

Statement : 25 April 2016 | [Ikirundi](#)

# Statement of the Prosecutor of the International Criminal Court, Fatou Bensouda, on opening a Preliminary Examination into the situation in Burundi

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Since April 2015, I have closely followed the situation in Burundi and repeatedly called upon all involved to refrain from violence, warning that those alleged to be committing crimes falling within the jurisdiction of the International Criminal Court ("ICC" or "the Court") could be held individually accountable.

In the course of the on-going crisis, more than 430 persons were reportedly killed, at least 3,400 people have been arrested and over 230,000 Burundians forced to seek refuge in neighbouring countries. My Office has reviewed a number of communications and reports detailing acts of killing, imprisonment, torture, rape and other forms of sexual violence, as well as cases of enforced disappearances. All these acts appear to fall within the jurisdiction of the ICC. I have decided therefore to open a preliminary examination into the situation in Burundi since April 2015.

A preliminary examination is not an investigation but a process of examining the information available in order to reach a fully informed determination on whether there is a reasonable basis to proceed with an investigation pursuant to the criteria established by the Rome Statute. Specifically, under article 53(1) of the Rome Statute, the Prosecutor must consider issues of jurisdiction, admissibility and the interests of justice in making this determination. The Office gives due consideration to all submissions and views conveyed to the Office during the course of a preliminary examination, strictly guided by the requirements of the Rome Statute and in the independent and impartial exercise of its mandate.

There are no timelines provided in the Rome Statute for a decision on a preliminary examination. Depending on the facts and circumstances of each situation, the Office will decide whether to continue to collect information to establish a sufficient factual and legal basis to render a determination; initiate an investigation, subject to judicial review as appropriate; or decline to initiate an investigation if there is no reasonable basis to proceed.

In conformity with the complementarity principle, my Office will also be engaging with the Burundian authorities with a view to discussing and assessing relevant investigations and prosecutions at the national level.

Burundi is a State Party to the Rome Statute, and as such, the ICC has jurisdiction over genocide, crimes against humanity and war crimes committed on the territory or by nationals of Burundi since 1 December 2004, the date when the Statute entered into force in Burundi.

*The Office of the Prosecutor of the ICC conducts independent and impartial preliminary examinations, investigations and prosecution of the crimes of genocide, crimes against humanity and war crimes. The Office has been conducting investigations in: Uganda; the Democratic Republic of the Congo; Darfur, Sudan; the Central African Republic (two separate investigations); Kenya; Libya; Côte d'Ivoire, Mali and Georgia. The Office is also conducting preliminary examinations relating to the situations in Afghanistan; Colombia; Guinea; Iraq/UK; Palestine, Nigeria and Ukraine.*

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