

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: **English**

No.: ICC-01/18
Date: 8 December 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

Joint Victims' Request to submit Observations on Israel's "Request to Disqualify the Prosecutor and for Ancillary Remedies"

Source: Legal Representatives of Victims

Document 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

Counsel Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

I. INTRODUCTION

1. Pursuant to Article 68(3) of the Rome Statute ('Statute'), as well as Rules 91 and 93 of the Rules of Procedure and Evidence ('Rules'), the undersigned Legal Representatives of Victims ('LRVs') respectfully request, on behalf of the victims they represent ('Victims'), leave to present their views and concerns in the proceedings relating to Israel's "Request to Disqualify the Prosecutor and for Ancillary Remedies" (the 'Request'), transmitted to the Appeals Chamber by the Registry on 19 November 2025.¹
2. Noting that on 1 December 2025, the Office of the Prosecutor ('OTP') filed the "Prosecution's Response to Israel's 'Request to Disqualify the Prosecutor and for Ancillary Remedies'" (the 'Response'),² and that on 2 December 2025, the Appeals Chamber granted leave to appear to the Office of Public Council for Victims ('OPCV'),³ the undersigned LRVs preliminarily observe that they have not been notified of the above-mentioned filings, despite having been participating in the proceedings in the Situation in the State of Palestine on behalf of hundreds of Palestinian victims for many years, including in the most recent phase of the proceedings, following the issuance of the two warrants of arrest in November 2024, for Benjamin Netanyahu and Yoav Gallant (the 'Arrest Warrants').⁴
3. The LRVs respectfully request that the Chamber, through the Registry, ensures that the Victims, through their LRVs, are notified of all filings relating to matters that may affect their personal interests so as to be able to exercise their rights under article 68(3) of the Statute, in accordance with rule 92(6), which provides that notification to victims and their legal representatives applies "to all proceedings before the Court, except in proceedings provided for in Part 2".⁵
4. The undersigned LRVs further wish to note that the Request was filed by the State of Israel in the record of the Situation under investigation, despite the clear existence of a case or cases in accordance with Regulation 20(2) of the Regulations of the Registry following the issuance of the Arrest Warrants.

¹ Registry transmission of "Request to Disqualify the Prosecutor and for Ancillary Remedies", with public Annex 1 ("Request to Disqualify the Prosecutor and for Ancillary Remedies"), [ICC-01/18-471-Anx1](#), public Annex A, [ICC-01/18-471-AnxA](#) and confidential Annex B, ICC-01/18-471-AnxB.

² Prosecution's Response to Israel's "Request to Disqualify the Prosecutor and for Ancillary Remedies" ([ICC-01/18-471-Anx1](#)), [ICC-01/18-475](#).

³ Appeals Chamber, Decision on the "OPCV request to appear before the Appeals Chamber pursuant to regulation 81(4) of the Regulations of the Court", [ICC-01/18-476](#), 01 December 2025.

⁴ See Joint Submissions on behalf of Palestinian Victims pursuant to Article 68(3) of the Rome Statute related to Article 19 proceedings, [ICC-01/18-451](#), 27 June 2025.

⁵ Appeals Chamber, Joint dissenting opinion of Judge Luz del Carmen Ibanez Carranza and Judge Solomy Balungi Bossa, [ICC-01/18-469-OPI](#), 17 October 2025.

II. VICTIMS' STANDING TO SUBMIT THEIR VIEWS AND CONCERNS

5. The Victims here represented submit that their personal interests are affected by these proceedings and their views and concerns should therefore be heard at this stage in accordance with Article 68(3) of the Statute.
6. First, the Victims satisfy the criteria for victim status under Rule 85 of the Rules and have previously participated in proceedings relating to the Situation in the State of Palestine under Article 68(3) as they have suffered direct harm as a result of the crimes falling within the scope of the Arrest Warrants⁶ against Benjamin Netanyahu and Yoav Gallant in the Situation in the State of Palestine.
7. Second, victims have substantive and procedural rights under the Statute to participate at all stages of the proceedings, including the appellate stage, which emerge from the internationally recognized human rights of access to justice and an effective remedy.⁷ The Court has long held that victims have a central interest in the outcome of the criminal proceedings leading to the identification, prosecution and punishment of their alleged perpetrators.⁸
8. Beyond this general interest, the LRVs submit that the interests of the Victims are affected specifically by the ancillary remedies requested by the State of Israel, which if granted, would have the effect of terminating the cases against Benjamin Netanyahu and Yoav Gallant.
9. By granting leave to the OPCV to make submissions in the current proceedings, the Chamber has acknowledged that the victims' interests are affected. This acknowledgment must therefore also extend to the Victims represented by the undersigned LRVs.
10. The right of these Victims "to be heard and considered" and the fact that "the Court has the duty to effectively enable them to exercise this right" was already recognized in the preliminary phase of the proceedings before Pre-Trial Chamber I in the same Situation.⁹

⁶ ICC, [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](#), 21 November 2024.

⁷ As recognised *inter alia* by Appeals Chamber, Joint dissenting opinion of Judge Luz del Carmen Ibanez Carranza and judge Solomy Balungi Bossa, [ICC-01/18-469-OPJ](#), 17 October 2025.

