



Original: **English**

No.: **ICC-01/18**
Date: **30 May 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 Prosecution's request for leave to submit observations on 'Hungary's submission for the purpose of proceedings under article 87(7) of the Rome Statute'

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

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|--|---|
| <input checked="" type="checkbox"/> The Office of the Prosecutor | <input type="checkbox"/> Counsel for the Defence |
| <input type="checkbox"/> Legal Representatives of the Victims | <input type="checkbox"/> Legal Representatives of the Applicants |
| <input type="checkbox"/> Unrepresented Victims | <input type="checkbox"/> Unrepresented Applicants (Participation/Reparation) |
| <input type="checkbox"/> The Office of Public Counsel for Victims | <input type="checkbox"/> The Office of Public Counsel for the Defence |
| <input checked="" type="checkbox"/> States' Representatives
Hungary | <input type="checkbox"/> Amicus Curiae |

REGISTRY

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- | | |
|---|---|
| Registrar
Mr Osvaldo Zavala Giler | <input type="checkbox"/> Counsel Support Section |
| <input type="checkbox"/> Victims and Witnesses Unit | <input type="checkbox"/> Detention Section |
| <input type="checkbox"/> Victims Participation and Reparations Section | <input type="checkbox"/> Other |

PRE-TRIAL CHAMBER I (the ‘Chamber’) of the International Criminal Court (the ‘Court’) hereby instructs the Prosecution to provide observations on ‘Hungary’s submission for the purpose of proceedings under article 87(7) of the Rome Statute’ (‘Hungary’s Submissions’).¹

I. Procedural history

1. On 21 November 2024, the Chamber issued three warrants of arrest, including an arrest warrant for Benjamin Netanyahu.² In the warrant of arrest, the Chamber instructed the Registrar to send a request to any State Party to provisionally arrest Mr Netanyahu if the opportunity to do so arose.
2. On 3 April 2025, the Registry transmitted a request for the provisional arrest of Mr Netanyahu to Hungary, a few hours after he had arrived there.
3. On 11 April 2025, the Registry reported to the Chamber that Mr Netanyahu had indeed been present on the territory of Hungary from 3 until 6 April 2025 and detailed the steps it had undertaken vis-à-vis Hungary to effectuate the provisional arrest of Mr Netanyahu.³
4. On 16 April 2025, the Chamber found that the events recounted in the Registry’s report warranted the opening of proceedings pursuant to article 87(7) of the Statute and invited Hungary to provide submissions in accordance with regulation 109(3) of the Regulations of the Court.⁴
5. On 22 May 2025, the Registry transmitted Hungary’s Submissions to the Chamber.
6. On 28 May 2025, the Prosecution filed a request to submit observations on Hungary’s Submissions (the ‘Prosecution’s Request’).⁵

¹ Transmitted by the Registry on 23 May 2025, ICC-01/18-433-AnxII.

² 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.

³ ICC-01/18-420-US-Exp.

⁴ Invitation to Hungary to provide submissions for the purposes of proceedings under article 87(7) of the Rome Statute, ICC-01/18-421.

⁵ Prosecution’s Request for Leave to Submit Observations on ‘Hungary’s submission for the purpose of proceedings under article 87(7) of the Rome Statute’, 23 May 2025, ICC-01/18-433-AnxII, ICC-01/18-436.

II. Determination

7. The Prosecution seeks the Chamber's authorisation to respond to Hungary's Submissions with respect to the following issues:

- a. Whether Hungary, a State Party to the Rome Statute, can be relieved from its obligations under the Statute to provisionally arrest Mr Netanyahu because it purports to adhere to a dualist model and has failed to promulgate domestically the Rome Statute that it has ratified;
- b. Whether Hungary can invoke article 98(1) of the Rome Statute to justify its failure to provisionally arrest Mr Netanyahu at this stage and when it had failed to consult with the Court pursuant to article 97 of the Statute; and
- c. Whether Hungary, as a State Party to the Rome Statute, can be relieved from its obligations under the Statute to provisionally arrest Mr Netanyahu on the basis of its view that 'the Court's jurisdiction on this matter cannot be established under article 12 of the Statute and that the arrest warrant issued against Mr Netanyahu cannot be regarded as an impartial and objective legal act, but rather as a politically motivated instrument'.⁶

8. The Chamber notes that Hungary made its submissions at the Chamber's invitation and the Prosecution has not yet been able to provide its views on this matter. Accordingly, the Chamber sets the deadline for the Prosecution to respond to Hungary's Submissions on 13 June 2025.

⁶ Prosecution's Request, para. 10.

FOR THESE REASONS, THE CHAMBER HEREBY

INSTRUCTS the Prosecution to submit its response to Hungary's Submissions no later than **Friday, 13 June 2025**.

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 Friday, 30 May 2025

At The Hague, The Netherlands