

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-01/18
Date: 16 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

**Decision on the State of Israel's request to have arrest warrants withdrawn, vacated,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**

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

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| ☒ 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
State of Israel
State of Palestine | ☐ Amicus Curiae |

REGISTRY

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- | | |
|---|---|
| Registrar
Mr Osvaldo Zavala Giler | ☐ Counsel Support Section |
| ☐ Victims and Witnesses Unit | ☐ Detention Section |
| ☐ Victims Participation and Reparations Section | ☐ Other |

PRE-TRIAL CHAMBER I (the ‘Chamber’) of the International Criminal Court (the ‘Court’) hereby decides on the State of Israel’s (‘Israel’) request to withdraw, vacate or declare of no force or effect the warrants of arrest for Benjamin Netanyahu and Yoav Gallant and to suspend the investigation pursuant to article 19(7) of the Rome Statute (‘Statute’), filed by Israel on 9 May 2025 (the ‘Request’).¹

I. PROCEDURAL HISTORY

1. On 5 February 2021, Pre-Trial Chamber I, in a different composition, issued a decision on a request by the Prosecution² pursuant to article 19(3) of Statute, finding unanimously that the State of Palestine (‘Palestine’) is a State Party to the Statute and holding by majority, that, as a consequence, ‘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 (the ‘Article 19(3) Decision’).’³

2. On 3 March 2021, the Prosecutor publicly announced the initiation of an investigation into the Situation in Palestine, with respect to ‘crimes within the jurisdiction of the Court that are alleged to have been committed in the Situation since 13 June 2014’.⁴

3. On 20 May 2024, the Prosecutor publicly announced the filing of applications for warrants of arrest in the Situation in Palestine against five individuals, including Mr Netanyahu and Mr Gallant.⁵

¹ Request to Have Arrest Warrants Withdrawn or Vacated and Response to Prosecution Observation dated 5 May 2025, ICC-01/18-426.

² Prosecution’s request pursuant to article 19(3) for a ruling on the Court’s territorial jurisdiction in Palestine, ICC-01/18-12.

³ Decision on the ‘Prosecution request pursuant to article 19(3) for a ruling on the Court’s territorial jurisdiction in Palestine’, ICC-01/18-143.

⁴ Office of the Prosecutor, Statement of the ICC Prosecutor, Fatou Bensouda, respecting an investigation of the Situation in Palestine, 3 March 2021.

⁵ Office of the Prosecutor, Statement of ICC Prosecutor Karim A.A. Khan K.C.: Applications for arrest warrants in the situation in the State of Palestine, 20 May 2024.

4. On 23 September 2024, Israel filed before the Chamber ‘Israel’s challenge to the jurisdiction of the Court pursuant to article 19(2) of the Rome Statute’ (‘Israel’s Jurisdiction Challenge’).⁶

5. On 21 November 2024, the Chamber issued a decision rejecting Israel’s Jurisdiction Challenge as premature (the ‘Article 19(2) Decision’).⁷ On the same day, the Chamber issued three warrants of arrest, including warrants for Mr Netanyahu and Mr Gallant (the ‘Warrants’).⁸

6. On 27 November 2024, Israel filed a notice of appeal against the Article 19(2) Decision before the Appeals Chamber pursuant to article 82(1)(a) of the Statute (the ‘Notice of Appeal’)⁹ in which it asked the Appeals Chamber to give suspensive effect to the appeal pursuant to article 82(3) of the Statute and to suspend the Warrants.¹⁰

7. On 13 December 2024, Israel filed its appeal brief, in which it asked the Appeals Chamber to (i) find that Israel had standing to challenge the Court’s jurisdiction pursuant to article 19(2)(c) of the Statute prior to the issuance of the Warrants; (ii) remit Israel’s Jurisdiction Challenge to the Pre-Trial Chamber; and (iii) declare that the Warrants were erroneously issued because the Chamber had failed to provide a substantive determination on the merits of Israel’s Jurisdiction Challenge and were therefore null and void (‘Israel’s Appeal Brief’).¹¹

8. On 24 April 2025, the Appeals Chamber issued its judgment on Israel’s appeal against the Article 19(2) Decision (the ‘Judgment’).¹² The Appeals Chamber reversed the Article 19(2)

⁶ Israel’s challenge to the jurisdiction of the Court pursuant to article 19(2) of the Rome Statute, ICC-01/18-354-AnxII-Corr.

