



Original: **English**

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

Date: **30 June 2025**

PRE-TRIAL CHAMBER I

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

SITUATION IN THE STATE OF PALESTINE

Public Document

**Request for extension of pages and extension of time for Consolidated Reply to
Observations on Israel's Article 19(2) Jurisdictional Challenge**

Source: **The State of Israel**

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

- | | |
|--|---|
| <input checked="" type="checkbox"/> The Office of the Prosecutor | <input type="checkbox"/> Counsel for the Defence |
| <input checked="" 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 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
Office of the Attorney General of Israel | <input type="checkbox"/> Amicus Curiae |

REGISTRY

- | | |
|---|---|
| Registrar
M. Zavala Giler, Osvaldo | <input type="checkbox"/> Counsel Support Section |
| <input type="checkbox"/> Victims and Witnesses Unit | <input type="checkbox"/> Detention Section |
| <input type="checkbox"/> Victims Participation and Reparations Section | <input type="checkbox"/> Other |

I. INTRODUCTION

1. On 28 May 2025, in its “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’”,¹ Pre-Trial Chamber I ordered:

- a. the Prosecution, “Palestine”,² and victims who have communicated with the court concerning this case (“Victims”) to submit any written observations on “Israel’s challenge to the jurisdiction of the Court pursuant to Article 19(2) of the Rome Statute,”³ not to exceed 60 pages, by 27 June 2025; and
- b. Israel to file any reply to these observations by 11 July 2025.

2. Given the complexity, novelty, and foundational importance of the issues arising from the observations on Israel’s Jurisdictional Challenge, and to promote the fair and expeditious conduct of the proceedings, Israel requests:

- a. Clarification that the page limit for its Consolidated Reply is 60 pages or, alternatively, an extension of the page limit to 60 pages; and
- b. An extension of time of a further 21 days so that Israel may file its Consolidated Reply by 1 August 2025.

II. PROCEDURAL HISTORY

3. On 23 September 2024, Israel filed a 42-page challenge to the jurisdiction of the Court pursuant to article 19(2)(c) of the Statute in respect of “the pending application concerning Benjamin Netanyahu and Yoav Gallant, or in any other investigative action on the same jurisdictional basis.”⁴

¹ 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](#), 28 May 2025 (“Conduct of Proceedings Decision”).

² Israel repeats here the terminology used by the Pre-Trial Chamber, without prejudice to Israel’s position that “Palestine” is not a State, *see* [Conduct of Proceedings Decision](#), para. 16.

³ 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](#), 23 September 2024 (“Jurisdictional Challenge”).

⁴ [Jurisdictional Challenge](#), para. 1.

4. On 27 September 2024, the Prosecution submitted a seven-page response, asserting that the jurisdictional challenge should be dismissed *in limine* on the basis that Israel did not have standing under article 19(2)(c), including prior to the issuance of an arrest warrant.⁵
5. On 21 November 2024, Pre-Trial Chamber I rejected Israel's Jurisdictional Challenge,⁶ and in a press release on the same day⁷ announced that it had filed a decision, classified as secret, issuing arrest warrants against Mr Netanyahu and Mr Gallant.
6. On 27 November 2024, Israel filed its notice of appeal against the Pre-Trial Chamber Jurisdiction Decision.⁸
7. On 29 November 2024, the Prosecution submitted a request to dismiss *in limine* Israel's Appeal.⁹
8. On 13 December 2024, Israel filed its appeal brief in respect of the Pre-Trial Chamber Jurisdiction Decision.¹⁰
9. On 13 January 2025, the Prosecution filed its response to Israel's Appeal.¹¹
10. On 17 January 2025, Israel submitted a request for leave to reply to the Prosecution's Response.¹²
11. On 22 January 2025, the Prosecution responded to Israel's Request for Leave to Reply arguing that it should be rejected.¹³

⁵ Prosecution Response to "Israel's challenge to the jurisdiction of the Court pursuant to article 19(2) of the Rome Statute" - ICC-01/18-354-SECRET-Exp-AnxI-Corr, [ICC-01/18-357](#), 27 September 2024 ("Prosecution Response to Jurisdiction Challenge").

⁶ Decision on Israel's challenge to the jurisdiction of the Court pursuant to article 19(2) of the Rome Statute, [ICC-01/18-374](#), 21 November 2024 ("Pre-Trial Chamber Jurisdiction Decision").

⁷ ICC 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](#)", 21 November 2024.

⁸ 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-01/18-386](#), 27 November 2024.

⁹ Prosecution Request to Dismiss *in limine* Israel's 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-01/18-392](#), 29 November 2024.

