

Annex I

Under seal

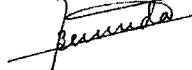
***Ex parte*, only available to the Prosecutor and the
Registrar**



**Cour
Pénale
Internationale**
**International
Criminal
Court**

Le Bureau du Procureur
The Office of the Prosecutor

**Internal memorandum
Memorandum interne**

To À	Silvia Fernández de Gurmendi, President	From De	Fatou Bensouda, Prosecutor	
Date	17 August 2017	Through Via		
Ref.	OTP2017/023853	Copies	Herman von Hebel, Registrar	
Subject Objet	Notice pursuant to regulation 45 of the Regulations of the Court			

In accordance with the provisions of regulation 45 of the Regulations of the Court, I hereby inform you of my intention to submit a request to the Pre-Trial Chamber, under article 15(3) of the Rome Statute, for authorisation to open an investigation into the Situation in Burundi.

On the basis of the information available and after a thorough assessment, I have concluded that there is a reasonable basis to believe that crimes within the jurisdiction of the International Criminal Court have been committed in the context of the Situation in Burundi since 26 April 2015.

This request will be filed under seal, the substantive reasons for which will be explained in detail in the request itself. Procedurally, this possibility is foreseen in the Statute and Rules of Procedure and Evidence. Notably, article 15 of the Statute is essentially an *ex parte* procedure and rule 50(1) expressly relieves the Prosecution of its duty to provide notice to victims when so doing “would pose a danger to the integrity of the investigation or the life or well-being of victims and witnesses”. Accordingly, I would respectively request that the decision to assign the Situation in Burundi to a Pre-Trial Chamber also be made under seal. Thank you kindly in advance for your time and attention to this important matter. |