⁷ Decision on Israel’s challenge to the jurisdiction of the Court pursuant to article 19(2) of the Rome Statute, ICC-01/18-374.

⁸ ICC-01/18-376-SECRET; ICC-01/18-377-SECRET; ICC-01/18-378-SECRET. The issuance of the arrest warrants was made public on the same day. *See* 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.

⁹ 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-01/18-374), ICC-01/18-386.

¹⁰ Notice of Appeal, paras 5 and 29-37.

¹¹ 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.

¹² 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.

Decision for insufficient reasoning and remanded the matter to the Chamber for it to rule on the substance of the jurisdictional challenge.¹³ The Appeals Chamber dismissed Israel’s request for suspensive effect of the arrest warrants as moot.¹⁴

9. On 9 May 2025, Israel filed the Request, 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.¹⁵

10. On 21 May 2025, the Prosecution responded to the Request (the ‘Response’).¹⁶

11. On 28 May 2025, the Chamber issued the ‘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”’, in which it set out the schedule for submissions by the Prosecution, victims and Israel (the ‘Decision on Conduct of Proceedings’).¹⁷

12. On 27 June 2025, Palestine filed its observations in relation to Israel’s Jurisdiction Challenge, in which it, *inter alia*, requested to be heard in relation to the Request (‘Palestine’s Observations’).¹⁸

II. PRELIMINARY MATTER

13. The Chamber has considered Palestine’s application to be heard in relation to the Request. Palestine argues that, as the referral and territorial State, it has a legitimate interest in the outcome of the Request as well as the impact, if any, on its continuing cooperation and support of the Prosecution’s investigation of crimes arising from the Situation. Palestine states that it would provide ‘the necessary factual context in which to determine the legality or viability of [the Request]’.¹⁹

¹³ Judgment, para. 64.

¹⁴ Judgment, para. 66.

¹⁵ Request to Have Warrants Withdrawn or Vacated and Response to Prosecution Observations dated 5 May 2025, ICC-01/18-426.

¹⁶ 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.

¹⁷ ICC-01-18-435.

¹⁸ The State of Palestine’s Observations on Israel’s Request (ICC-01/18-354-AnxII-Corr), ICC-01/18-452, para. 20.

¹⁹ Palestine’s Observations, para. 20.

14. The Chamber considers that it is sufficiently briefed on this matter and that it does not require additional information regarding the factual context. Under these circumstances, the Chamber does not consider it necessary to receive Palestine's submissions before ruling on the Request.

III. DETERMINATION

15. In the Request, Israel makes two separate requests. *First*, Israel asks the Chamber to withdraw, vacate or declare the Warrants of no force or effect. It supports this request with three arguments: (i) Israel alleges that there was no valid jurisdictional finding to support the issuance of the Warrants; (ii) Israel claims that the issuance of the Warrants violates the internationally recognised human rights of the suspects; and (iii) Israel claims that the issuance of the Warrants induces States Parties to commit internationally wrongful acts *vis-à-vis* Israel. *Second*, Israel asks the Chamber to declare that the 'Prosecution must suspend its investigation into the Situation in Palestine until the Court has given a substantive ruling on Israel's article 19 Jurisdiction Challenge'.²⁰ The Chamber will deal with the two requests in that order.

16. Before entering into the analysis, however, the Chamber emphasises that the present ruling is limited to resolving Israel's request to vacate the Warrants and suspend the Prosecution's investigation. It does not prejudice the question of Israel's standing to challenge the Court's jurisdiction and, even less so, the merits of Israel's arguments relating to the Court's jurisdiction over Israeli nationals. These issues will be addressed by the Chamber when it rules, as directed by the Appeals Chamber, on the substance of Israel's Jurisdiction Challenge.

