

**Cour  
Pénale  
Internationale**



**International  
Criminal  
Court**

Original: **English**

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

**Prosecution's response to Israel's "Request to Have Arrest Warrants Withdrawn or  
Vacated and Response to Prosecution Observations dated 5 May 2025"**

**Source:** Office of the Prosecutor

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Victims

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## REGISTRY

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## I. INTRODUCTION

1. Israel's request, filed on 9 May 2025<sup>1</sup> that Pre-Trial Chamber I<sup>2</sup> (i) withdraw or vacate the Warrants issued against Israel Prime Minister Mr Benjamin NETANYAHU and former Minister of Defence Mr Yoav GALLANT and (ii) suspend the Prosecution's investigation into the Situation in *Palestine* until PTCI rules on Israel's Jurisdictional Challenge<sup>3</sup> has no legal basis and should be dismissed.

2. First, there is no basis to withdraw or vacate the Warrants. In issuing the Warrants and on the basis of the material provided, PTCI found that the alleged conduct of NETANYAHU and GALLANT falls within the jurisdiction of the Court; and that there are reasonable grounds to believe that they bear criminal responsibility for war crimes and crimes against humanity committed in Gaza from at least 8 October 2023 to 20 May 2024.<sup>4</sup> The Appeals Chamber's judgment of 24 April 2025 ("Judgment")<sup>5</sup> reversing PTCI's decision on Israel's Jurisdictional Challenge ("Decision")<sup>6</sup> for lack of sufficient reasons, has no bearing on the Warrants, which were issued separately.<sup>7</sup> Nothing in the Judgment suggests that PTCI had failed to satisfy itself that the Court had jurisdiction under article 19(1) when issuing the Warrants.

3. Second, contrary to Israel's contention,<sup>8</sup> article 19(7) of the Statute does not apply to jurisdictional challenges. The ordinary meaning of the provision, read in its context and in light of the object and purpose of the Statute, indicates that it only mandates a suspension of an investigation in relation to a specific case where an admissibility challenge is made by a State under article 19(2)(b) or (c) of the Statute. In the absence of a valid admissibility challenge, a suspension of the Prosecution's investigation is unwarranted. This is particular so in the current situation where crimes are ongoing and escalating.<sup>9</sup>

<sup>1</sup> [ICC-01/18-426](#) ("Israel's Request").

<sup>2</sup> Pre-Trial Chamber I will be referred to as "PTCI" or "the Chamber" hereafter.

<sup>3</sup> [ICC-01/18-354-AnxII-Corr](#) ("Israel's Jurisdictional Challenge").

<sup>4</sup> 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 ("Court's Press Release").

<sup>5</sup> [ICC-01/18-422 OA2](#).

<sup>6</sup> [ICC-01/18-374](#).

<sup>7</sup> See e.g. [Judgment](#), para. 66.

<sup>8</sup> [Israel's Request](#), paras. 30-32.

<sup>9</sup> Court's Press Release, noting, *inter alia*, that: "the Chamber decided to release the information below since conduct similar to that addressed in the warrant of arrest appears to be ongoing".

## II. PROCEDURAL BACKGROUND

4. On 21 November 2024, PTCI dismissed Israel’s jurisdictional challenge, filed on 20 September 2024, as premature.<sup>10</sup> PTCI held that States are not entitled to challenge the Court’s jurisdiction under article 19 *prior* to the issuance of a warrant of arrest or summons to appear; and that States may only file such a challenge in relation to a particular case *after* the Pre-Trial Chamber issues a warrant or a summons.<sup>11</sup> On the same day, PTCI issued three warrants of arrest in the *Situation in the State of Palestine*, including against Israeli Prime Minister Benjamin NETANYAHU and former Minister of Defence Yoav GALLANT.

