

**Cour  
Pénale  
Internationale**



**International  
Criminal  
Court**

Original: **English**

No.: ICC-01/18  
Date: 22 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**

**Request for leave to appeal the “Decision on the State of Israel’s request to have arrest warrants withdrawn, vacated or declared of no force or effect and to suspend the Prosecutor’s investigation”**

**Source:** The State of Israel

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  
Office of the Attorney General of Israel

☐ Amicus Curiae

## REGISTRY

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**Registrar**  
M. Zavala Giler, Osvaldo

☐ Counsel Support Section

☐ Victims and Witnesses Unit

☐ Detention Section

☐ Victims Participation and  
Reparations Section

☐ Other

## I. INTRODUCTION

1. Israel requests leave to appeal the Pre-Trial Chamber's decision<sup>1</sup> rejecting Israel's Request to Have Warrants Withdrawn or Vacated and Response to Prosecution Observations dated 5 May 2025.<sup>2</sup>

2. The Pre-Trial Chamber's refusal to grant Israel's request for the withdrawal of the arrest warrants that it has issued against Prime Minister Benjamin Netanyahu and former Minister of Defence Yoav Gallant is based on the Pre-Trial Chamber's findings that: (i) the arrest warrants contain a finding, as required by article 19(1), that the Court has jurisdiction "*ratione loci*";<sup>3</sup> and (ii) the reversal by the Appeals Chamber of its decision rejecting Israel's jurisdictional challenge, issued on the same day as the arrest warrants, does not affect the "prior ascertainment of jurisdiction" in the arrest warrants, which "remains valid."<sup>4</sup>

3. The error at the core of this reasoning is the proposition that the prerequisite jurisdictional finding for the issuance of an arrest warrant, which is expressly required under article 19(1), could have been reached without addressing the merits of a substantial jurisdictional challenge filed *prior to* the issuance of the arrest warrants. The Appeals Chamber has now confirmed that the Pre-Trial Chamber should have addressed "the substance of the State of Israel's jurisdictional challenge," and has directed it to do so.<sup>5</sup> In the absence of a ruling on the substance of that challenge, and given its improper dismissal at the time of the issuance of the arrest warrants, the "prior ascertainment of jurisdiction" in the arrest warrants is invalid, and cannot stand.

4. Leave to appeal is sought in respect of: "Whether the arrest warrant in this case could have been issued in conformity with article 19(1) notwithstanding a pending challenge to the jurisdictional basis for its issuance; and whether it must, consequently, now be suspended or given no force or effect in light of the Appeals Chamber's reversal of the dismissal of that jurisdictional challenge." The issue affects both the fairness and expeditiousness of the proceedings. It could never be fair, as the Pre-Trial Chamber tacitly acknowledges,<sup>6</sup> for a person to be in jeopardy of arrest on the basis of an invalid jurisdictional finding. An interlocutory

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<sup>1</sup> Decision on the State of Israel's request to have arrest warrants withdrawn, vacated, or declared of no force or effect and to suspend the Prosecutor's investigation, [ICC-01/18-457](#), 16 July 2025 ("Impugned Decision").

<sup>2</sup> [ICC-01/18-426](#), 9 May 2025 ("Request to Vacate").

<sup>3</sup> *Id.* para. 18.

<sup>4</sup> *Id.* para. 25.

<sup>5</sup> 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", [ICC-01/18-422](#), 24 April 2025 ("Appeals Chamber Decision"), para. 3.

<sup>6</sup> [Impugned Decision](#), para. 26.

appeal will expeditiously clarify whether article 19(1) has been satisfied in the circumstances of the present situation. The proceedings will be materially advanced pending the Pre-Trial Chamber's determination of Israel's jurisdictional challenge by ensuring that "all the acts and procedural steps taken in between are valid," and avoid the "major detrimental effect on judicial economy"<sup>7</sup> arising from the existence, and potential execution, of arrest warrants that may subsequently be found to be outside the Court's jurisdiction.