A. Israel's request to withdraw, vacate or declare the Warrants of no force of effect

17. Pursuant to article 58(4) of the Statute, once issued, warrants of arrest shall remain in effect until decided otherwise by the Court. The issue before the Chamber is whether the Chamber's legal and factual findings in the Warrants have been in any way affected by the Appeals Chamber's Judgement to reverse and remand the Article 19(2) Decision and should therefore, as argued by Israel, be withdrawn, vacated or declared to have no force or effect.

²⁰ Request, para. 40.

1. Impact of the Appeals Chamber's Judgment on the jurisdictional findings in the Warrants

18. The Chamber agrees with Israel that a determination that a case falls within the Court's jurisdiction is a prerequisite for the issuance of a warrant of arrest.²¹ This determination requires an assessment of the material, temporal, and territorial elements of a case.²² The Chamber made this determination in the Warrants, as required by article 19(1) and article 58(1)(a) of the Statute, and satisfied itself that the alleged conduct of the suspects falls within the jurisdiction of the Court. In particular, on the question of jurisdiction, the Chamber made an explicit finding that the Court has jurisdiction *ratione materiae*, *ratione loci*, and *ratione temporis*. The Warrants therefore do contain the required jurisdictional finding. The question is whether, as argued by Israel, this finding has been invalidated as a result of the Appeals Chamber's reversal of the Article 19(2) Decision.

19. Israel claims that the Appeals Chamber's reversal of the Article 19(2) Decision 'eliminate[d] the Pre-Trial Chamber decision that was the predicate for the jurisdictional finding in the [Warrants]'.²³ This argument is unfounded.

20. First, the Article 19(2) Decision, which is the only decision overturned by the Appeals Chamber, did not constitute 'the predicate for the jurisdictional findings in the Warrants'. Indeed, the Article 19(2) Decision was restricted to the issue of the appropriate timing for Israel to make a jurisdictional challenge. In particular, the Chamber had to decide whether or not Israel's Jurisdiction Challenge was admissible before any warrant of arrest or summons was issued. The Chamber's reasoning was limited to answering this question, which the Chamber resolved by finding Israel's Jurisdiction Challenge to be premature. The Chamber did not discuss the substance of Israel's Jurisdiction Challenge and it made no jurisdictional findings regarding the cases against Mr Netanyahu and Mr Gallant in the Article 19(2) Decision.

²¹ Request, paras 17-19.

²² See, for example, Pre-Trial Chamber I, *The Prosecutor v. Thomas Lubanga Dyilo*, Decision on the Prosecutor's Application for a warrant of arrest, Article 58, 10 February, 2006, ICC-01/04-01/06-1-Corr-Red, para. 18; Pre-Trial Chamber I, *The Prosecutor v. Bosco Ntaganda*, Decision on the Prosecution Application for a Warrant of Arrest, 6 March 2007, ICC-01/04-02/06-1-Red-tENG, para. 23; Pre-Trial Chamber I, *The Prosecutor v. Ahmad Muhammad Harun ("Ahmad Harun") and Ali Muhammad Ali Abd-al-Rahman ("Ali Kushayb")*, Decision on the Prosecution Application under Article 58(7) of the Statute, 27 April 2007, ICC-02/05-01/07-1-Corr, para. 13.

²³ Request, para. 20. See also para. 24 ('The Appeals Chamber's Judgment has now reversed the Pre-Trial Chamber decision that was the basis for [the condition precedent to the issuance of an arrest warrant].').

21. Second, insofar as Israel suggests that the Appeals Chamber's Judgment restricted the Chamber's ability to adopt the reasoning of the majority in the Article 19(3) Decision for the purpose of ascertaining jurisdiction in the Warrants, this argument must also be rejected.