¹⁰ Appeal of 'Decision on Israel's challenge to the jurisdiction of the Court pursuant to article 19(2) of the Rome Statute', [ICC-01/18-402](#), 13 December 2024.

¹¹ Prosecution Response to the Appeal of Decision on Israel's Challenge to the Jurisdiction of the Court pursuant to article 19(2) of the Rome Statute, [ICC-01/18-406](#), 13 January 2025.

¹² Request for leave to reply to Prosecution Response to Israel's Appeal of Decision on Israel's Challenge to the Jurisdiction of the Court pursuant to article 19(2) of the Rome Statute, [ICC-01/18-408-Corr](#), 17 January 2025 (corrected version).

¹³ Prosecution Response to Israel's Request for Leave to Reply to Prosecution Response to Israel's Appeal of Decision on Israel's Challenge to the Jurisdiction of the Court pursuant to article 19(2) of the Rome Statute, [ICC-01/18-410](#), 22 January 2025.

12. On 24 April 2025, the Appeals Chamber issued its “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”.¹⁴

13. On 5 May 2025 the Prosecution filed its Observations regarding the procedure to be followed following the issuance of the warrants of arrest and the Appeal Judgment.¹⁵

14. On 9 May 2025, Israel filed its Request to have warrants withdrawn or vacated and response to Prosecution Observations dated 5 May 2025.¹⁶ The Prosecution responded on 21 May 2025.¹⁷

15. On 28 May 2025 the Pre-Trial Chamber issued the Conduct of Proceedings Decision, setting a deadline of 27 June 2025, a page-limit of 60 pages, for any observations by the Prosecution, “Palestine” and the victims on Israel’s jurisdictional challenge. The Pre-Trial Chamber also set a deadline of 11 July 2025 for Israel to file a single consolidated reply to these observations, but did not expressly set a page-limit for that reply.¹⁸

III. SUBMISSIONS

16. This request relating to the conduct of the Jurisdictional Challenge proceedings is brought to the Pre-Trial Chamber within one working day of receipt of the observations of the Prosecution, OPCV and 6 representatives of Victims in the late afternoon on Friday 27 June 2025. The observations of the “State of Palestine” were transmitted to Israel in the morning of today Monday 30 June 2025. It is not yet clear whether there are further Observations by individual victims which will be transmitted to Israel by Court Management Services in the course of today. Nonetheless, since the presently applicable time limit for Israel to file its Consolidated Reply is a mere 11 days from the date of the filing of this Motion, Israel requests the Pre-Trial Chamber to rule urgently on the present request including, as it may deem appropriate, by requiring any responses to this Motion to be filed expeditiously.

¹⁴ [ICC-01/18-422 OA2](#), 24 April 2025.

¹⁵ 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 of ICC-01/18-422 OA2, [ICC-01/18-425](#), 5 May 2025.

¹⁶ Israel’s Request to have Arrest Warrants Withdrawn or Vacated and Response to Prosecution Observations dated 5 May 2025, [ICC-01/18-426](#), 9 May 2025.

¹⁷ Prosecution’s Response to Israel’s ‘Request to have arrest warrants withdrawn or vacated and response to Prosecution observations dated 5 May 2025’, [ICC-01/18-431](#), 21 May 2025.

¹⁸ [Conduct of Proceedings Decision](#), para. 20, p. 8.

A. Request for an extension of pages

17. The Conduct of Proceedings Decision, in paragraphs 15 and 16, declares that the Prosecution, “Palestine”, and Victims are entitled to file “observations” on Israel’s Jurisdictional Challenge.¹⁹ Paragraph 21 states that “[i]n accordance with regulation 38(2)(c) of the Regulations, none of the observations aforementioned herein shall exceed 60 pages.”²⁰ Regulation 38(2)(c) specifies that the 60-page limit applies to “the following documents and responses thereto”,²¹ namely “challenges to the admissibility or jurisdiction of the Court under article 19, paragraph 2”.

18. Immediately prior to paragraph 21, the Conduct of Proceedings Decision states: “In the interest of being comprehensively briefed, the Chamber also considers it appropriate for Israel to file a consolidated reply to the observations of Palestine, the Victims, and the Prosecution.”²²

19. Israel understands that the Pre-Trial Chamber, in using the expression “observations aforementioned” in paragraph 21, did not expressly include Israel’s “consolidated reply” within the 60-page limit. Accordingly, Israel understands that the applicable page limit – absent any other direction – would fall within regulation 37(1) of the Regulations of the Court which prescribes that “[a] document filed with the Registry shall not exceed 20 pages unless otherwise provided in the Statute, Rules, these Regulations or ordered by the Chamber.” Should Israel be mistaken as to the Pre-Trial Chamber’s intended page limit for Israel’s consolidated reply as stipulated in its Conduct of Proceedings Decision, Israel would be grateful for clarification that Israel’s consolidated reply may be up to 60 pages in length.

