

**Cour
Pénale
Internationale**



**International
Criminal
Court**

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No.: **ICC-01/18**
Date: **2 July 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 for extension of pages and extension of time for Consolidated Reply to Observations on Israel's Article 19(2) Jurisdictional Challenge"

Source: **Office of the Prosecutor**

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I. INTRODUCTION

1. The Prosecution’s understanding of the Pre-Trial Chamber’s Order is that Israel’s consolidated reply to the Prosecution, victims and the State of Palestine’s observations—due on 11 July 2025—should not exceed 20 pages.¹ Israel has not shown “exceptional circumstances” justifying the requested extension of 40 additional pages for its consolidated reply.² Should the Chamber decide to consider Israel’s request for an extension of pages, the Prosecution submits that this extension should not exceed 15 pages (*i.e.*, 35 pages in total, not including cover pages).

2. The Prosecution likewise opposes Israel’s request for extension of time to file its reply by 1 August 2025.³ It respectfully submits that Israel should file its reply by 11 July 2025, as originally instructed by the Chamber.⁴

II. SUBMISSIONS

3. Israel has not justified an extension of 40 pages (leading to a reply of 60 pages in total) nor an additional 21 days to file its consolidated reply.

A. Israel has not justified an extension of 40 additional pages for its reply

4. Israel seeks to clarify whether it has been authorised to file a reply which is 60 pages in length, matching the length authorised for the observations by the Prosecution, victims and the State of Palestine in response to Israel’s Challenge. Alternatively, if the reply is currently limited to 20 pages in accordance with regulation 37(1) of the Regulations of the Court, Israel seeks an extension of an additional 40 pages.⁵

5. The Prosecution’s understanding of the Pre-Trial Chamber’s Order is that any reply by Israel should not exceed 20 pages.⁶ If Israel were entitled to 60 pages for this purpose, its reply would be more akin to a response⁷—which would be inappropriate since Israel is the moving

¹ ICC-01/18-435 (“[Order](#)”).

² ICC-01/18-453 (“[Request](#)”), paras. 23-26.

³ [Request](#), paras. 27-29.

⁴ [Order](#), p. 8.

⁵ [Request](#), paras. 17-20.

⁶ [Order](#), para. 21 (“In accordance with regulation 38(2)(c) of the Regulations, none of the observations aforementioned herein shall exceed 60 pages”). The Prosecution understands that the reference to “observations” relates to the “observations of Palestine, the Victims and the Prosecution” but it does not include Israel’s “consolidated reply”, referred to in paragraph 20 of the Order.

⁷ *See* Regulations of the Court, reg. 38(2) (providing equal page limits for “the following documents and responses thereto”).

participant in this litigation, rather than the Prosecution, victims and the State of Palestine. Israel has already had the opportunity to file an application of up to 60 pages framing its challenge to the jurisdiction of the Court.

6. Furthermore, the Prosecution respectfully submits that Israel has not shown “exceptional circumstances” justifying an extension of 40 additional pages for its consolidated reply (for a total of 60 pages).⁸ However, should the Chamber grant an extension of pages, the Prosecution submits that a more modest extension not exceeding 15 additional pages would be more appropriate in the circumstances.⁹

7. *First*, Israel’s Challenge to the Court’s jurisdiction was 45 pages in length,¹⁰ and has already addressed all the issues that Israel now identifies in its Request¹¹—with the exception of Israel’s standing to file a jurisdictional challenge under article 19(2)(b) of the Statute at this stage of the proceedings (that is, after the issuance of warrants of arrest against Benjamin NETANYAHU and Yoav GALLANT).¹² As such, there is not “a wide range of issues” for which Israel requires such a substantial extension of pages,¹³ and none of them is new or could not reasonably have been foreseen.

8. *Second*, Israel’s Challenge was not “exceptional in its nature and scope”,¹⁴ nor did it raise “novel” issues.¹⁵ As the Chamber has noted, the large number of submissions received in 2020 and 2024 from States, individuals, organisations, and victims related to “largely the same issues now raised in Israel’s [Challenge]”.¹⁶ Israel has previously made its position known in other fora.¹⁷

⁸ *Contra* Request, paras. 23-26.

⁹ *Contra* Request, para. 28.

¹⁰ [ICC-01/18-354-AnxII-Corr](#) (“Challenge”).

¹¹ Request, para. 23. *But see e.g.* Challenge, paras. 69-71 (whether or not “Palestine” is a “State” for the purposes of article 12(2) because of its purported accession to the ICC Statute, where Israel argues that the Statute requires sovereign prerogatives under international law in order to delegate plenary criminal jurisdiction to the Court), 80-82 (whether or not “Palestine” is a “State” for the purposes of international law, where Israel argues that “there has never been a sovereign Palestinian State” hence the status of the territory is to be determined through negotiations), 83-84 (Israel’s stance that sovereignty over the West Bank and the Gaza Strip remains in abeyance), 72-79 *juncto* 115-118 (Israel’s position that there is no “territory of” a State within the meaning of the ICC Statute), 103-112 (on the right to self-determination), 85-102, 119-123 (on the Oslo Accords).

¹² Request, para. 23 (a). Israel only addressed its standing under article 19(2)(c) of the Statute prior to the issuance of the Warrants: Challenge, paras. 38-57.

¹³ *Contra* Request, para. 23.

¹⁴ *Contra* Request, para. 21.

¹⁵ *Contra* Request, para. 24.

¹⁶ [Order](#), para. 23.

¹⁷ *See e.g.* [Israel AG Memorandum](#).

9. Because of the foregoing, at most, an extension of 15 pages (for a total of 35 pages, not including cover pages) would permit Israel to reply to the observations “in a clear yet comprehensive manner”, as it proposes.¹⁸

B. Israel has not justified an extension of 21 additional days to reply

10. The Prosecution opposes an extension of time of an additional 21 days for Israel to reply to the observations of the victims, the State of Palestine and the Prosecution. As noted above, the issues raised in Israel’s Challenge and in the observations in response have already been extensively addressed. In these circumstances, there is no “good cause” to justify the extension of time.¹⁹ Rather, it is in the interest of justice that the Pre-Trial Chamber expeditiously rules on Israel’s Challenge.

III. RELIEF REQUESTED

11. In light of the foregoing, the Prosecution respectfully requests the Pre-Trial Chamber to reject Israel’s request to file a reply totalling 60 pages (not including cover pages) on a date which is 21 days after the originally set deadline. At most, the Chamber should grant 15 additional pages, so that the reply does not exceed 35 pages (not including cover pages), and maintain the existing timetable of 11 July 2025 for Israel to file its consolidated reply.



Nazhat Shameem Khan, Deputy Prosecutor, Officer-in-Charge

Dated this 2nd day of July 2025

At The Hague, The Netherlands

¹⁸ Request, para. 21.

¹⁹ *Contra* Request, paras. 27-29.