22. It is incorrect to suggest that the Appeals Chamber invalidated the Article 19(3) Decision or found that it was inappropriate for the Chamber to adopt the argumentation contained therein as part of its jurisdictional findings in the Warrants. The Appeals Chamber did not make any findings, directly or indirectly, on the validity or otherwise of the Article 19(3) Decision. The Appeals Chamber decided to remand the Article 19(2) Decision solely on the basis of the first sub-ground of Israel's first ground of appeal, relating to Israel's standing pursuant to article 19(2)(c) of the Statute.²⁴

23. It is also impossible to read the Appeals Chamber's Judgment as implicitly invalidating the jurisdictional findings contained in the Warrants. In fact, the Appeals Chamber explicitly held that the Warrants were issued separately from the Article 19(2) Decision and that they could not be considered to be based on or to be 'inextricably connected' to the Article 19(2) Decision.²⁵

24. Finally, there is also nothing to suggest that the Appeals Chamber considered that the Chamber was obliged to rule on Israel's Jurisdiction Challenge before ruling on the applications for the arrest warrants. Although the issue of the timing of jurisdictional challenges based on article 19(2)(c) of the Statute was one of the central points of contention in Israel's appeal,²⁶ the Appeals Chamber specifically declined to address this issue in its Judgment.²⁷ Moreover, in the context of discussing appropriate relief, the Appeals Chamber, after explicitly noting the issuance of the arrest warrants against Israeli nationals,²⁸ directed the Chamber to 'rule on the substance of the jurisdictional challenge [...] [and] to determine the applicable legal basis for addressing Israel's Jurisdiction Challenge under article 19(2) of the Statute *at*

²⁴ Judgment, paras 55-56 and 65. Specifically, the legal error identified by the Appeals Chamber was that the Chamber had failed to 'sufficiently direct itself to the relevant submissions before it in respect of the particular legal basis underpinning the challenge to the jurisdiction of the Court. [...] Had the Pre-Trial Chamber had sufficient regard to the central contention before it, it would have had to directly and specifically address Israel's *standing* under article 19(2)(c) of the Statute.' Judgment, paras 61-62 (emphasis added).

²⁵ Judgment, para. 66.

²⁶ See, in particular, Israel's Third ground of appeal, Israel's Appeal Brief, paras 4.C, 53-69.

²⁷ Judgment, para. 65.

²⁸ Judgment, para. 63.

the present stage of proceedings'.²⁹ If the Appeals Chamber had considered that it was an error to issue the Warrants before ruling on Israel's Jurisdiction Challenge, it would have given different instructions. Instead, the Appeals Chamber acknowledged the issue of the timing of the jurisdictional challenge, but concluded that the proceedings had moved on and remanded the matter to the Chamber for it to rule on the substance of the jurisdictional challenge.

25. Israel's Jurisdiction Challenge is thus currently pending before the Chamber. It is inherent in the nature of jurisdictional challenges that they may result in the overturning of a prior ascertainment of jurisdiction. Until there is such a ruling, however, the prior ascertainment of jurisdiction remains valid.

2. *Alleged violation of human rights*

26. In relation to Israel's argument that enforcing the Warrants would violate the suspects' human rights by illegally depriving them of their liberty,³⁰ the Chamber notes that this argument is premised on Israel's claim that there is no valid jurisdictional finding in the Warrants. As the Chamber explained above, this assertion is incorrect and the argument is therefore rejected.

3. *Alleged inducement of international wrongful acts*

27. Israel also argues that asking States to execute the Warrants would induce the requested States to violate their obligations under public international law *vis-à-vis* Israel.³¹ The Chamber observes that this argument, even if accepted, could not have any bearing on the *validity* of the Warrants under the Statute, but only their enforcement. In this regard the Chamber notes that articles 97 and 98 of the Statute set out the relevant procedural avenues for the requested States to raise any such arguments. To the extent that a requested State may consider that executing the Warrants might cause it to breach its international obligations *vis-à-vis* Israel, it may raise this at the earliest possibility by either initiating consultations pursuant to article 97(c) of the Statute or providing information pursuant to rule 195 of the Rules of Procedure and Evidence (the 'Rules'). Furthermore, rule 195 of the Rules expressly entitles concerned third States to submit additional information to assist the Court in resolving such conflicts once they arise.

²⁹ Judgment, para. 64 (emphasis added).

³⁰ Request, para. 26.

³¹ Request, para. 27.