5. On 24 April 2025, the Appeals Chamber issued its Judgment on Israel’s Appeal against the Decision,<sup>12</sup> finding that PTCI “insufficiently addresse[d] Israel’s central contention that article 19(2)(c) of the Statute permits it to challenge the jurisdiction of the Court”.<sup>13</sup> The Appeals Chamber reversed the Decision and remanded the matter to the Pre-Trial Chamber.<sup>14</sup>

6. On 5 May 2025, the Prosecution submitted its observations regarding the procedure to be followed following the issuance of the Warrants and the Judgment, requesting PTCI, *inter alia*: (i) to set a deadline for those with standing to bring a jurisdictional challenge in relation to the specific cases against NETANYAHU and GALLANT; and (ii) not to invite or receive any further observations under rule 103 of the Rules of Procedure and Evidence.<sup>15</sup>

7. On 9 May 2025, Israel filed its Request, asking PTCI, *inter alia*, to withdraw or vacate the Warrants, and to declare that the Prosecution must suspend its investigation into the Situation in Palestine pending PTCI’s substantive ruling on Israel’s Jurisdictional Challenge.<sup>16</sup> In the same filing, Israel opposed the Prosecution’s request of 5 May 2025, regarding the filing of jurisdictional challenges in relation to the specific cases against NETANYAHU and GALLANT.<sup>17</sup>

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<sup>10</sup> [Decision](#), p. 7.

<sup>11</sup> [Decision](#), para. 17. *See also* [Decision](#), para. 18 : “Israel *will* have the full opportunity to challenge the Court’s jurisdiction and/or admissibility of any *particular case if and when* the Chamber issues any arrest warrants or summonses against its nationals” [emphases added].

<sup>12</sup> [ICC-01/18-386](#) (“Appeal”).

<sup>13</sup> [Judgment](#), para. 61; *see also* paras. 57, 59, 60.

<sup>14</sup> [Judgment](#), para. 64; *see also* para. 66.

<sup>15</sup> [ICC-01/18-425](#) (“Prosecution’s Observations”), para. 15.

<sup>16</sup> [Israel’s Request](#), para. 40.

<sup>17</sup> [Israel’s Request](#), paras. 5, 33-40.

### III. SUBMISSIONS

(i) *There is no basis to withdraw or vacate the Warrants*

8. Under article 58(4) of the Statute, the warrant of arrest *shall* remain in effect “unless otherwise ordered by the Court”. The practice shows that arrest warrants are withdrawn or vacated by Chambers under article 58(4) in the event of a suspect’s death<sup>18</sup> or other exceptional circumstances, for example, where the evidentiary basis is considered to be no longer sufficient to meet the article 58(1)(a) threshold.<sup>19</sup>

9. In the cases against NETANYAHU and GALLANT, there is no basis to withdraw or vacate the Warrants. PTCI’s legal and factual findings underpinning the Warrants, including regarding the Court’s jurisdiction, remain valid. Israel’s arguments to the contrary are based on misrepresentations of the findings made by PTCI and the Appeals Chamber, or they are otherwise unfounded.

10. Firstly, in the Warrants issued on 21 November 2024, PTCI properly made a determination that the alleged conduct of NETANYAHU and GALLANT falls within the jurisdiction of the Court, as described in the Court’s Press Release issued that day.<sup>20</sup> Israel merely speculates and provides no evidence demonstrating that PTCI failed to satisfy itself that the Court had jurisdiction under article 19(1) in issuing the Warrants.<sup>21</sup> In this regard, the Prosecution recalls that PTCI has had an abundance of information and submissions regarding the question of the Court’s jurisdiction in this situation, including *amici curiae* observations received in 2020 before the issuance of the Article 19(3) Decision in February 2021,<sup>22</sup> and

<sup>18</sup> See e.g. [ICC-01/18-417](#), para. 5 (regarding Mohammed Diab Ibrahim Al Masri); [ICC-01/11-01/17-24](#) (regarding Mahmoud Musatafa Busayf Al-Werfalli), para. 4; [ICC-01/11-01/11-28](#) (regarding Muammar Mohammed Abu Minyar Gaddafi).

<sup>19</sup> See e.g. [ICC-02/11-01/12-90](#), para. 14 (regarding Simone Gbagbo). Following surrender or voluntary appearance before the Court, article 61(10) of the Statute regulates the validity of warrants, providing that: “[a]ny warrant previously issued shall cease to have effect with respect to any charges which have not been confirmed by the Pre-Trial Chamber or which have been withdrawn by the Prosecutor”, on the basis of which the arrest warrant was withdrawn in the *Mokom* case. See [ICC-01/14-01/22-276](#), para. 9.

<sup>20</sup> Court’s Press Release (“At the outset, the Chamber considered that the alleged conduct of Mr Netanyahu and Mr Gallant falls within the jurisdiction of the Court. The Chamber recalled that, in a previous composition, it already decided that the Court’s jurisdiction in the situation extended to Gaza and the West Bank, including East Jerusalem”).

