

**Cour
Pénale
Internationale**

**International
Criminal
Court**



Original: English

No.: ICC-01/18

Date: 11 April 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

UNDER SEAL

***EX PARTE* available to the Prosecution and Registry Only
With UNDER SEAL Redacted *EX PARTE* Annexes I-XIII available to the
Prosecution and Registry Only**

**Report of the Registry on the Status of the Execution of the
Request to Hungary for the Provisional Arrest of Benjamin Netanyahu pursuant to
article 92 of the Rome Statute**

Source: Registry

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**

☐ **Amicus Curiae**

REGISTRY

Registrar

Mr Osvaldo Zavala Giler

☐ **Counsel Support Section**

☐ **Victims and Witnesses Unit**

☐ **Detention Section**

☐ **Victims Participation and
Reparations Section**

☐ **Other**

I. Introduction

1. This report is submitted in implementation of the "Warrant of Arrest for Mr Benjamin Netanyahu" ("Warrant of Arrest") issued by Pre-Trial Chamber I ("Chamber") on 21 November 2024.¹ In the Warrant of Arrest, the Chamber ordered the Registrar to *inter alia* "send to all States Parties requests to provisionally arrest Mr Netanyahu when the opportunity to do so arises, pursuant to article 92 of the Statute - without appending the present warrant of arrest but informing the States Parties of its existence".²
2. On 3 April 2025, the Registry transmitted a request ("Request") to Hungary for the provisional arrest of Mr Netanyahu pursuant to article 92 of the Rome Statute, which is annexed to the present report.³

II. Classification

3. In accordance with the Chamber's instruction,⁴ regulation 23 *bis*(1) of the Regulations of the Court ("RoC"), and regulation 14(c) of the Regulations of the Registry ("RoR"), the present report is classified as under seal *ex parte*, only available to the Registry and the Office of the Prosecutor ("OTP" or "Prosecution"). The report contains sensitive communications with Hungary, and information on the *modus operandi* of the International Criminal Court ("Court" or "ICC") in the context of arrest and surrender which should be accessible and known only to a limited number of persons.

¹ Pre-Trial Chamber I, Warrant of Arrest for Mr Benjamin Netanyahu, ICC-01/18-377-SECRET-Exp, 21 November 2024.

² *Ibid*, p. 54.

³ Annex IX, Request to Hungary for the provisional arrest of Benjamin Netanyahu pursuant to article 92 of the Rome Statute.

⁴ The Registry sought the Chamber's guidance in relation to the classification of the present report orally on 7 April 2025.

4. In addition, whereas the Warrant of Arrest is classified as Secret, *ex parte*, the present report is classified as under seal, *ex parte*, pursuant to regulation 23 *bis*(2) as the justification for aligning its classification with that of the Warrant of Arrest no longer applies. Following the transmission of the Request, the degree of secrecy necessary to ensure the successful execution of the arrest is no longer warranted, as the opportunity to do so with Hungary has since lapsed.
5. The annexes to the present submission are also classified as under seal, *ex parte*, only available to the Registry and the OTP, since they refer to individual officials from the Court and/or from the requested State whose names cannot be made public for security reasons, and/or contain detailed sensitive information on the Court's operational procedures.

III. Applicable law

6. The following provisions are of particular relevance to the present submission: articles 58, 86, 87, 92, and 97 of the Rome Statute ("Statute"), rules 176(2) of the Rules of Procedure and Evidence, regulations 14(c) and 77 of the RoR, and regulations 23*bis*(1) and (2), 31(4), and 32(1) of the RoC.

IV. Submissions

A. Background

7. On 24 March 2025, in the light of growing indications that Mr Netanyahu may travel to Hungary, the Registry and the OTP engaged in consultations and coordination on possible next steps, including on the close monitoring of information confirming the date and timing of the visit as well as on the timing of the transmission of any request for arrest and surrender. Examples of relevant reports and official announcements are highlighted below.