20. Assuming that Israel’s understanding that the usual 20 page limit applies to its consolidated reply is correct, an enlargement of the page-limit is hereby requested. Exceptional circumstances justify extending the page limit for Israel’s consolidated reply to a maximum of 60 pages.²³

21. Israel’s Consolidated Reply relates to its underlying Jurisdictional Challenge which is exceptional in its nature and scope, and the considerable number of complex legal issues which it raises. The Observations received to date by Israel which have been filed by the Prosecution, “Palestine” and the Victims themselves amount to over 312 pages of legal submissions. The

¹⁹ [Conduct of Proceedings Decision](#), paras 15, 16.

²⁰ [Conduct of Proceedings Decision](#), para 21.

²¹ Underline added.

²² [Conduct of Proceedings Decision](#), para. 20.

²³ [Regulations of the Court](#), regulation 37(2).

scale of engagement with these issues, by a variety of parties and participants,²⁴ demonstrates both the inherent importance of the underlying subject matter and the critical need to ensure that Israel has an opportunity to reply to the Observations in a clear yet comprehensive manner.

22. In these circumstances, the necessary arguments cannot be meaningfully canvassed within the usual allotment of 20 pages.²⁵ The hearing of the Jurisdictional Challenge will, moreover, be significantly facilitated by sufficiently comprehensive and clear submissions from all parties and participants.

23. Specifically, the observations filed by the Prosecution, the “Palestine” and the Victims concern wide range of issues including:

- a. Israel’s standing to file a jurisdictional challenge under article 19(2)(c) and article 19(2)(b);
- b. the proper timing of a jurisdictional challenge under article 19(2)(c);
- c. the pre-conditions to the exercise of the Court’s jurisdiction under article 12(2) and in particular the extent to which these are affected by:
 - i. whether or not “Palestine” is a “State” for the purposes of article 12(2) because of its purported accession to the ICC Statute;
 - ii. whether or not “Palestine” is a “State” for the purposes of international law;
 - iii. Israel’s stance that sovereignty over the West Bank and the Gaza Strip remains in abeyance;
 - iv. Israel’s position that there is no “territory of” a State (within the meaning of the ICC Statute) over which the Court may exercise its jurisdiction;²⁶
 - v. whether or not a right to self-determination gives rise to plenary prescriptive criminal jurisdiction;
 - vi. Israel’s submissions that the existing Israeli-Palestinian agreements make it clear that the Palestinian authorities have no criminal jurisdiction either in law or fact over Area C, Jerusalem and Israeli nationals – and thus cannot validly delegate such jurisdiction to the Court.²⁷

²⁴ Over 70 *amicus curiae* submissions from States, NGOs and individuals, dealing mainly with questions of jurisdiction, have been accepted and considered by the Pre-Trial Chamber.

²⁵ [Regulations of the Court](#), regulation 37(1).

²⁶ [Jurisdictional Challenge](#), para. 124.

²⁷ [Jurisdictional Challenge](#), para. 125.

24. These issues are of significant complexity and novelty,²⁸ as well as being of “constitutional” importance²⁹ to the work of the Court. The complexity of the issues is evidenced by, amongst other indicators, the divergence of opinion between Pre-Trial Chamber I and the Appeals Chamber on the question of Israel’s standing to file a jurisdictional challenge, the volume of submissions, and the range of subjects and areas of law addressed.³⁰ While the Appeals Chamber has remanded Israel’s Jurisdictional Challenge to the Pre-Trial Chamber for a substantive ruling, the meaning of aspects of the Appeals Chamber’s Judgment – in particular as interpreted in unexpected ways in the various observations – also need to be addressed.

25. In this context, the 20-page page limit prescribed in regulation 37(1) is inadequate. A proper examination of the arguments raised in the observations will require detailed analysis of diverse subjects and, as this Chamber previously observed in the context of these proceedings, “the Chamber considers it important to be adequately briefed on the issues before it”.³¹ Indeed, the Pre-Trial Chamber gave advance authorization for Israel’s reply in the interest of “being comprehensively briefed”.³² This consideration is particularly important given the subject-matter of the article 19(2) proceedings, which affect the circumstances in which the Court may exercise its jurisdiction, a central issue for its mandate under the Rome Statute.

