

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-01-18
Date: 15 July 2025

THE APPEALS CHAMBER

Before: Judge Tomoko Akane, Presiding Judge
Judge Luz del Carmen Ibáñez Carranza
Judge Solomy Balungi Bossa
Judge Gocha Lordkipanidze
Judge Erdenebalsuren Damdin

SITUATION IN THE STATE OF PALESTINE

Public Document

**Joint Victims' Request to submit Observations in the appeal against the
« Decision on Israel's request for an order to the Prosecution to give an Article
18(1) notice » of 21 November 2024**

Source: Legal Representatives of Victims

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**
Specify the team(s) to be notified

☐ **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 Palestine
State of Israel

☐ **Amicus Curiae**

REGISTRY

Registrar
M. Zavala Giler, Osvaldo

☐ **Counsel Support Section**

☐ **Victims and Witnesses Unit**

☐ **Detention Section**

☒ **Victims Participation and
Reparations Section**

☐ **Other**

1. Pursuant to Article 68(3) of the Rome Statute ('Statute'), as well as Rules 91 and 93 of the Rules of Procedure and Evidence ('Rules'), the undersigned Legal Representatives of Victims ('LRVs') respectfully jointly request, on behalf of the victims we represent, leave to present views and concerns in the appeal against the "Decision on Israel's request for an order to the Prosecution to give an Article 18(1) notice" of 21 November 2024 (ICC-01/18-375)" ('the PTC's Decision of 14 May 2025'),¹ following Pre-Trial Chamber I's decision granting leave for part of the appeal.²
2. The three undersigned LRV teams ('LRVs') represent hundreds of Palestinian victims residing across the Gaza Strip and the West Bank, including East Jerusalem ('Victims') who have suffered harm as a consequence of war crimes, crimes against humanity and genocide that fall within the Court's jurisdiction. These include Victims who have suffered direct harm as a result of the crimes falling within the scope of the cases against Benjamin Netanyahu and Yoav Gallant.
3. The LRVs submit this request at a time when the situation of Palestinian victims in Gaza becomes ever more desperate. In recent days, one victim in Gaza represented by the LRVs sent the following message: "The situation here is extremely dire and complex. Death, hunger, destruction and disease surround everyone. It is a reality that is utterly unbearable."
4. The LRVs submit this request jointly and, should they be granted leave, propose to submit consolidated observations and are ready to submit observations within a short time frame.

VICTIMS' STANDING TO SUBMIT THEIR VIEWS AND CONCERNS

5. The LRVs submit that they should be granted leave to submit observations for the following reasons.

¹ Situation in the State of Palestine, ICC PTC I, 'Decision on Israel's request for leave to appeal the 'Decision on Israel's request for an order to the Prosecutor to give an Article 18(1) notice'', 14 May 2025, [ICC-01/18-429](#)

² Ibid, para. 20

a) The Victims satisfy the criteria for victim status under Rule 85 of the RPE and have previously participated in proceedings relating to the Palestine Situation under Article 68(3)

6. The three undersigned LRV teams represent Palestinian victims who have suffered direct harm as a result of the crimes falling within the jurisdiction of the Court and within the scope of the cases against Mr Netanyahu and Mr Gallant. Therefore, the Victims here represented satisfy the criteria for victim status under Rule 85 of the RPE. On the basis of this status, they have already participated in proceedings relating to the Situation in the State of Palestine pursuant to Article 68(3) of the Statute.
7. On 16 March 2020, one of the undersigned LRV teams submitted their views and concerns to the Chamber on behalf of the Gaza Victims.³ On that occasion, the undersigned LRVs also filed to the Chamber their powers of attorney for one hundred and fifty-eight (158) Gaza Victims to the Court. On 12 August 2024, they submitted, on behalf of the Gaza Victims, their views and concerns in the framework of the proceedings on the Court's jurisdiction in the Situation in the State of Palestine.⁴ On 28 October 2024, pursuant to article 19(3) of the Rome Statute, LRVs filed a joint submission in response to Israel's attempt to challenge the jurisdiction of this Court under article 19(2)(c) of the Statute.⁵
8. Another of the undersigned LRV teams submitted views and concerns to the Chamber on 16 March 2020 on behalf of 781 victims living in the West Bank, including East Jerusalem, and the Gaza Strip, having filed powers of attorney with the Registry.⁶ On 12 August 2024, the LRVs submitted observations to the Chamber under Article 68(3) of the Statute in the context of the UK's Request,

³ Situation in the State of Palestine, ICC PTC I, Submission on Behalf of Palestinian Victims Residents of the Gaza Strip with confidential Annex, 17 March 2020, [ICC-01/18-112](#).

