

Annex 5

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Judge Socorro Flores Liera
President of the Pre-Trial
Division
International Criminal Court
The Hague
Netherlands

December 2nd, 2024

Dear Judge Socorro Flores Liera,

1. Amnesty International has the honour to submit to you the present request for review, in representation of Nigerian victims of war crimes and crimes against humanity who are members of Jire Dole Networks. Amnesty International has also submitted information pursuant to Article 15 to the Office of the Prosecutor since the beginning of the preliminary examination of Nigeria in November 2010.
2. Pursuant to regulation 46(3) of the Regulations of the Court, we request that you, as President of the Pre-Trial Division, designate a Pre-Trial Chamber to examine our attached submission. Regulation 46(3) provides that any matter, request or information not arising out of 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.

3. The applicable test established by the practice of the Pre-Trial Division with respect to regulation 46(3) is that “as long as the subject-matter 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.”¹ The Pre-Trial Chamber has further confirmed 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.”²
4. In the present case, although the preliminary examination into the situation in Nigeria has been completed since December 2020³, there is currently no Pre-Trial Chamber seized of the situation of Nigeria. We therefore respectfully submit the attached request to you, as President of the Pre-Trial Division, to be designated to a Pre-Trial Chamber, in accordance with regulation 46(3).

Yours sincerely



Mandi Mudarikwa

Head of Strategic Litigation,
Amnesty International, International Secretariat

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, ICC-RoC46(3), 10 September 2014, para 3; President of the Pre-Trial Division, Decision assigning the ‘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, ICC-RoC46(3)-01/22, 6 May 2022, para 3.

² 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.

³ Statement of the Prosecutor, Fatou Bensouda, on the conclusion of the preliminary examination of the situation in Nigeria, 11 December 2020