<sup>21</sup> [Israel’s Request](#), paras. 17-19.

<sup>22</sup> [ICC-01/18-143](#) (“Article 19(3) Decision”), para. 12 (referring to 43 *amicus curiae* observations on the Prosecution request pursuant to article 19(3) for a ruling on the Court’s territorial jurisdiction in Palestine). In this decision, the majority of PTCI (in its previous composition) found that: Palestine qualifies as “[t]he State on the territory of which the conduct in question occurred” for the purposes of article 12(2)(a) of the Statute; and that the Court’s territorial jurisdiction in the Situation in Palestine extends to the territories occupied by Israel since 1967, namely Gaza and the West Bank, including East Jerusalem.

further observations received in 2024 before the issuance of the Warrants.<sup>23</sup>

11. Secondly, the Appeals Chamber’s reversal of the Decision does not, and cannot, entail an immediate withdrawal or vacating of the Warrants.<sup>24</sup> In the Judgment, the Appeals Chamber rejected Israel’s request for suspensive effect of the Warrants because the Warrants are not based on, nor are they “inextricably connected” to the Decision.<sup>25</sup> The Appeals Chamber clearly indicated that any effect on the Warrants shall be determined by PTCI in the context of a new determination regarding a jurisdictional challenge.<sup>26</sup>

12. Thirdly, the Judgment does not, and cannot, affect PTCI’s findings underpinning the Warrants.<sup>27</sup> As noted by the Appeals Chamber, the Warrants were issued separately from the Decision, and were not before the Appeals Chamber.<sup>28</sup> Nothing in the Judgment suggests that PTCI relied on the Decision to satisfy itself that it had jurisdiction under article 19(1) when issuing the Warrants.

13. Importantly, the error identified by the Appeals Chamber in the Decision related to the sufficiency of the reasoning provided by PTCI in addressing Israel’s contention that “article 19(2)(c) of the Statute permits it to challenge the jurisdiction of the Court”, including, in particular, the “applicability of the notion of *res judicata*”.<sup>29</sup> The Appeals Chamber did not find that PTCI’s reliance on the Article 19(3) Decision *as such* was erroneous in any way, nor that PTCI erred in considering Israel’s Jurisdictional Challenge as premature.<sup>30</sup>

14. Finally, the other arguments advanced by Israel are misdirected and unfounded to support the withdrawal or vacating of the Warrants:

- Israel asserts that if an arrest is implemented on the basis of the Warrants while PTCI is still assessing its jurisdictional challenge, it constitutes a violation of fundamental human rights and of the rule of law.<sup>31</sup> However, given the continued validity of the findings in the Warrants, this argument is unfounded. In any event, suspects are entitled to challenge the jurisdiction of the Court under article 19(2)(a) of the Statute, even before their arrest, should they wish to do so;

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<sup>23</sup> [ICC-01/18-173-Red](#) (granting the United Kingdom’s request for leave to submit *amicus curiae* observations on “[w]hether the Court can exercise jurisdiction over Israeli nationals, in circumstances where Palestine cannot exercise criminal jurisdiction over Israeli nationals pursuant to the Oslo Accords”); [ICC-01/18-249](#) (granting leave to 63 States, organisations, and persons to file *amicus curiae* observations).

<sup>24</sup> *Contra* [Israel’s Request](#), paras. 20-21, 24-25.

<sup>25</sup> [Judgment](#), para. 66.

<sup>26</sup> [Judgment](#), para. 66.

<sup>27</sup> *See contra* [Israel’s Request](#), paras. 20-21, 24-25.

<sup>28</sup> [Judgment](#), para. 66.

<sup>29</sup> [Judgment](#), paras. 59-62.

<sup>30</sup> *Contra* [Israel’s Request](#), para. 21.

<sup>31</sup> [Israel’s Request](#), para. 26.