⁴ Situation in the State of Palestine, ICC PTC I, Submission on behalf of Gaza Victims in the proceedings related to the Situation in the State of Palestine, 12 August 2024, [ICC-01/18-335](#).

⁵ Situation in the State of Palestine, ICC PTC I, Submission on behalf of victims in Article 19 proceedings related to the Situation in the State of Palestine, 28 October 2024, [ICC-01/18-369](#).

⁶ Situation in the State of Palestine, ICC PTC I, 'Victims' observations on the Prosecutor's Request for a ruling on the Court's territorial jurisdiction in Palestine', 16 March 2020, [ICC-01/18-99](#).

also on behalf of victims residing in the West Bank and the Gaza Strip and including victims in Gaza who suffered harm as a result of crimes included in the arrest warrants against Netanyahu and Gallant.⁷ The LRVs subsequently submitted to the Registry applications to participate in the proceedings on behalf of two Gaza victims.

9. On 23 May 2025, the third undersigned LRV submitted victim participation forms and powers of attorney to the VPRS on behalf of and with the consent of two Palestinian journalists - with the support of *Reporters sans frontières* - who suffered harm as a result of crimes included in the arrest warrants against Netanyahu and Gallant committed in the Gaza Strip.
10. Subsequently, the three undersigned LRV teams filed joint submissions on behalf of Palestinian Victims under Article 68(3) of the Statute in relation to Article 19 proceedings, pursuant to a Decision of Pre-Trial Chamber I authorising victims who had already communicated with the Court in relation to the cases against Mr Netanyahu and Mr Gallant.⁸

b) The legal framework of the Court, and the Court's jurisprudence, envisage the participation of victims in proceedings relating to Article 18

11. While Article 18 does not specify the role of victims in any proceedings relating to the provision, Rule 55 of the Rules provides that the Pre-Trial Chamber shall decide on the procedure to be followed in any proceedings concerning Article 18(2), and the Court's jurisprudence has established that Article 68(3) and the relevant Rules should be construed as "vesting in a chamber a certain margin of discretion in determining whether, and in what modalities, victims may appropriately be allowed to play a role at certain stages of the proceedings (including before or during the investigation stage), despite the absence of an

⁷ Situation in the State of Palestine, ICC PTC I, Victims' Observations pursuant to Article 68(3) of the Statute', 12 August 2024, [ICC-01/18-330](#).

⁸ Situation in the State of Palestine, Legal Representatives of Victims, 'Joint Submissions on behalf of Palestinian Victims pursuant to Article 68(3) of the Rome Statute related to Article 19 proceedings', 27 June 2025, [ICC-01/18-451](#).

explicit provision to this effect”.⁹ Indeed, Article 68(3) provides that victims may present their views and concerns where their personal interests are affected, and “at stages of the proceedings determined to be appropriate by the Court”. The Appeals Chamber has confirmed that this includes judicial proceedings affecting investigations.¹⁰ Further, Rule 93 of the Rules provides that a Chamber may seek the views of victims or their legal representatives participating in accordance with Rules 89 to 91 or of other victims “on any issue”.

12. Consequently, victims have been permitted to present views and concerns in all previous proceedings relating to Article 18, including before the Appeals Chamber. In the proceedings relating to the Republic of the Philippines and to Venezuela, the Appeals Chamber stated that it considered it appropriate for victims to be involved in the appeal proceedings in the context of Article 18(2) proceedings.¹¹

13. As regards the modalities of participation, the LRVs submit that the model adopted by the Appeals Chamber in those proceedings, previously used in relation to Article 15.3, whereby the Registry’s Victim Participation and Reparations Section was instructed to collect and transmit to the Appeals Chamber representations from “any interested victims and victim groups”,¹² would not be appropriate in the current proceedings where victims have already participated in the proceedings pursuant to Article 68(3) by presenting views and concerns directly through legal representatives on several occasions in proceedings relating to jurisdiction or admissibility under Article 19 in the

⁹ Situation in the Republic of Afghanistan, ICC PTC II, ‘Decision on submissions received an order to the Registry regarding the filing of documents in the proceedings pursuant to articles 18(2) and 68(3) of the Statute’, 8 November 2021, [ICC-02/17-171](#), para 12.

