

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: **English**

No.:
Date: **25 May 2022**

Before:

Pre-Trial Chamber I

REQUEST FOR A PUBLIC HEARING

Public

Request for a public hearing on '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

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

The Office of the Prosecutor

Counsel for the Defence

Legal Representatives of the Victims

Legal Representatives of the Applicants

Unrepresented Victims

**Unrepresented Applicants
(Participation/Reparation)**

**The Office of Public Counsel for
Victims**

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

**States' Representatives
Colombia**

Amicus Curiae

REGISTRY

Registrar

Counsel Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

1. The International Federation for Human Rights (“FIDH”) and CAJAR, representing victims in Colombia (“the Applicants”), hereby request a public hearing, in order to provide additional information regarding the Prosecutor’s decision of 28 October 2021 to close the preliminary examination of the situation in Colombia.
2. On 27 April 2022 a Request was submitted on behalf of Applicants asking that a Pre-Trial Chamber be assigned in order to review the Prosecutor’s decision to close the preliminary examination in Colombia.
3. On 6 May 2022, the Request was assigned to Pre-Trial Chamber I.
4. Victims should be allowed to provide additional information to the Chamber directly, as established by Article 68(3) of the Rome Statute and the Rules of Procedure and Evidence. Article 68(3) of the Statute states that “[w]here the personal interests of the victims are affected, the Court shall permit their views and concerns to be presented and considered at stages of the proceedings determined to be appropriate by the Court [...]”. As this Pre-Trial Chamber has already held, “victims have standing to submit observations pursuant to article 68(3) of the Statute.”¹ In addition, the Chamber has considered that rule 93 of the Rules of Procedure and Evidence gives it “discretion to accept observations presented by victims on any issue and at any stage of the proceedings, whenever the Chamber finds it appropriate.”² Finally, victims also have been allowed to participate in proceedings on the basis of rules 92(2), 107(5) and 59: “The Chamber is of the view that both rules 92(2), and 107(5) together with rule 59 of the Rules, foresee the participation of all victims who have communicated with the Court [...]”³.

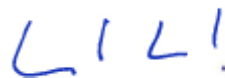
¹ Pre-Trial Chamber I, [Decision on the “Prosecution’s Request for a Ruling on Jurisdiction under Article 19\(3\) of the Statute”](#), 6 September 2018, ICC-RoC46(3)-01/18, para. 21.

² *Ibid.*

³ Pre-Trial Chamber I, [Decision on the Victims’ Participation](#), 24 April 2015, ICC-01/13, para. 10.

5. A public hearing on this matter would allow victims to address the Chamber directly with their views and concerns about the decision taken by the Prosecutor regarding the preliminary examination in Colombia. As stated in Applicants' Request of 27 April 2022, victims did not receive any public or reasoned explanation for the closure of the preliminary examination of the situation in Colombia, contrary to articles 53(1)(c) and 15(6) of the Statute, as well as rule 49 of the Rules of Procedure and Evidence; and, further, victims of crimes against humanity have been denied of their right to access to justice⁴.
6. To allow Applicants and their representatives to provide additional information to the Pre-Trial Chamber on this matter, a public hearing is requested.

Respectfully submitted on behalf of the Applicants by Counsel,



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Dated this 25 of May 2022

At Paris, France

⁴ [Request for review of the Prosecutor's decision of 28 October 2021 to close the preliminary examination of the situation in Colombia](#), 27 April 2022, paras. 54-84.