## II. PROCEDURAL HISTORY

5. On 20 May 2024, the Prosecutor announced the filing of confidential and *ex parte* Article 58 applications for arrest warrants against Israel's Prime Minister, Mr. Benjamin Netanyahu, and Israel's (then) Minister of Defence, Mr. Yoav Gallant.<sup>8</sup> Despite the *ex parte* nature of the article 58 proceedings, the Prosecutor publicized extensive details concerning these applications,<sup>9</sup> including publishing a 13-page report written by a panel of eight "Experts in International Law" with whom he had apparently shared the arrest warrant applications.<sup>10</sup>

6. On 23 September 2024, Israel filed its Challenge to the Jurisdiction of the Court pursuant to article 19(2) of the Rome Statute.<sup>11</sup> This Jurisdictional Challenge comprehensively analysed the potential grounds of jurisdiction and submitted that the preconditions for the exercise of the Court's jurisdiction under article 12(2) were not met, in particular, because there was no "territory of" a State on the basis of which the Court's territorial jurisdiction could be exercised, and because the Court's jurisdiction cannot in any event exceed the limited jurisdictional competences possessed by Palestinian authorities pursuant to the Oslo Accords.<sup>12</sup>

7. On 21 November 2024, the Pre-Trial Chamber rejected the Jurisdictional Challenge as premature and did not address its substance.<sup>13</sup>

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<sup>7</sup> *Prosecutor v. Kony*, Decision on the "Kony Defence request for leave to appeal [the] 'Decision on the criteria for holding confirmation of charges proceedings *in absentia*'", [ICC-02/04-01/05-551](#), 28 January 2025 ("*Kony* leave to appeal Decision"), para. 37.

<sup>8</sup> ICC OTP, "[Statement of ICC Prosecutor Karim A.A. Khan KC: Applications for arrest warrants in the situation in the State of Palestine](#)", 20 May 2024.

<sup>9</sup> *Id.*

<sup>10</sup> [Report of the Panel of Experts in International Law](#), 20 May 2024.

<sup>11</sup> 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").

<sup>12</sup> *See e.g. id.* para. 124.

<sup>13</sup> 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 ("Jurisdiction Decision").

8. On the same day, the Pre-Trial Chamber announced that it had issued arrest warrants against Mr. Netanyahu and Mr. Gallant<sup>14</sup> which remain *ex parte*.<sup>15</sup>

9. On 27 November 2024, Israel appealed the Jurisdiction Decision,<sup>16</sup> submitting its appeal brief on 13 December 2024.<sup>17</sup>

10. On 24 April 2025, the Appeals Chamber issued its Judgment accepting the appeal as of right, and held that “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’ is reversed and remanded for Pre-Trial Chamber I to rule on the substance of the State of Israel’s jurisdictional challenge.”<sup>18</sup>

11. On 9 May 2025, Israel filed the Request to Vacate, asking the Chamber to, *inter alia* (i) withdraw, vacate or declare the Warrants of no force or effect; and (ii) declare that the Prosecution must suspend its investigation into the “Situation in Palestine”.<sup>19</sup> The Prosecution responded on 21 May 2025.<sup>20</sup>

12. On 16 July 2025, the Pre-Trial Chamber issued the Impugned Decision.

### III. APPLICABLE LAW

13. A decision is subject to appeal, pursuant to Article 82(1)(d), where it:

involves an issue that would significantly affect the fair and expeditious conduct of proceedings or the outcome of the trial, and for which, in the opinion of the [...] Chamber, an immediate resolution by the Appeals Chamber may materially advance the proceedings.

### IV. SUBMISSIONS

#### A. The issue as formulated is determinative of the Impugned Decision

14. The issue is appealable. The Appeals Chamber has defined an “issue” as:

<sup>14</sup> 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 (“Press Release”).

<sup>15</sup> ICC-01/18-377-SECRET; ICC-01/18-378-SECRET (the Pre-Trial Chamber cites three filing numbers in the Impugned Decision, fn. 8, yet, according to the Decision terminating proceedings against Mr Mohammed Diab Ibrahim Al-Masri (Deif), [ICC-01/18-417](#), 26 February 2025, footnote 3, the third filing number cited (ICC-01/18-376-SECRET) is the arrest warrant for Deif).