¹⁰ Situation in the Democratic Republic of the Congo, ICC Appeals Chamber, ‘Judgment on victim participation in the investigation stage of the proceedings in the appeal of the OPCD against the decision of Pre-Trial Chamber I of 7 December 2007 and in the appeals of the OPCD and the Prosecutor against the decision of Pre-Trial Chamber I of 24 December 2007’, 19 December 2008, [ICC-01/04-556](#), para. 56.

¹¹ Situation in the Republic of the Philippines, ICC Appeals Chamber, ‘Decision on requests for victims’ involvement and access to filings’, 21 March 2023, [ICC-01/21-66](#), para. 17; Situation in the Bolivarian Republic of Venezuela I, ICC Appeals Chamber, ‘Decision on requests for victims’ involvement’, 24 August 2023, [ICC-02/18-60](#), para. 13.

¹² Situation in the Republic of the Philippines, ICC Appeals Chamber, ‘Decision on requests for victims’ involvement and access to filings’, 21 March 2023, [ICC-01/21-66](#), para.18.

Palestine Situation. The LRVs further submit that such a procedure would take more time to organise.

c) The decision of the Appeals Chamber on this appeal will directly affect the personal interests of the victims we represent.

14. The Court has long held that victims have a central interest in criminal proceedings in that the outcome of such proceedings lead to the identification, prosecution and punishment of those who have victimised them, because this issue is closely linked to the satisfaction of their right to justice.¹³ Beyond this general interest, the LRVs submit that the interests of the Victims are affected specifically by the issue as to whether or not the Prosecutor is required to issue a new notice under Article 18(1), and whether in the meantime any proceedings arising from the ongoing investigation should be stayed, as Israel has requested. The outcome of this Appeal will have an immediate and decisive impact on the progress and scope of the investigation and the opening of cases, which were already delayed by multiple proceedings relating to jurisdiction, and may result in further delay or possible deferral of the investigation into crimes allegedly committed by Israeli nationals on the territory of the State of Palestine. It will determine whether or not, or to what extent, the Court will be able to continue investigating alleged crimes that have caused, and continue to cause, immense suffering to the Victims, thereby affecting their ability to enjoy their rights to truth, justice and reparation.

d) It is appropriate for the Victims to be permitted to participate at the current stage of the present proceedings

15. In light of all of the above, the LRVs submit that it is appropriate for the Chamber to permit the victims to participate in the present appeal, as they have done in

¹³ Situation in the Democratic Republic of the Congo, the Case of the Prosecutor v. Germain Katanga and Mathieu Ngudjolo Chui, ICC PT I, 'Decision on the Set of Procedural Rights Attached to Procedural Status of Victim at the Pre-Trial Stage of the Case', 13 May 2008, [ICC-01/04-01/07-474](#), paras 41-44.

other proceedings relating to the investigation in the Situation in the State of Palestine.

THE VIEWS AND CONCERNS THAT THE VICTIMS SEEK TO SUBMIT

16. The LRVs request leave to make legal submissions limited to the question on which leave to appeal was granted, namely "the alleged error in finding that no new situation had arisen and no substantial change had occurred in the parameters of the investigation in the situation following 7 October 2023".¹⁴ If granted leave, the legal submissions will be to the effect that the Prosecution had no obligation to issue a new notification under article 18(1) since no new situation arose, and no substantial change occurred in the parameters of the investigation already opened, following 7 October 2023.

RELIEF REQUESTED

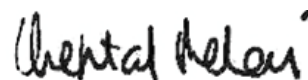
17. For the reasons set out above, the Victims respectfully request the Chamber to grant leave to submit views and concerns regarding the issue outlined above.

Respectfully submitted by

Raji Sourani (Counsel)



Chantal Meloni (Counsel)



Rodney Dixon KC (Counsel)

Jeanne Sulzer (Counsel)

¹⁴ The PTC's Decision of 14 May 2025, para 17.

[ICC] RESTRICTED



Clémence Witt (Counsel)

Triestino Mariniello (Assistant Counsel)



Dated this 15 July 2025

At Cairo, London, Paris, Berlin and Liverpool.