

Confidential Annex, Ex Parte, Prosecutor only

1. In the opinion of the Prosecutor, besides the question of jurisdiction *ratione loci*, what are the potential implications of the Chamber's ruling on the Prosecutor's Request at this stage of the proceedings on any future investigation concerning the alleged deportation of members of the Rohingya people from Myanmar into Bangladesh?
2. Are there any specific reasons that led the Prosecutor to submit her Request pursuant to regulation 46(3) of the Regulations, instead of directly presenting a request for authorization of an investigation pursuant to article 15(3) of the Statute? Taking into account that the Prosecutor appears to have reviewed a significant number of public information and 42 individual communications relating to the crimes allegedly committed against the Rohingya (paragraph 7 of the Request), how much time would the Prosecutor need to prepare a request pursuant to article 15(3) of the Statute and submit it to a Pre-Trial Chamber?
3. Does the Prosecutor envisage including other crimes intrinsically linked to the alleged deportation of the Rohingya people from Myanmar into Bangladesh into her preliminary examination or potentially into a request for authorization of an investigation under article 15 of the Statute?
4. Could the Prosecutor further elaborate on her submission that the Rohingya people were specifically and intentionally deported from Myanmar into Bangladesh (paragraph 42 of the Request)? Given that the events appear to be ongoing since at least 2012, could the Prosecutor elaborate on whether victims were allegedly deported to States other than Bangladesh? If the answer is in the affirmative, does the Prosecutor intend to address alleged deportations into other States?

5. The Request mentions the possibility of a State Party to the Statute referring to the Court the situation concerning the alleged deportation of members of the Rohingya people from Myanmar into Bangladesh (paragraph 3 of the Request). Has the Prosecutor been in contact with Bangladesh or any other State Party to the Statute in connection with the possibility of such a referral? Furthermore, what effect, if any, could a ruling of the Chamber on the Request have on the possibility of a State Party to the Statute deciding to refer this situation to the Court? Moreover, what are the prospects of securing State cooperation from Bangladesh or any other State Party to the Statute in the event that this situation would be referred to the Court or if the Prosecutor decides to act *proprio motu* under article 15 of the Statute?

6. The Request mentions that article 19(3) of the Statute applies prior to the case stage because of the importance of the question of jurisdiction, "which is not only illustrated by article 19(1) itself but also reflected in the general principle known as '*compétence de la compétence*'" (paragraph 53 of the Request). Could the Prosecutor clarify whether she believes that the principle of '*compétence de la compétence*' is an alternative basis to the argument based on article 19(3) of the Statute for the Chamber to rule on the Request?

7. In light of the recent visit of the Security Council delegation to Myanmar and Bangladesh, could the Prosecutor indicate whether such a visit could have any impact on: (i) the possible referral of the situation to the Court under article 13(b) of the Statute and/or the potential involvement of the Security Council in an investigation into the alleged crimes committed against members of the Rohingya people; (ii) the Prosecutor's approach to obtain a ruling from the Chamber under article 19(3) of the Statute at this early stage of the proceedings; and (iii) the possibilities of either securing a referral from a State Party to the Statute (such as Bangladesh) or submitting a request for authorization of an investigation under article 15 of the Statute?