28. In conclusion, the Chamber finds that the Appeals Chamber's Judgment did not impact the jurisdictional findings contained in the Warrants and there is no legal basis for withdrawing, vacating, or declaring them of no force or effect at this point in time. The impact of Israel's Jurisdiction Challenge on the Warrants, if any, is something that can only be determined when the Chamber will have ruled on the substance thereof.³²

B. Israel's request to suspend the investigation

29. Israel asks the Chamber to 'declare' that article 19(7) of the Statute applies to challenges to jurisdiction and that the Prosecution is therefore obliged to suspend its investigation into the Situation in Palestine until the Chamber has ruled on Israel's Jurisdiction Challenge.³³

30. Article 19(7) of the Statute reads: 'If a challenge is made by a State referred to in paragraph 2(b) or (c), the Prosecutor shall suspend the investigation until such time as the Court makes a determination in accordance with article 17'.

31. The Chamber finds that the ordinary meaning of the provision, specifically the inclusion of the clause 'determination in accordance with article 17' indicates that suspension of investigation pursuant to article 19(7) is limited to instances where a State has made a challenge in respect of *admissibility*. This is because article 17 of the Statute, entitled 'Issues of admissibility', is limited to circumstances affecting admissibility of cases, not jurisdiction. In accordance with the rules of textual interpretation, no clause, sentence or word in a provision must be construed to be superfluous or insignificant. The Chamber considers that, had the drafters intended for article 19(7) of the Statute to also encompass jurisdictional challenges, there would have been no reason to include the reference to article 17.

32. The Chamber notes that the reference to article 19(2)(c) in article 19(7) of the Statute could give the impression that also jurisdictional challenges should lead to suspension of the investigation, since article 19(2)(c) of the Statute gives States the right to challenge both jurisdiction *and* admissibility. However, considering the wording of article 19(7) of the Statute as a whole, specifically its reference to article 17 of the Statute, it is clear that only the latter

³² See also Judgment, para. 66.

³³ Request, paras. 30-32, 40.

(i.e. an admissibility challenge) could lead to the suspension of the investigation. The reference to article 19(2)(c) was included in article 19(7) of the Statute because, like article 19(2)(b) of the Statute, it enables a State to raise an admissibility challenge and not because the drafters intended to accord suspensive effect also to jurisdictional challenges.³⁴ A different reading would lead to absurd results as it would require the Court, after rejecting a jurisdictional challenge, to also rule on admissibility, even when no such challenge was raised and no submissions were received, just to lift the suspension of the investigation.

33. The interpretation that suspension of investigation pursuant to article 19(7) is limited to admissibility challenges is further confirmed by analysing article 19(7) in the context of the Court's jurisdiction and complementarity regimes, which reveals significant differences between the two. First, according to article 19(1) of the Statute, the Court must satisfy itself at all times that it has jurisdiction. There should thus, in principle, be no risk that the Court will act without having ascertained jurisdiction. By contrast, the Court is not required to consider admissibility issues *proprio motu* and should only exercise its discretion when this is appropriate in the circumstances of the case.³⁵ When a State challenges admissibility, it may thus be the first time that the Court is addressing the admissibility of a case.

34. Second, another important distinction between the two types of challenges is that the factual and legal basis for the Court's ascertainment of jurisdiction is generally static. By contrast, the implementation of the complementarity principle depends on the intention and acts of States and is much more dynamic. An admissibility challenge will likely provide the Court with new information that was previously not available to it. It is also quite possible that, when the Court commences an investigation or prosecution, the case is admissible but that the subsequent actions of a State change this status.³⁶

³⁴ See John T. Holmes, 'The Principle of Complementarity', in Roy S. Lee, (ed.), *The International Criminal Court – The Making of the Rome Statute*, (1999), Kluwer Law International, p. 67. Holmes, who acted as the coordinator on this topic during the Rome Conference, suggests that article 19(2)(c) was added during the Rome Conference to allow States to invoke the complementarity principle even if they themselves are not investigating the case.

³⁵ Appeals Chamber, *Situation in the Democratic Republic of the Congo*, Judgment on the Prosecutor's appeal against the decision of Pre-Trial Chamber I entitled 'Decision on the Prosecutor's Application for Warrants of Arrest, Article 58', 13 July 2006, ICC-01/04-169, para. 2.

³⁶ This is confirmed by article 18(7) of the Statute.