8. Throughout March 2025, multiple media outlets reported that Mr Netanyahu may travel to the territory of Hungary in the first week of April 2025 or at the latest before Easter. In the light of these reports, the Registry initiated a phone call with the Hungarian focal point ("Focal Point") on 21 March 2025 with a view to organizing an in-person meeting, which was scheduled for 24 March. By subsequent email exchange on 21 March with the Focal Point, the Registry clarified that the agenda and topic of the meeting was to discuss media reports indicating a potential visit of Israeli Prime Minister Benjamin Netanyahu to Hungary in the coming weeks, to verify whether the information was correct, and to inform the Focal Point about relevant applicable procedures for the Court. Upon receiving this clarification, the Focal Point requested to reschedule the meeting and promised to revert with a new date.⁵
9. On 24 March 2025, the Registry followed-up to request the Focal Point's availability to meet, in respect of which the Focal Point promised to revert. On 26 March, the Registry again followed-up with the Focal Point to request the opportunity to meet to explain the Court's applicable procedures related to arrests, while emphasising that the Registry is a neutral organ and also responsible for answering open questions and providing guidance to ICC States Parties.⁶ The Focal Point responded that she had conveyed the explanations provided by the Registry to her authorities and that she was awaiting instructions and would revert in due course.⁷ After this email, the Focal Point did not revert further.
10. On 30 March 2025, media reports indicated that Mr Netanyahu would travel to the territory of Hungary on 2 April 2025.⁸ These reports appeared to base the

⁵ Annex I, Email sent by Focal Point to Registry on 21 March 2025 at 12:49, and 14:41.

⁶ *Ibid*, Email sent by Registry to Focal Point on 24 March at 17:01, and 26 March at 11:51.

⁷ *Ibid*, Email sent by Focal Point to Registry on 26 March 2025 at 13:39.

⁸ The Times of Israel, <https://www.timesofisrael.com/defying-icc-arrest-warrant-netanyahu-to-visit-hungary-this-week/> Accessed 07 April 2025.

anticipated date of travel on a scheduling motion filed before the Jerusalem District Court concerning the timing of the appearance of Mr Netanyahu for testimony in a domestic hearing, and which makes reference to his upcoming departure to Hungary.⁹

11. On 31 March, Hungary issued an official statement announcing that, at the invitation of Hungary's Prime Minister, Viktor Orbán ("Mr Orbán"), Mr Netanyahu would pay an official visit to Hungary from 2 to 6 April.¹⁰ On the same day, and by way of a letter addressed to the Hungarian Minister of Foreign Affairs and Trade, the President of the Assembly of States Parties, referred to Hungary's official announcement, recalled the outstanding warrant of arrest against Mr Netanyahu, and reminded Hungary of its obligations as a State Party to the Rome Statute.¹¹

12. On the same day, the Jerusalem District Court granted a request to postpone Mr Netanyahu's scheduled testimony at the domestic hearing from 1 April to 2 April.¹²

13. On 2 April, social media reports suggested that Mr Netanyahu would still travel on the evening of that day and would meet Mr Orbán the next day Thursday, 3 April.¹³ Other social media reports indicated that arrival would not be expected

⁹ Annex XIII, accompanied by machine translation into English. See also,

<https://x.com/BiniAshcknasy/status/1906231405505392658/photo/1>, Accessed 10 April 2025.

¹⁰ Magyarország Kormánya (Government of Hungary), <https://kormany.hu/hirek/benjamin-netanjahu-hivatalos-latogatast-tesz-magyarorszagon>, Accessed 07 April 2025.

¹¹ Annex XII, Letter from the President of the Assembly of States Parties to the Minister of Foreign Affairs and Trade of Hungary. Source: <https://x.com/PASPKaukoranta/status/1907772352277971285>. While kept confidential at the time of its transmission on 31 March 2025, this letter was subsequently publicised on the platform X by its author.

¹² The Jerusalem Post, <https://www.jpost.com/breaking-news/article-848331>, Accessed 10 April 2025; See also, The Times of Israel, <https://www.timesofisrael.com/panel-of-3-judges-selected-for-netanyahus-corruption-trials/>, Accessed 10 April 2025.