<sup>16</sup> 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.

<sup>17</sup> 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.

<sup>18</sup> [Appeals Chamber Decision](#).

<sup>19</sup> [Request to Vacate](#), para. 40.

<sup>20</sup> Prosecution’s response to Israel’s “Request to Have Warrants Withdrawn or Vacated and Response to Prosecution Observations dated 5 May 2025”, [ICC-01/18-431](#), 21 May 2025.

an identifiable subject or topic requiring a decision for its resolution, not merely a question over which there is a disagreement or conflicting opinion. There may be disagreement or conflict of views on the law applicable for the resolution of a matter arising for determination in the judicial process. [...] An issue is constituted by a subject the resolution of which is essential for the determination of matters arising in the judicial cause under examination [...].<sup>21</sup>

15. “Essential” means that the issue is necessary for determination of the decision from which appeal is sought, “not merely a question over which there is disagreement or conflicting opinion.”<sup>22</sup> An appealable issue may be “legal or factual or a mixed one.”<sup>23</sup> Issues certified for appeal may involve a mixture of law and fact in one degree or another, as is illustrated by issues that have been recently certified, including by this Pre-Trial Chamber:

Whether the Pre-Trial Chamber erred in finding that no new situation had arisen, and that no substantial change had occurred in the parameters of the investigation into the situation, following 7 October 2023.<sup>24</sup>

Whether an initial appearance by the person charged is required pursuant to Article 60(1) and Article 61(1) of the Statute before a confirmation of charges hearing can be held *in absentia* under Article 61(2)(b).<sup>25</sup>

[W]hether the Chamber erred in law when finding that, for the purpose of providing notice, as far as the legal characterisation of the facts is concerned, it is not necessary for the charges to set out the constituent legal elements of the alleged mode(s) of liability.”<sup>26</sup>

Whether the Chamber erred in law by finding that the Rule 68(2)(d)(i) requirement that the witness must have ‘failed to give evidence with respect to a material aspect’ may be fulfilled in situations where the

<sup>21</sup> *Situation in the Democratic Republic of the Congo*, Judgment on Prosecutor’s Application for Extraordinary Review of Pre-Trial Chamber’s 31 March 2006 Decision Denying Leave to Appeal, [ICC-01/04-168](#), 13 July 2006 (“DRC Leave to Appeal Judgment”), para. 9.

<sup>22</sup> *Prosecutor v. Lubanga*, Decision on the Defence and Prosecution Requests for Leave to Appeal the Decision on Victims’ Participation of 18 January 2008, [ICC-01/04-01/06-1191](#), 26 February 2008, para. 8.

<sup>23</sup> [DRC Leave to Appeal Judgment](#), para. 9.

<sup>24</sup> Decision on Israel’s request for leave to appeal the ‘Decision on Israel’s request for an order to the Prosecution to give an Article 18(1) notice’, [ICC-01/18-429](#), 14 May 2025, para. 8.

<sup>25</sup> *Prosecutor v. Kony*, Decision on the “Kony Defence request for leave to appeal [the] ‘Decision on the criteria for holding confirmation of charges proceedings *in absentia*’”, [ICC-02/04-01/05-551](#), 28 January 2025, paras. 12, 31 (“it directly emanates from the 29 October 2024 Decision; it does not concern a mere disagreement between the parties, not a hypothetical concern or an abstract legal question”).

<sup>26</sup> *Prosecutor v. Yekatom & Ngaïssona*, Decision on the Yekatom Defence Request for Leave to Appeal the Decision on Motions on the Scope of the Charges and the Scope of the Evidence at Trial, [ICC-01/14-01/18-730](#), 13 November 2020 (“Yekatom 13 November 2020 Decision”), para. 3.

witness does attend, but recants fundamental aspects of their prior recorded testimony”.<sup>27</sup>

Whether the Chamber erred in law in its interpretation of the Rule 68(2)(d)(i) ‘interest of justice’ requirement by finding Rule 68(2)(d)’s purpose is the same as contempt proceedings namely to protect the integrity of the proceedings as a reactionary measure and not that the requirement is linked to the main purpose of Rule 68 of the Rules, which is to expedite trial proceedings””.<sup>28</sup>

16. The issue as formulated addresses whether the Pre-Trial Chamber was required, given the particular circumstances of this case, to have addressed the substance of Israel’s jurisdictional challenge in order to be in a position, as required under article 19(1), to “satisfy itself that it has jurisdiction in any case brought before it.” The Pre-Trial Chamber avoided addressing the substance of Israel’s jurisdictional challenge by dismissing it on procedural grounds on the very day that it issued the arrest warrants.