⁸ Situation in the Democratic Republic of Congo, The Prosecutor v. Germain Katanga and Mathieu Ngudjolo Chui, Pre-Trial Chamber I, Decision on the Set of Procedural Rights Attached to Procedural Status of Victim at the Pre-Trial Stage of the Case, [ICC-01/04-01/07-474](#), 13 May 2008, paras 41-44.

⁹ Pre-Trial Chamber I, Decision on Information and Outreach for the Victims of the Situation, [ICC-01/18-2](#), 13 July 2018, para. 8.

III. THE VIEWS AND CONCERNS THAT THE VICTIMS SEEK TO SUBMIT

11. The LRVs concur with the OTP's position that Israel lacks standing to seek the Prosecutor's disqualification, and that therefore, Israel's Request must be rejected *in limine* as inadmissible, constituting, once again, a manifest attempt by the State to obstruct and delay the proceedings.
12. The Victims have already expressed their strong interest in ensuring that these proceedings move forward expeditiously, and that unsubstantiated motions are not allowed to delay the course of justice.¹⁰ The undersigned LRVs will therefore submit that Israel's motion is inadmissible and should be dismissed *in limine* without any consideration of its merits.
13. Should the Chamber nevertheless consider the substance of Israel's Request, the undersigned LRVs request leave to submit observations on the following two issues:
 - 1) Israel's claim to have standing to make a request in the present instance, under Article 42(8)(a) must be rejected as wholly unfounded and resting upon a misreading of the Rome Statute and the jurisprudence of the Court:
 - a. Under Art. 42(8)(a), only "the person being investigated or prosecuted may at any time request the disqualification of the Prosecutor or a Deputy Prosecutor on the grounds set out in this article." Indeed, as stressed by this Chamber, Article 42(8) of the Statute "does not confer standing on any person or organisation to raise questions relating to disqualification of the Prosecutor, as it needs to be read together with paragraph (a), which expressly limits those who can raise requests for disqualification of the Prosecutor or a Deputy Prosecutor to 'the person being investigated or prosecuted'".¹¹
 - b. Contrary to Israel's assertion that "States do have standing in similarly 'unique' circumstances under the identically worded article 41(2)(b)",¹² the said article is not identical to article 42(8)(a). In the Ukraine situation, where the Plenary permitted a State Party to submit a request under Article 41(2)(b), that authorization was granted solely because the Plenary considered Rome Statute States

¹⁰ See also the following LRV's submissions: Joint Submissions on behalf of Palestinian Victims pursuant to Article 68(3) of the Rome Statute related to Article 19 proceedings, [ICC-01/18-451](#), 27 June 2025 ; Situation in the State of Palestine, ICC PTC I, Submission on Behalf of Palestinian Victims Residents of the Gaza Strip with confidential Annex, 16 March 2020, ICC-01/18; Situation in the State of Palestine, ICC PTC I, Victims' observations on the Prosecutor's request for a ruling on the Court's territorial jurisdiction in Palestine, 16 March 2020, ICC-01/18-99.

¹¹ 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", para. 66, [ICC-02/18-109](#), 10 February 2025.

¹² Appeals Chamber, Request to Disqualify the Prosecutor and for Ancillary Remedies, Annex 1, para. 50, [ICC-01/18-471-Anx1](#), 17 November 2025.

Parties to hold a “unique” entitlement in proceedings conducted under Article 87(7).

- 2) The “ancillary remedies” requested by Israel do not have any legal basis in the Statute or in the Rules:
 - a. Even if the Appeals Chamber were to determine that Israel has standing or that a *proprio motu* review is warranted, such a finding would still not undermine the validity of the Arrest Warrants which were issued after a rigorous review and evidentiary analysis, conducted by Pre-Trial Chamber I.
 - b. To accede to Israel’s Request would have far reaching consequences for all Situations and Cases before the Court during the time in office of the current Prosecutor.

14. The undersigned LRVs also wish to emphasise the fundamental importance of this Court’s mandate to deliver justice and accountability for the serious international crimes that have been, and continue to be, committed in Gaza and across the entirety of the Occupied Territory of the State of Palestine, in particular by senior Israeli officials as identified in the arrest warrants already issued by the Court over a year ago.¹³ Israel’s motion, if accepted, would shield perpetrators of these serious crimes from accountability, ultimately denying the Palestinian victims their fundamental right to justice.

IV. CONCLUSION

15. Israel’s Request mirrors and is consistent with its efforts to avoid legal responsibility for crimes under the Statute committed in the Occupied Territory of the State of Palestine. Such delaying tactics only exacerbate the suffering of the victims of Gaza and of the entire Palestinian territory, and the Victims fear that permitting any further delay will only encourage the commission of more crimes, resulting in even greater irreparable damage.

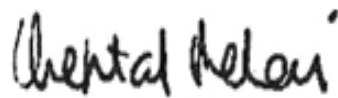
16. The Victims represented in this submission respectfully urge the Chamber to:

- dismiss *in limine* Israel’s motion without further delay and deny Israel’s latest attempt to disrupt the ongoing proceedings, aimed at continuing impunity for the international crimes committed in the Situation in the State of Palestine; and

¹³ ICC, [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](#), 21 November 2024.

- authorise the LRVs to submit views and concerns on behalf of the Victims, should it decide to consider any element of the substance of the Request.

Respectfully submitted,



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Dated this 8 December 2025

At Cairo, London, Paris, Berlin and Liverpool.