

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: **English**

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

Date: **6 September 2024**

PRE-TRIAL CHAMBER I

Before: Judge Iulia Antoanella Motoc, Presiding Judge
Judge Reine Adélaïde Sophie Alapini-Gansou
Judge Nicolas Guillou

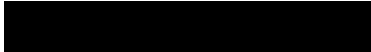
SITUATION IN THE STATE OF PALESTINE

Secret

**Decision on Israel's request for access to the Prosecution's applications for
warrants of arrest**

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

The Office of the Prosecutor



States Representatives

State of Israel

REGISTRY

Registrar

Mr Osvaldo Zavala Giler

PRE-TRIAL CHAMBER I of the International Criminal Court issues this decision on the ‘Request for Access to the Application for Arrest Warrants for Benjamin Netanyahu and Yoav Gallant’ (‘Request’), submitted by the State of Israel (‘Israel’).¹

1. On 11 July 2024, the Chamber received the Request, transmitted by the Registry, in which Israel seeks to obtain access to the Prosecution’s application for arrest warrants and ‘any representations that may have been made in the Article 58 application concerning admissibility, including communications between Israel and the Office of the Prosecutor’ to ‘exercise its right to challenge the Court’s jurisdiction over the case pursuant to Article 19(2)(c) of the Rome Statute’ and to ‘make submissions on matters pertaining to admissibility, if it deems appropriate’.²
2. On 22 July 2024, the Prosecution responded, requesting the Chamber to dismiss the Request.³
3. On 19 August 2024, having been authorised to do so,⁴ Israel replied to the Prosecution.⁵
4. The proceedings related to article 58 of the Statute are conducted *ex parte*, notably in order to protect the names and identities of witnesses and victims and other evidentiary elements. There is no right or procedural need for any person or entity other than the Prosecution and the Pre-Trial Chamber to have access to the applications. As the Request lacks a legal basis in the Court’s legal framework, Israel does not have standing to make a request for access.

IN LIGHT OF THE FOREGOING, THE CHAMBER HEREBY

REJECTS the Request.

¹ ICC-01/18-187-SECRET-Exp-AnxI.

² Request, paras 16-17.

³ Prosecution Response to Israel’s “Request for Access to the Application for Arrest Warrants for Benjamin Netanyahu and Yoav Gallant”, 22 July 2024, ICC-01/18-248-SECRET-Exp, para. 5.

⁴ Request for leave to reply to the “Prosecution Response to Israel’s Request for Access to the Application for Arrest Warrants for Benjamin Netanyahu and Yoav Gallant” (ICC-01/18-248-SECRET-Exp), 29 July 2024, ICC-01/18-255-SECRET-Exp-AnxI; Decision on Israel’s request for leave the reply, 14 August 2024, ICC-01/18-341-SECRET.

⁵ Reply to the “Prosecution Response to Israel’s Request for Access to the Application for Arrest Warrants for Benjamin Netanyahu and Yoav Gallant” (ICC-01/18-248-SECRET-Exp), ICC-01/08-343-SECRET-Exp.

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



Judge Iulia Antoanella Motoc

Presiding Judge



**Judge Reine Adélaïde Sophie Alapini-
Gansou**



Judge Nicolas Guillou

Dated this Friday, 6 September 2024

At The Hague, The Netherlands