

**Cour  
Pénale  
Internationale**



**International  
Criminal  
Court**

Original: **English**

No.: **ICC-01/17-X**  
Date: **23 August 2017**

**THE PRESIDENCY**

**Before:** Judge Silvia Fernández de Gurmendi, President  
Judge Joyce Aluoch, First Vice-President  
Judge Kuniko Ozaki, Second Vice-President

**SITUATION IN THE REPUBLIC OF BURUNDI**

**Under seal, with Annex I under seal**  
*Ex parte*, only available to the Prosecutor and the Registrar

**Decision on the constitution of Pre-Trial Chamber III and on the assignment of the  
situation in the Republic of Burundi**

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

**The Office of the Prosecutor**

Fatou Bensouda

James Stewart

**The Office of Public Counsel for  
Victims**

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

**States' Representatives**

**REGISTRY**

---

---

**Registrar**

Herman von Hebel

**Counsel Support Section**

**Victims and Witnesses Unit**

**Other**

Pre-Trial Chamber III

**Victims Participation and Reparations  
Section**

THE PRESIDENCY of the International Criminal Court ("Court") notes the memorandum of 17 August 2017, annexed hereto, from the Prosecutor pursuant to regulation 45 of the Regulations of the Court ("Regulations"), informing that the Prosecutor intends to submit a request to a pre-trial chamber for authorisation to open an investigation into the situation in the Republic of Burundi, under article 15(3) of the Rome Statute.<sup>1</sup> The Prosecutor further informs that the request will be filed under seal and accordingly requests that the decision to assign the situation in the Republic of Burundi to a pre-trial chamber also be issued under seal.

The Presidency recalls regulation 46(2) of the Regulations, pursuant to which the Presidency shall assign a situation to a pre-trial chamber as soon as the Prosecutor has informed the Presidency in accordance with regulation 45.

The Presidency notes: (i) the decision of 13 March 2015 assigning judges to divisions whereby, *inter alia*, Judges Cuno Tarfusser, Marc Perrin de Brichambaut, Antoine Kesia-Mbe Mindua, Péter Kovács and Chang-ho Chung were assigned to the Pre-Trial Division in accordance with article 39(1) of the Rome Statute and rule 4*bis*(2) of the Rules of Procedure and Evidence;<sup>2</sup> (ii) the decision of 16 March 2015, pursuant to regulation 46(1) of the Regulations, constituting Pre-Trial Chambers I and II;<sup>3</sup> and (iii) the decision of 15 July 2015 assigning Judge Raul C. Pangalangan to the Pre-Trial Division.<sup>4</sup>

The Presidency also notes the current overall workload of Chambers in the Pre-Trial and Trial Divisions, as well as the individual workload of the judges serving in both Divisions.

The Presidency further notes the respective assignments, qualifications and experience of the judges.<sup>5</sup>

---

<sup>1</sup> Annex I.

<sup>2</sup> See Presidency, Decision assigning judges to divisions, 13 March 2015, e.g. ICC-02/11-01/12-67.

<sup>3</sup> Presidency, Decision on the constitution of Pre-Trial Chambers and on the assignment of the Mali situation, 16 March 2015, e.g. ICC-02/11-45.

<sup>4</sup> Presidency, Decision assigning Judge Raul Pangalangan to the Pre-Trial Division, 15 July 2015 (filed on 16 July 2015), e.g. ICC-02/11-48.

<sup>5</sup> See Articles 36(5), 39(1) and 39(2)(b)(iii) of the Rome Statute.

Accordingly, the Presidency *hereby constitutes* Pre-Trial Chamber III, which shall be constituted as follows:

Judge Antoine Kesia-Mbe Mindua

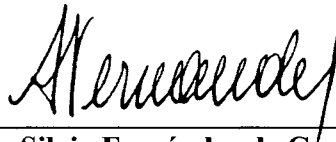
Judge Chang-ho Chung

Judge Raul C. Pangalangan

The Presidency further *decides* to assign the situation in the Republic of Burundi to Pre-Trial Chamber III with immediate effect.

The present decision is issued under seal.

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



**Judge Silvia Fernández de Gurmendi**  
**President**

Dated this 23 August 2017

At The Hague, The Netherlands