17. The Appeals Chamber has now reversed that decision. The reversal means that the legal basis for the Pre-Trial Chamber not having addressed the substance of Israel’s Jurisdictional Challenge, which otherwise would have been pending when the arrest warrants were issued, was incorrect. If this error had not been committed, the Pre-Trial Chamber would have been required – as it has now been instructed by the Appeals Chamber – to “rule on the substance of the State of Israel’s jurisdictional challenge.”<sup>29</sup> The “prior ascertainment of jurisdiction”<sup>30</sup> could not have taken place without addressing the Jurisdictional Challenge.

18. The Impugned Decision asserts, however, that the Appeals Chamber’s reversal of the Jurisdiction Decision has no impact on the arrest warrants because that decision made no substantive jurisdictional findings and, therefore, none of the substantive findings in the arrest warrant decisions have been impacted by its reversal.<sup>31</sup>

19. This reasoning is incorrect for at least two reasons. First, this reasoning does not address the pertinent issue, which is whether the Pre-Trial Chamber was required, as part of its obligatory “prior ascertainment” of jurisdiction in the arrest warrants, to have addressed the merits of the Jurisdictional Challenge. If the answer is “yes” – as Israel submitted in the

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<sup>27</sup> *Prosecutor v. Yekatom & Ngaissona*, Decision on the Ngaissona Defence Request for Leave to Appeal the Decision on the Prosecution Request for Formal Submission of Prior Recorded Testimony pursuant to Rule 68(2)(d) of the Rules, [ICC-01/14-01/18-2163](#), 25 October 2023, para. 2.

<sup>28</sup> *Id.*

<sup>29</sup> [Appeals Chamber Decision](#), para. 3.

<sup>30</sup> [Impugned Decision](#), para. 25.

<sup>31</sup> *Id.* para. 20.

Jurisdictional Challenge itself<sup>32</sup> and in the Request to Vacate<sup>33</sup> – then the arrest warrants should not have been issued without that analysis. The elimination of the pending Jurisdictional Challenge on procedural grounds is the predicate upon which the Pre-Trial Chamber relied when it issued the arrest warrants.<sup>34</sup> That predicate has now been reversed by the Appeals Chamber.

20. Second, the substantive implications of the Appeals Chamber Decision are greater than acknowledged in the Impugned Decision. Although the Impugned Decision asserts that the Appeals Chamber “did not make any findings, directly or indirectly, on the validity or otherwise of the Article 19(3) Decision,”<sup>35</sup> the Appeals Chamber did expressly impugn the Pre-Trial Chamber’s reliance on the Article 19(3) Decision in the context of its Jurisdiction Decision.<sup>36</sup> In particular, the Appeals Chamber found that the Pre-Trial Chamber failed to address why the notion of *res judicata* prevented Israel from making an article 19(2)(c) challenge in circumstances where Israel was not a party to the Article 19(3) proceedings and where the Article 19(3) Decision specifically held that issues related to the Oslo Accords could be raised by interested states at a later stage.<sup>37</sup> Significantly, the Pre-Trial Chamber has openly acknowledged that it also relied on the Article 19(3) Decision in issuing the arrest warrants.<sup>38</sup> Accordingly, the Appeals Chamber has invalidated, based on an absence of reasons, the Pre-Trial Chamber’s reliance on the very same authority that it has utilised as part of its “prior ascertainment” of jurisdiction in the arrest warrants.

