



To À	Herman von Hebel, Registrar Mar Dubuisson, Division of Court Services	From De	Judge Christine Van den Wyngaert, President of the Pre-Trial Division
Date	18 February 2015	Through Via	
Ref.	ICC-PTD-01/2015	Copies	All Judges of the Pre-Trial Division Gilbert Bitti, Senior Legal Adviser to the Pre-Trial Division
Subject Objet	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		

1. **THE PRESIDENT OF THE PRE-TRIAL DIVISION** of the International Criminal Court, based on the authority in regulation 14 of the Regulations of the Court to oversee the administration of the Pre-Trial Division, hereby establishes a procedure for the handling of any “matter, request or information” falling under regulation 46(3) of the Regulations of the Court (the “Regulations”).
2. The President of the Pre-Trial Division notes regulation 46(3) of the Regulations of the Court 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. In this context, the President of the Pre-Trial Division recalls the administrative decisions of the then President of the Pre-Trial Division, Judge Hans-Peter Kaul, dated 19 December 2007 establishing such Roster (ICC-PTD-01/2007), as amended by administrative decision dated 30 June 2009 (ICC-PTD-01/2009); as well as the

administrative decision dated 19 December 2007 (ICC-PTD-02/2007) in which the Registrar was ordered “[that] as of now, any matter, request or information not arising out of a situation assigned to a Pre-Trial Chamber which is submitted to the Registry shall be communicated to the President of the Pre-Trial Division immediately upon receipt”.

4. The President of the Pre-Trial Division also recalls the recent regulation 46(3) proceedings in which she assigned a request not arising out of a situation to Pre-Trial Chamber II, without any prejudice to a subsequent determination by the competent Pre-Trial Chamber.¹ As regards the obligation emanating under regulation 46(3) of the Regulations, the President of the Pre-Trial Division stated:

The regulation concerned leaves the President of the Pre-Trial Division with little discretion. As long as the subject-matter referred to in the [matter, request or information] 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 Division shall direct it to a Pre-Trial Chamber, based on a pre-established roster.

5. With a view to determining whether any “matter, request or information” passes the test set out above, the following procedure shall guide the Registrar when dealing with any “matter, request or information” falling under regulation 46(3) of the Regulations.
6. Upon receiving a “matter, request or information”, the Registry shall always and immediately inform the President of the Pre-Trial Division thereof by way of an email alongside with the communication concerned.

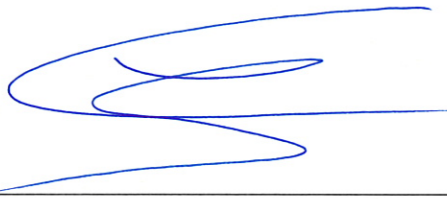
¹ President of the Pre-Trial Division, Decision assigning the ‘Request for review of the Prosecution’s decision of 23 April 2014 not to open a Preliminary Examination concerning alleged crimes committed in the Arab Republic of Egypt, and the Registrar’s Decision of 25 April 2014’ to Pre-Trial Chamber II, 10 September 2014, ICC-RoC46(3)-01/14-1.

7. In the event that the President of the Pre-Trial Division determines that the “matter, request or information” passes the test as recited in paragraph 4 above, then the President of the Pre-Trial Division will order the Registrar by way of email to file the “matter, request or information” into the case record ICC-RoC46(3) and assign it a new serial number in a given year, as provided for in regulation 20(1) and 27 of the Regulations of the Registry.
8. In the event that the President of the Pre-Trial Division determines that the “matter, request or information” does not pass the test as recited in paragraph 4 above, then the President of the Pre-Trial Division will order the Registrar to respond to the applicant on her behalf, without the “matter, request or information” being registered into the case record ICC-RoC46(3). This response shall be prepared in consultation with the President of the Pre-Trial Division.
9. Finally, the Registrar is ordered to keep a full record of any “matter, request or information” received.

**FOR THESE REASONS, THE PRESIDENT OF THE PRE-TRIAL DIVISION
HEREBY**

- (i) **decides** to amend the existing order as set out in the administrative decision by the President of the Pre-Trial Division dated 19 December 2007 (ICC-PTD-02/2007);
- (ii) **orders** the Registrar to follow the procedure set out in this administrative decision for dealing with any “matter, request or information” falling under regulation 46(3) of the Regulations of the Court.

- (iii) **confirms** that the administrative decision by the President of the Pre-Trial Division dated 19 December 2007 (ICC-PTD-01/2007), as amended by administrative decision dated 30 June 2009 (ICC-PTD-01/2009), remains otherwise unchanged and in effect.



Judge Christine Van den Wyngaert
President of the Pre-Trial Division

Dated this Wednesday, 18 February 2015
At The Hague (The Netherlands)