26. The exceptional circumstances of these proceedings therefore warrant an extension of the page limit of Israel’s Consolidated Reply to 60 pages.

²⁸ See e.g. *Prosecutor v. Yekatom and Ngaïssona*, Decision on the consolidated application of Mr Patrice-Edouard Ngaïssona for an extension of the page and time limits, [ICC-01/14-01/18-2189](#), 3 November 2023, paras. 12-13 (granting a page-limit extension based on need to address “novel and complex issues”); *Prosecutor v. Bemba*, Prosecution’s request to extend the page limit and for sufficient time to file its response to Bemba’s request for compensation and damages, [ICC-01/05-01/08-3674](#), 15 March 2019, para. 3 (Prosecution request for extension of page limit from 30 to 60 pages granted on the basis of the need to respond to a request that “is wide-ranging in its scope and raises several novel, diverse and complex issues of consequence to the Court”).

²⁹ *Situation in the Islamic Republic of Afghanistan*, Decision on the Prosecutor’s request for an extension of the page limit, [ICC-02/17-68](#), 20 September 2019, paras 9-10 (in relation to Prosecution arguments that an extension was warranted in relation to “matters of constitutional importance for the Court”, finding that the extension would be granted based on the “complexity and novelty of the issues”). See *Prosecutor v. Al Bashir*, Decision on applications for extension of the page and time limits, [ICC-02/05-01/09-324](#), 28 February 2018, paras 6, 8 (extending page limit for the State of Jordan given the “importance and complexity” of the submissions); *Situation on Registered Vessels*, Decision on Prosecutor’s request for extension of page limit and extension of time limit, [ICC-01/13-80](#), 25 January 2019, paras 9, 11 (granting requested extension based on Prosecution argument that outcome of submissions would “affect not only this situation but the operations of this Court as a whole”).

³⁰ See e.g. Prosecution request pursuant to article 19(3) for a ruling on the Court’s territorial jurisdiction in Palestine, [ICC-01/18-12](#), 22 January 2020, paras. 5-6 (explaining that the “determinator of the Court’s jurisdiction may, in this respect, touch on complex legal and factual issues”, arising in a “judicially untested jurisdictional context.”)

³¹ [Conduct of Proceedings Decision](#), para. 15.

³² [Conduct of Proceedings Decision](#), para. 20.

B. Request for an extension of time

27. There is likewise good cause to extend the time limit Israel's Consolidated Reply by 21 days, so that it is due on Friday 1 August 2025 (instead of Friday 11 July 2025).³³

28. Should the Pre-Trial Chamber agree that the exceptional circumstances of these proceedings justify the extension of pages requested above, there is also good cause for a corresponding reasonable extension of time in which to draft those complex and novel additional submissions to ensure clarity of reasoning and presentation for the Pre-Trial Chamber. Israel's ability to prepare its filing following the Pre-Trial Chamber's 28 May 2025 Decision was necessarily limited until some of the Observations were received on Friday 27 June 2025. Likewise, Israel cannot be certain of the precise manner in which its Consolidated Reply will be drafted until the present motion is determined by the Pre-Trial Chamber.

29. The reasonableness of Israel's request for an extension of time is made manifest by the unusual procedural history to these proceedings. Israel originally filed its Jurisdictional Challenge over nine months ago on 23 September 2024. Through no fault of its own, and due solely to the Prosecution's election to only address issues of standing, rather than dealing with both standing and the merits in its 27 September 2024 Response, Israel's Jurisdictional Challenge has not had the benefit of substantive consideration by either the Pre-Trial Chamber or the Appeals Chamber at any point during that nine month period. In this context, a short extension of time of 21 days is proportionate, will not unduly delay the proceedings and should be granted.

IV. RELIEF SOUGHT

30. For the reasons set out above, Israel requests the Pre-Trial Chamber to:

- a. Impose short deadlines for receiving, if deemed necessary, any submissions on this request from the Prosecution and other participants who may have standing to do so; and,

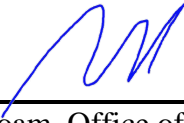
Having received those submissions,

- b. Clarify that the page limit for Israel's Consolidated Reply is 60 pages or, alternatively, extend the page limit to a maximum of 60 pages; and

³³ [Regulations of the Court](#), regulation 35(2).

- c. Extend the time limit for Israel's Consolidated Reply to the Observations until 1 August 2025.

Respectfully submitted:



Dr Gilad Noam, Office of the Attorney-General of Israel

Dated this 30 June 2025

At Jerusalem, Israel