21. The issue for appeal as framed appropriately addresses whether it was procedurally fair or correct for the Pre-Trial Chamber to have issued the arrest warrants without addressing the substance of the pending Jurisdictional Challenge. The issue for appeal also addresses the appropriate remedy that must be applied where arrest warrants have been issued on the basis of an improper rejection, on procedural grounds, of such a jurisdictional challenge. Israel submits that the issue as formulated “was determinative” of the conclusion in the Impugned Decision that “the Appeals Chamber’s Judgment did not impact the jurisdictional findings contained in

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<sup>32</sup> [Jurisdictional Challenge](#), paras 56, 128(b) (“determine that the application concerning Mr. Netanyahu and Mr. Gallant [...] are not within the Court’s jurisdiction”).

<sup>33</sup> [Request to Vacate](#), para. 22 (“[i]n the absence of a reasoned determination by the Pre-Trial Chamber on the substance of Israel’s Jurisdictional Challenge, the arrest warrants lack an essential prerequisite for their issuance, as required by article 19(1) and 58(1)”).

<sup>34</sup> [Press Release](#). The Court’s press release, under the section “warrants of arrest”, makes no reference to the merits of Israel’s Jurisdictional Challenge, which are described earlier in the same press release as having been rejected as “premature.”

<sup>35</sup> [Impugned Decision](#), para. 22.

<sup>36</sup> [Appeals Chamber Decision](#), para. 59.

<sup>37</sup> *Id.*

<sup>38</sup> [Press Release](#) (“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.”).



the Warrants” and that “there is no legal basis for withdrawing, vacating, or declaring them of no force or effect at this point in time.”<sup>39</sup>

22. As just explained, there is such a legal basis, which arises from a combination of the legal requirement under article 19(1); the erroneous dismissal of a jurisdictional request on procedural grounds that has now been reversed by the Appeals Chamber; the Appeals Chamber’s specific criticism of reliance by the Pre-Trial Chamber on the Article 19(3) Decision, which is part of the Pre-Trial Chamber’s reasoning in the arrest warrants; and the need for an appropriate and immediate remedy. Israel considers that the issue as formulated was determinative of the reasoning adopted in the Impugned Decision, but notes that the Pre-Trial Chamber has the discretionary power to reformulate an appealable issue if deemed necessary and appropriate.<sup>40</sup>

**B. The Issue affects the fair and expeditious conduct of proceedings, and immediate resolution thereof by the Appeals Chamber may materially advance the proceedings**

23. An appeal may be granted in respect of an issue which “would significantly affect the fair and expeditious conduct of proceedings or the outcome of the trial, and for which, in the opinion of the [Chamber], an immediate resolution by the Appeals Chamber may materially advance the proceedings.”<sup>41</sup>

24. The requirement of fair and expeditious proceedings extends to all phases and attributes of the Court’s purported exercise of authority, including “any judicial proceedings arising out of the relevant investigations.”<sup>42</sup> The need for fairness is particularly self-evident in respect of decisions that seek to deprive a person of their liberty, especially where the alleged error concerns the legality of the Court’s jurisdiction.<sup>43</sup> Depriving a person of their liberty, or even putting them in jeopardy of losing their liberty, on the basis of an invalid jurisdictional finding

<sup>39</sup> [Impugned Decision](#), para. 28.

<sup>40</sup> [Yekatom 13 November 2020 Decision](#), para. 11 (“the Chamber recalls that it has the power to determine not only whether the Impugned Decision may be appealed, but also to what extent. In accordance with its discretionary power to reformulate appealable issues, the Chamber finds it necessary to rephrase the Second Issue”); *Prosecutor v. Gbagbo*, Decision on the Prosecutor’s and Defence requests for leave to appeal the decision adjourning the hearing on the confirmation of charges, [ICC-02/11-01/11-464](#), 31 July 2013, para. 36.

<sup>41</sup> [Rome Statute](#), Article 82(1)(d).