- Israel’s further assertions that the Warrants “wrongly seek to induce States to violate their international law obligations to Israel”, or that the “mere issuance and circulation” of the warrants is an “internationally wrongful act” toward Israel<sup>32</sup> are misplaced and unfounded. They have no bearing on PTCI’s findings, including on jurisdiction over the cases against NETANYAHU and GALLANT. In any case, articles 97 and 98 of the Statute offer States the possibilities to engage with the Court if they identify problems which may impede or prevent the execution of a request for arrest and surrender;<sup>33</sup> and
- For the reasons above, the time required by PTCI to issue a reasoned decision on Israel’s Jurisdictional Challenge<sup>34</sup> is not a basis for withdrawing or vacating the Warrants.

(ii) *Article 19(7) of the Statute does not apply to jurisdictional challenges*

15. Article 19(7) of the Statute mandates a suspension of the investigation in case of a challenge made by a State under article 19(2)(b) or (c) “until such time as the Court makes a determination in accordance with article 17”. Following the general rules of interpretation under article 31 of the Vienna Convention on the Law of Treaties, this provision only applies to challenges to the admissibility of a case, and not to challenges to the jurisdiction of the Court.

16. First, given that article 17 of the Statute only relates to issues of admissibility, the ordinary meaning of the provision indicates that article 19(7) applies where a challenge is made to the admissibility of a case. If article 19(7) were deemed applicable to jurisdictional challenges, this could lead to an indefinite suspension of the investigation because the Court is not required to make a determination “in accordance with article 17”, (*i.e.* on issues of admissibility) when ruling on a jurisdictional challenge.<sup>35</sup>

17. Second, the object and purpose of the Statute of “put[ting] an end to impunity for the perpetrators of these crimes” while ensuring the Court is “complementary to national criminal jurisdiction”<sup>36</sup> confirm that article 19(7) applies to challenges to the admissibility of a case. Where there are ongoing or past proceedings related to the same case(s) at the domestic level, a suspension of the ICC investigation does not necessarily mean impunity. By contrast, jurisdictional challenges may involve cases where relevant States have taken no action at all to address alleged crimes, including those of a clear gravity.

<sup>32</sup> [Israel’s Request](#), para. 27.

<sup>33</sup> *See*, in particular, articles 97(c) and 98(1).

<sup>34</sup> [Israel’s Request](#), para. 28.

<sup>35</sup> *See e.g.* Nsereko/Ventura, “Article 19”, in Ambos, *Rome Statute of the International Criminal Court: Article-by-Article Commentary (Fourth edition)*, 2022, mn. 86.

<sup>36</sup> Statute, preamble.

18. Third, this interpretation is consistent with other complementarity provisions in the Statute, such as article 18 (*Preliminary ruling regarding admissibility*) and article 95 (*Postponement of execution of a request in respect of an admissibility challenge*).<sup>37</sup> For example, when a State requests the Prosecution to defer its investigation on the ground that the State is investigating the same criminal acts within the terms of article 18(2), the Prosecution suspends its investigation until the Pre-Trial Chamber authorises its resumption.<sup>38</sup> Article 18(6) exceptionally permits the Prosecution to request authorisation from the Pre-Trial Chamber “to pursue necessary investigative steps for the purpose of preserving evidence” in certain circumstances.<sup>39</sup> Aptly, article 19(8)—that applies when an investigation is suspended under article 19(7)<sup>40</sup>—likewise permits the Prosecution to request authorisation from the Pre-Trial Chamber “to pursue necessary investigative steps of the kind *referred to in article 18, paragraph 6*” pending a ruling by the Court.<sup>41</sup> This further confirms that article 19(7) and (8)—like article 18(2) and (6)—relate to admissibility challenges and determinations, not to jurisdictional challenges and determinations. Similarly, article 95 of the Statute permits States to postpone the execution of a cooperation request pending a determination by the Court on an admissibility challenge.<sup>42</sup>

19. In contrast, no provision of the Statute explicitly contemplates a deferral of the investigation or a postponement of a cooperation request pending a determination of a jurisdictional challenge. In light of the context,<sup>43</sup> the correct interpretation of article 19(7) is

<sup>37</sup> See e.g. [ICC-01/11-01/11-163](#), para. 36 (in its decision on Libya’s request for postponement of the execution of the request for surrender of Saif Al-Islam, PTCI considered that: “the Court must fulfil its mandate in accordance with its legal framework and that the complementarity principle is a central aspect thereof and a key feature of the institution. The suspension of the investigation and the corresponding postponement of the cooperation requests is one major consequence of this principle.”); Ambos, “Jurisdiction and Admissibility (Complementarity)” in *Treatise on International Criminal Law: Volume III: International Criminal Procedure*, 2016, p. 255.

