I), [No. ICC-01/18-439](#), 4 June 2025; the “Decision on the OPCV’s ‘Request to appear before the Appeals Chamber pursuant to regulation 81(4) of the Regulations of the Court’” (Appeals Chamber), [No. ICC-02/18-54 OA](#), 21 July 2023; the “Decision on requests for victims’ involvement and access to filings” (Appeals Chamber), [No. ICC-01/21-66 OA](#), 21 March 2023. See also the “Decision on requests for victims’ involvement and access to filings” (Appeals Chamber), [No. ICC-02/18-60 OA](#), 24 August 2023; the “Public redacted version of the ‘Decision authorizing the views, concerns and general interests of the victims’” (Pre-Trial Chamber I), [No. ICC-01/18-256-Red](#), 7 August 2024, para. 8. See further, *inter alia*, the “Decision on the ‘Request for Leave to File Amicus Curiae Submissions on Behalf of Human Rights Organizations in Afghanistan’ (ICC-02/17-35) and on the ‘Request to appear before the Chamber pursuant to regulation 81(4)(b) of the Regulations of the Court’ (ICC-02/17-39)” (Pre-Trial Chamber II), [No. ICC-02/17-43](#), 12 June 2019; the “Decision on the OPCV’s request to participate in the reparations proceedings” (Trial Chamber I), [No. ICC-01/04-01/06-2858](#), 5 April 2012; the “Decision on the OPCV’s ‘Second Request to appear before the Chamber pursuant to Regulation 81(4)(b) of the Regulations of the Court on issues related to the victims’ application process’” (Pre-Trial Chamber III), [No. ICC-02/11-01/11-57](#), 13 March 2012; the “Order on Written Submissions on the Interpretation of Regulation 42 of the Regulations of the Court (Regulation 28 of the Regulations of the Court)” (Trial Chamber II), [No. ICC-01/04-01/07-1205](#),

provide specific submissions when considering the disqualification of the Prosecutor in another Situation.<sup>7</sup> In its subsequent ruling on the matter, the Appeals Chamber specifically underscored its duty to ensure fairness throughout the proceedings, underlying the duty to hear and consider the views and concerns of the Victims.<sup>8</sup> In the present context, Victims have a compelling interest in ensuring that the truth about crimes committed against them is not jeopardized by procedural disputes or allegations of misconduct within the Office of the Prosecutor. They have also a direct interest in preserving the progress achieved in holding perpetrators accountable; and in ensuring that arrest warrants already issued are not invalidated on grounds unrelated to the underlying crimes. This is particularly relevant because the Request asserts that the warrants are “*irremediably tainted*”<sup>9</sup> and must be declared “*of no force or effect*”.<sup>10</sup> Such outcome would have profound consequences for Victims’ pursuit of justice.

7. Accordingly, the interests of Victims are indisputably affected by the Request and it follows, as a matter of course, that their observations must be solicited in the present circumstances to safeguard the fairness of the proceedings.

8. The Principal Counsel submits that the Office, having previously assisted the Appeals Chamber in conveying Victims’ views at the Situation level on issues of comparable significance, possesses substantial expertise in addressing procedural rights and vested interests of Victims at all stages of the proceedings. It should therefore be authorised to address the relevant matters arising from the Request. Moreover, the Victims’ submissions will ensure that an independent perspective on

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12 June 2009; and the “Order on the Office of Public Counsel for Victims’ request filed on 21 November 2007” (Trial Chamber I), [No. ICC-01/04-01/06-1046](#), 27 November 2007, para. 2.

<sup>7</sup> See the *Venezuela I* Order, *supra* note 3.

<sup>8</sup> See the Decision on the “Request for the Appeals Chamber to Conduct an Ex Officio Review of the Prosecutor’s Conflict of Interest in the Venezuela I Situation” (Appeals Chamber), *supra* note 4, para. 28.

<sup>9</sup> See the Request, *supra* note 1, para. 51.

<sup>10</sup> *Idem*, paras. 4 and 48.

these issues is provided and will contribute to the broader effort to ensure that allegations of crimes committed in the Situation in the State of Palestine are not marginalised and that accountability mechanisms remain active and robust despite institutional challenges.

### III. CONCLUSION

9. For the foregoing reasons, the Principal Counsel respectfully requests the Appeals Chamber to authorise the OPCV to appear before it to represent the general interests of Victims by filing written submissions on the Request.

A handwritten signature in black ink, reading "Paolina Massidda". The signature is written in a cursive style and is underlined.

Paolina Massidda  
Principal Counsel

Dated this 21<sup>st</sup> day of November 2025

At The Hague, The Netherlands