<sup>42</sup> *Prosecutor v. Kenyatta*, Decision on the Prosecution’s request for leave to appeal, [ICC-01/09-02/11-1004](#), 9 March 2015 (“*Kenyatta Leave Decision*”), para. 26 (“Therefore, the Chamber considers that, notwithstanding the fact that the charges against Mr Kenyatta have been withdrawn, the ‘fair and expeditious conduct of the proceedings’ prong of the test, for the purposes of the Request, extends to any judicial proceedings arising out of the relevant investigations”).

<sup>43</sup> See *Prosecutor v. Yekatom & Ngaïssona*, Public redacted version of ‘Judgment on Mr Yekatom’s appeal against Trial Chamber V’s “Decision on the Yekatom Defence’s Admissibility Challenge”’, 9 October 2020, ICC-01/14-01/18-678-Conf, [ICC-01/14-01/18-678-Red](#), 11 February 2021, para. 43.

under article 19(1), violates fundamental human rights, which inherently affects the “fair conduct of proceedings.”

25. The expeditious conduct of proceedings is also affected. The mere issuance of arrest warrants entails a substantial mobilization of judicial, logistical and political resources. Arrest warrants are an immediate call to States Parties for enforcement, and may entail sanctions against such States for perceived lack of cooperation. Their issuance on an unsound jurisdictional basis, which is subsequently reversed, may have a significant impact on the Court’s standing and the legitimacy of its proceedings.<sup>44</sup> Furthermore, they could potentially trigger domestic surrender proceedings and other ancillary proceedings that could be avoided based on prompt resolution.

26. Immediate resolution of the issues may – indeed, will – materially advance the proceedings. The term “advance” has been described as relating to the attribute of “ensuring that the proceedings follow the right course” in circumstances where later discovery of error would be a setback:

Removing doubts about the correctness of a decision or mapping a course of action along the right lines provides a safety net for the integrity of the proceedings. A wrong decision in the context of article 82(1)(d) of the Statute unless soon remedied on appeal will be a setback to the proceedings in that it will leave a decision fraught with error to cloud or unravel the judicial process. In those circumstances the proceedings will not be advanced but on the contrary they will be set back.<sup>45</sup>

27. The resolution of Israel’s Jurisdictional Challenge may take some time, especially given the volume of submissions now before the Pre-Trial Chamber.<sup>46</sup> Meanwhile, the earliest possible resolution of the question regarding the continuing force of the arrest warrants issued is vital to the integrity of these proceedings. The immediate consequences of the existence, let alone potential execution of the warrants, are substantial. They impact upon the ability of States, in particular Israel, to conduct foreign relations; create a risk that the Court is violating the first sentence of article 98(1) of the Statute, by making a request to States that it is not permitted to make in respect of a sitting Head of Government; and seek to deprive individuals of their liberty where the Court’s legal authority to do so is in doubt. In the event that the arrest warrants were

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<sup>44</sup> [Kenyatta Leave Decision](#), para. 28 (“the capacity of the Prosecution to secure future and ongoing cooperation would be significantly affected by whether or not the Chamber had appropriately exercised its discretion in this instance”).

<sup>45</sup> [DRC Leave to Appeal Judgment](#), paras. 15-16.

<sup>46</sup> In addition to the submissions of more than 70 *amicus curiae*, many of whom offered submissions concerning jurisdictional issues, the Pre-Trial Chamber has now received more than 300 pages of additional submissions on Israel’s Jurisdictional Challenge from the OTP and participating victims.

to be executed while the merits of the Jurisdictional Challenge remain unresolved, the consequences would be far-reaching and irreversible. In these circumstances, the Pre-Trial Chamber should avail itself of the “safety net” of expeditious resolution through appellate review.

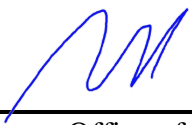
28. The importance of the issue to these specific proceedings, and to the Court as a whole, cannot be overstated. Immediate appellate resolution of the issue arising from the Impugned Decision is in the interests of justice and the rule of law.

## **V. CONCLUSION AND RELIEF REQUESTED**

For the foregoing reasons, Israel respectfully requests that the Pre-Trial Chamber:

**GRANT** leave to appeal the Impugned Decision.

Respectfully submitted:

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

Dated this 22 July 2025

At Jerusalem, Israel