<sup>38</sup> Statute, article 18 (2). See e.g. the Prosecution’s notifications of deferral requests and PTCI’s decisions authorising the resumption of the investigations in relation to the situations in the Philippines and Venezuela I, respectively: [ICC-01/21-14](#) and [ICC-01/21-56-Red](#); [ICC-02/18-17](#) and [ICC-02/18-45](#).

<sup>39</sup> Statute, article 18 (6) (“Pending a ruling by the Pre-Trial Chamber, or at any time when the Prosecutor has deferred an investigation under this article, the Prosecutor may, on an exceptional basis, seek authority from the Pre-Trial Chamber to pursue necessary investigative steps for the purpose of preserving evidence where there is a unique opportunity to obtain important evidence or there is a significant risk that such evidence may not be subsequently available”).

<sup>40</sup> See e.g. Nsereko/Ventura, “Article 19”, in Ambos, *Rome Statute of the International Criminal Court: Article-by-Article Commentary (Fourth edition)*, 2022, mn. 87.

<sup>41</sup> Statute, article 19(8)(a), emphasis added. Article 19(8)(b) and (c) also allows the Chamber to seek judicial authorisation “[t]o take a statement or testimony from a witness or complete the collection and examination of evidence which had begun prior to the making of the challenge; and In cooperation with the relevant States, to prevent the absconding of persons in respect of whom the Prosecutor has already requested a warrant of arrest under article 58”. Likewise rule 61 (Provisional measures under article 19, paragraph 8) refers back to rule 57 (Provisional measures under article 18, paragraph 6).

<sup>42</sup> Statute, article 95. See e.g. [ICC-01/11-01/11-163](#), para. 37.

<sup>43</sup> See also article 19(9) and (10), which focus on issues of admissibility under article 17.



that only a challenge to the admissibility of a case results in the suspension of the investigation.<sup>44</sup>

20. Fourth, contrary to Israel's suggestion,<sup>45</sup> the drafting history supports the interpretation limiting article 19(7)'s applicability to admissibility challenges. The proposed article 54(3) of the Preparatory Committee's Draft Statute, which was subsequently replaced by the current article 19(7),<sup>46</sup> read: "The Prosecutor shall not initiate an investigation where the submission of the case to the Court is challenged under article 15 within one month of notification under article 54, paragraph 2 (a) until the final ruling of the Court".<sup>47</sup> As with the current article 17, the draft article 15 was entitled "Issues of admissibility".<sup>48</sup> This demonstrates that the drafters were only concerned with admissibility when discussing the possibility for a suspension of an investigation (or its initiation).

21. Fifth, the sources cited in Israel's Request<sup>49</sup> provide little support to its contention that article 19(7) is applicable to jurisdictional challenges.<sup>50</sup> In fact, leading commentaries, including some of those cited by Israel, support the interpretation that a jurisdictional challenge has no suspensive effect on the investigation under article 19(7).<sup>51</sup> Further, the decision of Pre-

<sup>44</sup> See e.g. Ambos, "Jurisdiction and Admissibility (Complementarity)" in *Treatise on International Criminal Law: Volume III: International Criminal Procedure*, 2016, p. 255.

<sup>45</sup> [Israel's Request](#), para. 32.

<sup>46</sup> See e.g. Nsereko/Ventura, "Article 19", in Ambos, *Rome Statute of the International Criminal Court: Article-by-Article Commentary (Fourth edition)*, 2022, mn. 84 (noting that: "Article 19(7) was introduced at the Rome Conference to replace a square bracketed Article 54(3) (Investigation of alleged crimes) in the Preparatory Committee Draft 1998 which would have prevented the Prosecutor from even initiating an investigation when it was challenged within one month of the Prosecutor notifying States that he or she had received a referral from the UNSC, a State complaint or information from an individual"); Stigen, *The Relationship between the International Criminal Court and National Jurisdictions*, 2008, p. 169 (discussing the differences between the draft article 54(3) and the current article 19(7)).

<sup>47</sup> Report of the Preparatory Committee on the Establishment of an International Criminal Court, Vol. II, 1998, A/CONF.183/2/Add.1, p. 75 (the proposed article 54(3) read: "The Prosecutor shall not initiate an investigation where the submission of the case to the Court is challenged under article 15 within one month of notification under article 54, paragraph 2 (a) until the final ruling of the Court").

