

Annex I

Public



Internal memorandum
Memorandum interne

To À	Judge Piotr Hofmański, President Judge Luz del Carmen Ibáñez Carranza, First Vice-President Judge Antoine Kesia-Mbe Mindua, Second Vice-President	From De	Karim A.A. Khan QC, Prosecutor 
Date	1 March 2022	Through Via	
Ref.	OTP2022/005315	Copies	Peter Lewis, Registrar
Subject Object	Notice pursuant to regulation 45 of the Regulations of the Court		

Pursuant to regulation 45 of the Regulations of the Court, I hereby inform you of my intention to submit a request under article 15(3) of the Rome Statute seeking authorisation from a Pre-Trial Chamber to open an investigation into the Situation in Ukraine.

Ukraine is not a State Party to the ICC Statute, but it has twice exercised its prerogatives to accept the Court's jurisdiction over alleged ICC crimes occurring on its territory, should the Court choose to exercise it. The [first declaration](#) lodged by the Government of Ukraine accepted ICC jurisdiction with respect to alleged crimes committed on Ukrainian territory from 21 November 2013 to 22 February 2014. The [second declaration](#) extended this time period on an open-ended basis to encompass ongoing alleged crimes committed throughout the territory of Ukraine from 20 February 2014 onwards.

On the basis of the available information, and after a thorough assessment, I have concluded that there is a reasonable basis to proceed with an investigation under article 15(3) of the Statute. In particular, I am satisfied that there is a reasonable basis to believe that both alleged war crimes and crimes against humanity have been committed in Ukraine in relation to the events already assessed during the preliminary examination undertaken by my Office. Given the expansion of the conflict in recent days, it is my intention to request that the scope of the authorised situation also encompass any new alleged crimes falling within the jurisdiction of my Office that are committed by any party to the conflict on any part of the territory of Ukraine, as long as these are sufficiently linked to the situation.

Thank you kindly in advance for your time and attention to this important matter.