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ICC Update

by Monique Cuillerier and Yasmina Gourchane

Over the course of its existence, there have been 23 cases in nine situations brought before the International Criminal Court. Preliminary examinations are currently being conducted into situations in Afghanistan, Burundi, Colombia, Gabon, Guinea, Iraq/UK, Nigeria, Palestine, Ukraine, and Registered Vessels of Comoros, Greece, and Cambodia.

Central African Republic (I)

This situation was referred to the Court by the Government of the Central African Republic in 2004. Jean-Pierre Bemba was found guilty of two counts of crimes against humanity (murder and rape) and three counts of war crimes (murder, rape, and pillaging) in March 2016. Appeals and victims' reparations are pending. Jean-Pierre Bemba Gombo, Aimé Kilolo Musamba, Jean-Jacques Mangenda Kabongo, Fidèle Babala Wandu, and Narcisse Arido, were found guilty of offences against the administration of justice allegedly committed in connection with the case above in October 2016 and sentenced in March 2017. Sentences ranged from 6 months to two years and 6 months imprisonment (with time served being considered) and, in addition, fines were levied of EUR 300,000 for Bemba and EUR 30,000 for Aimé Kilolo Musamba.

Central African Republic (II)

The second investigation in Central African Republic is still ongoing.

Côte d'Ivoire

The trial of Laurent Gbagbo and Charles Blé Goudé, who are in the Court's custody and are accused of four counts of crimes against humanity, began in late January 2016 and continues. Additionally, an arrest warrant against Simone Gbagbo remains outstanding.

Darfur, Sudan

There has been no change in the four cases concerning the situation in Darfur, Sudan where the suspects -- Ahmad Harun, Ali Kushayb, Omar Hassan Ahmad Al Bashir, Abdallah Banda Abakaer Nourain, and Abdel Raheem Muhammad Hussei -- remain at large.

Democratic Republic of the Congo

Lubanga Dyilo has been convicted and sentenced to 14 years imprisonment. In October 2016, the Court approved and ordered the implementation of the plan submitted by the Trust Fund for Victims for

symbolic collective reparations. The TFV will file reports on their progress every three months.

In the case of the Prosecutor v. Germain Katanga and Mathieu Ngudjolo Chui, Ngudjolo Chui was acquitted, while German Katanga was sentenced to twelve years. He has been transferred to a prison facility in the DRC. At the end of March 2017, individual and collective reparations were awarded to the victims of his crimes. Symbolic compensation of USD 250 was awarded to each of the 297 individual victims. Collective reparations are to take the form of support for housing, income-generating activities, education and psychological help. In May, the government of the Netherlands said that they would imminently underwrite the symbolic individual compensation through the TFV, while Katanga's financial situation is monitored for future repayment.

The trial of Bosco Ntaganda, which began in September 2015, on 13 counts of war crimes (including rape and sexual slavery of civilians and children and conscription of child soldiers) and 5 counts of crimes against humanity (including murder and attempted murder; rape; sexual slavery; and forcible transfer of population) continues. Over two thousand victims have been granted the right to participate in the case.

An arrest warrant was issued for Sylvestre Mudacumura in 2012, but he remains at large.

Georgia

At the end of January 2016, the Prosecutor began an investigation into crimes allegedly committed in and around South Ossetia, Georgia in 2008.

Libya

Arrest warrants remain open in the cases of Saif Al-Islam Gaddafi and Al-Tuhamy Mohamed Khaled.

Kenya

Arrest warrants for Walter Osapiri Barasa, Paul Gicheru and Philip Kipkoech Bett for various offences against the administration of justice remain outstanding.

Mali

Ahmad Al Faqi Al Mahdi was found guilty of the war crime of attacking historic and religious buildings in September 2016 and was sentenced to nine years. The case is at the stage of determining reparations and/or compensation.

Uganda

The suspects Joseph Kony, and Vincent Otti remain at large. In the case of the Prosecutor v. Dominic Ongwen, Ongwen was surrendered to ICC custody in 2015. His trial began in December 2016.

Other

To date, 124 countries have ratified the Rome Statute of the International Criminal Court.

Prior moves by South Africa and the Gambia to pursue withdrawal from the Court have recently been reversed. And in Zambia, where the government decided to consult people on whether the country should remain in the ICC, opinion sampling showed over 93% in favour of continuing as a part of the ICC.

Thirty-four countries have now ratified the Kampala Amendments on the Crime of Aggression, the latest two being Argentina and Portugal in April.

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Documents, links, and other items referenced in the June 2017 issue of Mondial are available at <http://www.wfmcanada.org/mondial-links-june-2017/>