<sup>48</sup> Report of the Preparatory Committee on the Establishment of an International Criminal Court, Vol. II, 1998, A/CONF.183/2/Add.1, p. 40 (Article 15 entitled "Issues of admissibility").

<sup>49</sup> [Israel's Request](#), para. 32.

<sup>50</sup> The applicability of article 19(7) to jurisdictional challenges is not addressed in the commentary cited in fn. 43 of [Israel's Request](#) ("Schabas, W., 'The International Criminal Court : A Commentary on the Rome Statute', OUP, 2nd Ed, 2017") at the cited page, 493, nor at page 498-499 regarding article 19(7).

<sup>51</sup> Ambos, "Jurisdiction and Admissibility (Complementarity)" in *Treatise on International Criminal Law: Volume III: International Criminal Procedure*, 2016, p. 254-255 (arguing that: "[t]he suspension of the investigation upon a State challenge does, arguably, not apply to a jurisdictional challenge for, basically, three reasons [...]"); Nsereko/Ventura, "Article 19", in Ambos, *Rome Statute of the International Criminal Court: Article-by-Article Commentary (Fourth edition)*, 2022, mn. 86 (arguing that: "since Article 17 addresses only admissibility, not jurisdiction, it is clear that any State challenge limited to jurisdiction would not require the Prosecutor to suspend his or her investigation. Any other reading would lead to absurd results. [...]"); Stigen, *The Relationship between the International Criminal Court and National Jurisdictions*, 2008, p. 169, fn. 564 (arguing that: "A challenge to the jurisdiction is not given a suspensive effect. An ICC investigation which duplicates a

Trial Chamber II in *Ruto et al.*, relied upon by Israel,<sup>52</sup> is unhelpful since Kenya's challenge related to the admissibility of the case and the applicability of article 19(7) to jurisdictional challenges was not at issue before that Chamber.<sup>53</sup>

22. Finally, with respect to Israel's request to dismiss the Prosecution's request regarding the filing of jurisdictional challenges in relation to the cases against NETANYAHU and GALLANT,<sup>54</sup> the Prosecution refers to its submissions in the Prosecution's Observations on the procedure to be followed following the issuance of the Warrants and the Judgment.<sup>55</sup> As discussed therein, the filing of a jurisdictional challenge at the present stage, following the issuance of the Warrants, would ensure compliance with the Court's legal framework and respect for the rights and interests of parties and participants.<sup>56</sup>

#### IV. RELIEF REQUESTED

23. In light of the foregoing, the Prosecution respectfully requests PTCI to:

- reject Israel's request for withdrawal/vacating of the Warrants;
- reject Israel's request for a suspension of the investigation into the situation in Palestine; and
- grant the reliefs requested in the Prosecution's Observations.<sup>57</sup>



p.p.:

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**Karim A.A. Khan KC, Prosecutor**

Dated this 21<sup>st</sup> day of May 2025  
At The Hague, The Netherlands

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genuine national proceeding is arguably more intrusive on state sovereignty than an investigation without a valid jurisdictional basis. The former might also compromise the national proceedings"); "Article 19" in Maze, *Statut de Rome de la Cour Pénale Internationale: Commentaire Article par Article (2e édition)*, 2013, p. 936-937 (explaining that: « [l'article 19-7] en va du principe de complémentarité, qui impose à la Cour de retenir son action judiciaire toutes les fois où une procédure pénale nationale est ou a été ouverte, et que ce motif est invoqué par l'Etat compétent lui-même »).

<sup>52</sup> [Israel's Request](#), para. 32.

<sup>53</sup> [ICC-01/09-01/11-62](#). The issue before the Single Judge was whether the disclosure proceedings must be suspended pending resolution of Kenya's admissibility challenge, and article 19(7) was addressed in that context (see e.g. para. 8). The reference to jurisdictional challenges in para. 18 appears to be an oversight and was in any event *obiter*.

<sup>54</sup> [Israel's Request](#), paras. 5, 33-40.

<sup>55</sup> [Prosecution's Observations](#).

<sup>56</sup> [Prosecution's Observations](#), paras. 4, 9.

<sup>57</sup> [Prosecution's Observations](#), para. 15.