

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-RoC46(3)
Date: 10 September 2014

PRESIDENT OF THE PRE-TRIAL DIVISION

Before: Judge Christine Van den Wyngaert, President of the Pre-Trial Division

REQUEST UNDER REGULATION 46(3) OF THE REGULATIONS OF THE COURT

Public

Decision assigning the 'Request for review of the Prosecution's decision of 23 April 2014 not to open a Preliminary Examination concerning alleged crimes committed in the Arab Republic of Egypt, and the Registrar's Decision of 25 April 2014' to Pre-Trial Chamber II

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

The Office of the Prosecutor

Counsel for Applicant

Legal Representatives of the Victims

Legal Representatives of the Applicants

Unrepresented Victims

**Unrepresented Applicants for
Participation/Reparation**

**The Office of Public Counsel for
Victims**

**The Office of Public Counsel for the
Defence**

States Representatives

Other
Pre-Trial Chamber II
Presidency

REGISTRY

Registrar
Herman von Hebel

Division of Court Services
Marc Dubuisson, Director

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

Judge Christine Van den Wyngaert, acting as President of the Pre-Trial Division of the International Criminal Court (the “Court”) hereby renders her decision on the “Request for review of the Prosecution’s decision of 23 April 2014 not to open a Preliminary Examination concerning alleged crimes committed in the Arab Republic of Egypt, and the Registrar’s Decision of 25 April 2014” (the “Request”), submitted to the President of the Pre-Trial Division under regulation 46(3) of the Regulations of the Court (the “Regulations”).

1. On 5 September 2014, the President of the Pre-Trial Division received a memorandum from the Registry informing her of the receipt of a public document entitled “Re-filing before the President of the Pre-Trial Division of the ‘Request for review of the Prosecution’s decision of 23 April 2014 not to open a Preliminary Examination concerning alleged crimes committed in the Arab Republic of Egypt, and the Registrar’s Decision of 25 April 2014’”, as well as three annexes thereto, addressed to her.

2. In essence, the Request asks the President of the Pre-Trial Division to assign the motion to review a decision by the Prosecutor denying the Court’s jurisdiction over the situation in the Arab Republic of Egypt to a competent Pre-Trial Chamber. A previous similar request addressed to the Presidency on the basis of regulation 46(2) of the Regulations had previously been denied by the Presidency.¹

3. Regulation 46(3) of the Regulations reads:

“Any matter, request or information not arising out of a situation assigned to a Pre-Trial Chamber in accordance with sub-regulation 2, shall be directed by the President of the Pre-Trial Division to a Pre-Trial Chamber according to a roster established by the President of that Division”.

The regulation concerned leaves the President of the Pre-Trial Division with little discretion. As long as the subject-matter referred to in the Request pertains to an issue that does not appear (a) to fall outside the competence of the Pre-Trial

¹ See Request, para. 6.

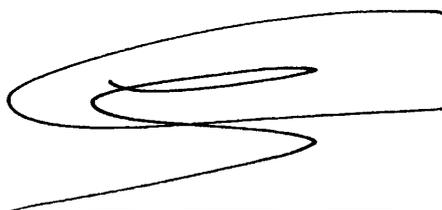
Chamber, or (b) to be manifestly frivolous, the President of the Pre-Trial Division shall direct it to a Pre-Trial Chamber, based on a pre-established roster.²

4. Without any prejudice to the determination by the competent Pre-Trial Chamber, the President of the Pre-Trial Division is of the view that the matter raised in the Request fulfills the above criteria.

**FOR THESE REASONS, THE PRESIDENT OF THE PRE-TRIAL DIVISION
HEREBY**

- a) **ASSIGNS** the Request to Pre-Trial Chamber II;
- b) **ORDERS** the Registry to open a new record ICC-RoC46(3), in accordance with regulation 20(1) of the Regulations of the Registry;
- c) **ORDERS** the Registry to file this decision in the record;
- d) **ORDERS** the Registry to file thereafter the Request and its annexes as public, save for annex B, in the record and notify Pre-Trial Chamber II thereof.

Done in both English and French, the English version being authoritative.



**Judge Christine Van den Wyngaert
President of the Pre-Trial Division**

Dated this Wednesday, 10 September 2014

At The Hague, The Netherlands

² A roster has been established by the then President of the Pre-Trial Division on 19 December 2007, see "Administrative Decision concerning the establishment of a Roster according to regulation 46 para. 3 of the Regulations of the Court", ICC-PTD-01/2007. The roster was amended on 30 June 2009, see "Administrative Decision with Annex concerning the amendment of the Roster according to regulation 46(3) of the Regulations of the Court", ICC-PTD-01/2009.