35. Moreover, when a State challenges admissibility, it does so on the basis of the claim that it is itself investigating or prosecuting the case. Until the question of admissibility is resolved, there will thus be two parallel investigations or prosecutions: one before the Court and one before the national authorities. In accordance with the complementary principle,³⁷ and to avoid competing proceedings in the same case, the Statute accords deference to the national proceedings during the period when the Court is considering an admissibility challenge, as reflected not just in article 19(7) but also, for example, in articles 18(2) and 95 of the Statute.

36. The Chamber further notes that Israel's reference to draft article 54(3) of the Preparatory Committee's Report to the Rome Conference does not support its argument. Article 54(3) of the Preparatory Committee's Draft Statute contained a reference to challenges under what was then article 15 which was titled 'issues of admissibility' and made no reference to jurisdictional challenges.³⁸ Moreover, the Chamber notes that the commentator cited by Israel in support of this argument in fact explicitly rejects the application of article 19(7) to jurisdictional challenges by States.³⁹ As regards Israel's reliance on a decision by Pre-Trial Chamber II in 2011 to support the proposition that article 19(7) of the Statute also applies to jurisdictional challenges,⁴⁰ the Chamber observes that the passage referred to is an *obiter dictum* that was made in a different context.⁴¹ It does not offer persuasive authority, let alone binding precedent in this regard. Furthermore, even if this decision were authoritative, it is important to note that the respective Chamber also held that article 19(7) of the Statute only affects the Prosecution's investigations, not any ongoing prosecutions.⁴²

³⁷ See Preamble, para. 10.

³⁸ Report of the Preparatory Committee on the Establishment of an International Criminal Court, Vol. II., 1998, A/CONF.183/2/Add.1, pp. 40 and 75.

³⁹ Jo Stigen, *The Relationship Between the International Criminal Court and National Jurisdictions: The Principle of Complementarity*, 2008, Martinus Nijhoff, p. 169, note 564. ('[a] challenge to the jurisdiction is *not* given a suspensive effect. An ICC investigation which duplicates a genuine national proceeding is arguably more intrusive on state sovereignty than an investigation without a valid jurisdictional basis, since the former might also compromise the national proceedings.' ((emphasis added)). Similarly, Nsereko/Ventura, 'Article 19' in Kai Ambos, ed., *The Rome Statute of the International Criminal Court – Article-by-Article Commentary*, 4th ed., 2022, p. 1080.

⁴⁰ Request, para. 32.

⁴¹ Pre-Trial Chamber II, *The Prosecutor v. William Samoei Ruto, Henry Kiprono Kosgey and Joshua Arap Sang*, Decision on the 'Prosecution's application requesting disclosure after a final resolution of the Government of Kenya's admissibility challenge' and Establishing a Calendar for Disclosure Between the Parties, 20 April 2011, ICC-01/09-01/11-62, para. 18.

⁴² Pre-Trial Chamber II, *The Prosecutor v. William Samoei Ruto, Henry Kiprono Kosgey and Joshua Arap Sang*, Decision on the 'Prosecution's application requesting disclosure after a final resolution of the Government of Kenya's admissibility challenge' and Establishing a Calendar for Disclosure Between the Parties, 20 April 2011, ICC-01/09-01/11-62, paras 8-9.

37. In conclusion, the Chamber finds that the suspension of investigation pursuant to article 19(7) of the Statute can only result from a State challenging the admissibility of a case. Since Israel has not challenged admissibility, the Chamber rejects Israel's request to declare that the Prosecution must suspend its investigation into the cases against Mr Netanyahu and Mr Gallant, let alone the Situation as a whole.

FOR THESE REASONS, THE CHAMBER HEREBY

REJECTS Palestine's request to make submissions in relation to the Request; and

REJECTS the Request.

Done in English. A French translation will follow. The English version remains authoritative.

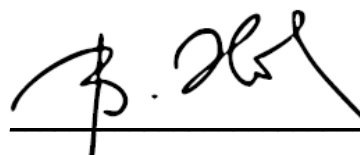


Judge Nicolas Guillou

Presiding Judge



**Judge Reine Adélaïde Sophie
Alapini-Gansou**



Judge Beti Hohler

Dated this Wednesday, 16 July 2025

At The Hague, The Netherlands