



Original: English

**No. ICC-01/19
Date: 20 August 2020**

PRE-TRIAL CHAMBER III

**Before: Judge Olga Herrera Carbuccion, Presiding Judge
Judge Robert Fremr
Judge Geoffrey Henderson**

**SITUATION IN THE PEOPLE'S REPUBLIC OF BANGLADESH/REPUBLIC
OF THE UNION OF MYANMAR**

Public

Order inviting the Registry to submit observations on the Victims' joint request
concerning hearings outside the host State

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

The Office of the Prosecutor
Fatou Bensouda, Prosecutor
James Stewart, Deputy Prosecutor

Counsel for the Defence

Legal Representatives of Victims

Legal Representatives of Applicants

Unrepresented Victims

**Unrepresented Applicants for
Participation/Reparations**

The Office of Public Counsel for Victims

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

States Representatives

Amicus Curiae

REGISTRY

Registrar
Peter Lewis

Defence Support Section

Victims and Witnesses Section

Detention Section

**Victims Participation and Reparations
Section**
Philipp Ambach

Other
Megan Hirst
Kate Gibson
Peter Haynes

PRE-TRIAL CHAMBER III of the International Criminal Court (‘Court’) issues this ‘Order inviting the Registry to submit observations on the Victims’ joint request concerning hearings outside the host State’.

1. On 4 August 2019, the Office of the Prosecutor (the ‘Prosecution’) requested the Pre-Trial Chamber for authorisation to commence an investigation into crimes allegedly committed partially on the territory of Myanmar, partially on the territory of States Parties, including Bangladesh.¹
2. On 14 November 2019, the Pre-Trial Chamber authorised the investigation.² In its closing remarks, the Pre-Trial Chamber indicated that it was advisable for the Prosecutor to use the dispositions of Article 56 of the Rome Statute (‘Statute’) to preserve evidence which may not be available for the purposes of a potential future trial or whose reliability may be undermined by lapse of time.³
3. On 7 July 2020, the ‘Registry’s First Report on Information and Outreach Activities’ was transmitted to the Chamber.⁴
4. On 4 August 2020, three legal teams representing groups of alleged victims of the situation (the ‘Applicants’) filed a request concerning hearings outside the host State (the ‘Request’).⁵ Specifically, the Request seeks a ‘Registry assessment of potential venues for the holding of proceedings in a State other than the host State within reasonable physical proximity of the affected population’.⁶

¹ ICC-01/19-7.

² Decision Pursuant to Article 15 of the Rome Statute on the Authorisation of an Investigation into the Situation in the People’s Republic of Bangladesh/Republic of the Union of Myanmar, ICC-01/19-27.

³ ICC-01/19-27, para. 134.

⁴ Registry Report, ICC-01/19-33-Conf. A public redacted version was filed on that same date.

⁵ Victims’ joint request concerning hearings outside the host State, ICC-01/19-34.

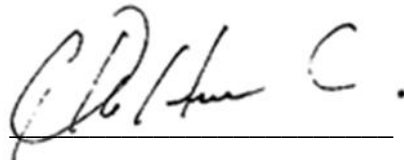
⁶ Request, ICC-01/19-34, para. 56.

5. On 17 August 2020, the Prosecution responded to the Request, opposing it and seeking its dismissal.⁷
6. The Pre-Trial Chamber notes that pursuant to Rule 100(2) of the Rules of Procedure and Evidence, the Applicants seek an order from the Chamber instructing the Registry to make an assessment on the feasibility of moving the seat of the Court from The Netherlands to, another State party, presumably, Bangladesh.
7. Accordingly, and without prejudice to its decision on the merits of the Request, the Pre-Trial Chamber hereby invites the Registry to make observations to the Request no later than 21 September 2020.

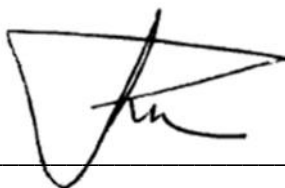
FOR THE FOREGOING REASONS, THE CHAMBER HEREBY

INVITES the Registry to file any observations by 21 September 2020.


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



Judge Olga Herrera Carbuca
Presiding Judge



Judge Robert Fremr



Judge Geoffrey Henderson

Dated this 20 August 2020

At The Hague, the Netherlands

⁷ Prosecution's Response to the Victims' joint request concerning hearings outside the host State, ICC-01/19-35.