¹³ Annex II, Social media post by Lazar Berman.

on Wednesday evening,¹⁴ and that arrival had been postponed to the early hours of 3 April.¹⁵

14. Throughout 2 to 3 April, the Registry and OTP continued to monitor the flight movement of the aircraft scheduled to transport Mr Netanyahu and which ultimately showed that the aircraft landed in Budapest at 02:30 on 3 April 2025.

15. On 3 April 2025, several media outlets reproduced a Facebook posting by the Hungarian Minister of Defence showing photographs of Mr Netanyahu's arrival in Budapest.¹⁶

B. Notification of the Request for Provisional Arrest

16. On the morning of 3 April 2025, following the approval by the Chamber, the Registry transmitted the confidential Request to Hungary via personal service,¹⁷ and email,¹⁸ through the designated channel of the Embassy of Hungary to the Kingdom of the Netherlands.¹⁹ The Note Verbale included an invitation to the Hungarian authorities to avail themselves of article 97 of the Statute and consult with the Court without delay should the authorities identify any problems which would impede or prevent the execution of the Request.

¹⁴ Annex III, Social media post by M. Selcuk Sumengen.

¹⁵ Annex IV, Social media post by Csaba Toth.

¹⁶ Index, <https://index.hu/belfold/2025/04/03/benjamin-netanjahu-orban-viktor-miniszterelnok-latogatas-budapest/>, Accessed 07 April 2025. Annex V, Facebook post; see also, Telex, <https://telex.hu/belfold/2025/04/03/netanjahu-megerkezett-budapestre>, Accessed 07 April 2025

¹⁷ Annex VI, Memorandum of Notification through personal service. Receipt of Request for Provisional Arrest signed at 09:24.

¹⁸ Annex VII, Email from Registry to Embassy Focal Point at 08:12. At 10:51, and upon the Focal Point's request, the transmission was also notified to the Embassy via the general email address provided by the Focal Point; see, Annex VIII, second transmission.

¹⁹ Annex X, Note Verbale addressed to the Embassy of Hungary to the Kingdom of the Netherlands; and, Annex IX, Request to Hungary for the provisional arrest of Benjamin Netanyahu pursuant to article 92 of the Rome Statute.

17. Shortly after its email transmission, the Focal Point responded by email to request that the notification be transmitted through another official embassy email,²⁰ which was subsequently conducted by the Registry.²¹
18. The Registry further observes that although the Request was transmitted confidentially, its existence and text reproducing its content subsequently appeared in several media reports.²²
19. Since transmission of its request on 3 April, the Registry did not receive any response from the Hungarian authorities, nor any request for consultations, notwithstanding the fact that Mr Netanyahu remained in Hungarian soil from Wednesday 3 April until Sunday 6 April.
20. In this context, the Registry notes that the principal official statement made by Hungary in reference to the ICC and Mr Netanyahu's visit was the announcement on 3 April 2025, by Prime Minister Orbán's Office that a bill had been submitted before Hungary's National Assembly authorizing Hungary to withdraw from the Rome Statute.²³

²⁰ Annex VII, Email from Embassy Focal Point to Registry at 09:18.

²¹ Annex VIII, Transmission from Registry to the Embassy *via* the general email address provided by the Focal Point at 10:51.

²² The Times of Israel, <https://www.timesofisrael.com/icc-sent-hungary-a-request-to-arrest-and-surrender-netanyahu-after-his-arrival/>, Accessed 08 April 2025.

²³ Annex XI, Machine Translation of the Proposed Act. See also, [Folyamatban levő törvényjavaslatok - Országgyűlés](#) Accessed 10 April 2025.

21. The Registry remains at the disposal of the Chamber for any further information and will keep the Chamber apprised of any additional communication it may receive from the Hungarian authorities.

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Marc Dubuisson, Director, Division of Judicial Services

on behalf of

Osvaldo Zavala Giler, Registrar

Dated this 11 April 2025

At The Hague, The Netherlands