

April 26, 2022

Dear Judge Antoine Kesia-Mbe Mindua, President of the Pre-Trial Division:

I have the honour to submit to you the present request for review, in representation of Colombian victims of crimes against humanity, including [REDACTED] (“the Applicants”), who are represented by the International Federation for Human Rights (“FIDH”) and CAJAR at a national level.<sup>1</sup> Together, FIDH and CAJAR, in representation of Colombian victims, have submitted information to the Office of the Prosecutor of the International Criminal Court (“ICC”) pursuant to article 15 since the beginning of the preliminary examination in Colombia in June 2004.

We hereby request you, as President of the Pre-Trial Division, to designate a Pre-Trial Chamber in accordance with regulation 46(3) of the Regulations of the Court, to review the Prosecutor's decision to close the preliminary examination in the case of Colombia, based on the attached arguments.<sup>2</sup> Pursuant to regulation 46(3) of the Regulations of the Court, matters, requests or information which do not relate to a situation already assigned to a Pre-Trial Chamber under regulation 46(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.<sup>3</sup> As highlighted by Judge Christine Van den Wyngaert, in her capacity as President of the Pre-Trial Division, in the *Decision assigning the ‘Request for review of the Prosecutor'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*, so long as the subject matter of a request to open a Pre-Trial Chamber pertains to an issue that does not appear (a) to fall outside the competence of the Pre-Trial Chamber or (b) to be manifestly frivolous, the President of the Pre-Trial Chamber must refer the request to a Pre-Trial Chamber, based on a pre-established roster.<sup>4</sup>

This was confirmed by the *Decision on the ‘Request for review of the Prosecutor'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’*, in which the Chamber emphasised that regulation 46(3) is a “purely administrative provision, and as such, it is *merely* meant to regulate the assignment of the Request to the relevant Pre-Trial Chamber.”<sup>5</sup> In the present case, while there has been a preliminary examination on Colombia for seventeen years, there is currently no Pre-Trial Chamber on the Colombian situation. We therefore respectfully submit to

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<sup>1</sup> A confidential list of victims represented by CAJAR and FIDH, which have submitted information to the OTP during the course of the preliminary examination on Colombia, is available upon request.

<sup>2</sup> See “Request for review of the Prosecutor’s decision of 28 October 2021 to close the preliminary examination of the situation in Colombia”, attached.

<sup>3</sup> [Regulations of the Court](#), regulation 46(3).

<sup>4</sup> President of the Pre-Trial Division, [Decision assigning the ‘Request for review of the Prosecutor'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](#) , ICC-RoC46(3), 10 September 2014, para 3.

<sup>5</sup> Pre-Trial Chamber II, [Decision on the ‘Request for review of the Prosecutor'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’](#), ICC-RoC46(3)-01/14, 12 September 2014, para. 5.

you, as President of the Pre-Trial Division, the attached request for review, to be designated to a Pre-Trial Chamber, based on a pre-established roster, in accordance with regulation 46(3).

Cordially,

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