

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: **English**

No.: **ICC-RoC46(3)-01/22**

Date: **6 May 2022**

PRESIDENT OF THE PRE-TRIAL DIVISION

Before: Judge María del Socorro Flores Liera

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

Public

Decision assigning the ‘Request for review of the Prosecutor’s decision of 28 October 2021 to close the preliminary examination of the situation in Colombia’ to Pre-Trial Chamber I

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

The Office of the Prosecutor

Mr Karim A. A. Khan
Ms Nazhat Shameem Khan
Mr Mame Mandiaye Niang

Counsel for Defence

Legal Representatives of Victims

Legal Representatives of 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

Colombia

Amicus Curiae

REGISTRY

Registrar

Mr Peter Lewis

Counsel Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

Pre-Trial Chamber I

Mr Emmanuel Daoud (FIDH and CAJAR)

Judge María del Socorro Flores Liera, acting as President of the Pre-Trial Division of the International Criminal Court (the ‘Court’), hereby renders this decision on the ‘Request for review of the Prosecutor’s decision of 28 October 2021 to close the preliminary examination of the situation in Colombia’¹ (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 27 April 2022, the International Federation for Human Rights and CAJAR, representing victims in Colombia, submitted the Request seeking that a Pre-Trial Chamber review the Prosecutor’s decision to close the preliminary examination in Colombia. In this regard, they requested *inter alia* that the President of the Pre-Trial Division assign this matter to a Pre-Trial Chamber.²
2. The President of the Pre-Trial Division notes regulation 46(3) of the Regulations whereby:

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.³
3. As previously held, regulation 46(3) of the Regulations requires the President of the Pre-Trial Division to direct the ‘matter, request or information’ to a Pre-Trial Chamber ‘as long as the subject-matter [...] pertains to an issue that does not appear (a) to fall outside the competence of the Pre-Trial Chamber, or (b) to be manifestly

¹ Public Redacted Version of Request for review of the Prosecutor’s decision of 28 October 2021 to close the preliminary examination of the situation in Colombia, ICC-RoC46(3)-01/22-1-Red with annex, ICC-RoC46(3)-01/22-1-AnxA-Red (confidential version submitted on 27 April 2022, registered and notified on 6 May 2022; public redacted version submitted and notified on 6 May 2022).

² ICC-RoC46(3)-01/22-1-AnxA-Red, p. 1.

³ A roster was established on 19 December 2007 by the then President of the Pre-Trial Division; *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 administrative decision (without the actual roster) was communicated to the Registry in “Administrative decision concerning the communications to the President of the Pre-Trial Division falling under regulation 46 para. 3 of the Regulations of the Court”, 19 December 2007, ICC-PTD-02/2007. The roster was amended subsequently, *see* President of the Pre-Trial Division, Administrative Decision with Annex concerning the amendment of the Roster according to regulation 46(3) of the Regulations of the Court, 30 June 2009, ICC-PTD-01/2009; Administrative Decision amending the Procedure and Roster under regulation 46(3) of the Regulations of the Court, 29 June 2018, ICC-PTD-01/2018 (see also Administrative Decision notifying the Registrar of the amended procedure under regulation 46(3) of the Regulations of the Court, 29 June 2018, ICC-PTD-02/2018); Administrative Decision amending the Roster within the Meaning of regulation 46(3) of the Regulations of the Court, 15 October 2019, ICC-PTD-01/2019; and Administrative Decision amending the Roster within the Meaning of regulation 46(3) of the Regulations of the Court, 5 May 2021, ICC-PTD-01/2021.

frivolous'.⁴ In the event that the 'matter, request or information' passes this test, the President of the Pre-Trial Division will order the Registrar, by way of email, to file the 'matter, request or information' into the record ICC-RoC46(3) and assign it a new serial number in a given year, as provided in regulations 20(1) and 27 of the Regulations of the Registry.⁵

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 CHAMBER

- a) **ASSIGNS** the Request to Pre-Trial Chamber I; and
- b) **ORDERS** the Registry to notify Pre-Trial Chamber I of the Request.

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

Judge María del Socorro Flores Liera
President of the Pre-Trial Division

Dated this Friday, 6 May 2022

At The Hague, The Netherlands

⁴ President of the Pre-Trial Division, 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, 10 September 2014, ICC-RoC46(3)-01/14-1, para. 3.

⁵ President of the Pre-Trial Division, Administrative Decision amending the Procedure and Roster under regulation 46(3) of the Regulations of the Court, 29 June 2018, ICC-PTD-01/2018, par. 9; Administrative Decision establishing a procedure for the handling of any "matter, request or information" falling under regulation 46(3) of the Regulations of the Court, 18 February 2015, ICC-PTD-01/2015, para. 7. By virtue of an email dated 4 May 2022, at 10h34, sent on behalf of the President of the Pre-Trial Division to the Court Management Section, the Request was filed into the record ICC-RoC46(3) on 6 May 2022.