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# mondial

Canadian Edition

*Published by the World Federalist Movement, a non-governmental organization that advocates more just and effective global governance through the application of the principles of democratic federalism to world affairs.*

VOL.3, ISSUE 1  
JUNE 2019

## ICC Update

The International Criminal Court is currently engaged in ten preliminary examinations, has eleven situations under investigation, and is pursuing 26 cases that involve 42 defendants.

Preliminary examinations are currently being conducted in Afghanistan, Bangladesh/ Myanmar, Colombia, Guinea, Iraq/UK, Nigeria, Palestine, the Philippines, Ukraine, and Venezuela.

Following the preliminary examination, the request to open an investigation into the situation in Afghanistan was rejected by the Pre-Trial Chamber in April 2019. The Office of the Prosecutor is currently determining whether there will be an appeal of that decision.

### *Central African Republic (I)*

In early June 2018, the Appeals Chamber acquitted Jean-Pierre Bemba Gombo because they found the previous conviction by the trial court had erroneously included acts outside the scope of the charges and erred in its assessment of whether he took all necessary and reasonable measures to prevent or punish his subordinates of the other crimes involved. This case is now closed.

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. Appeals resulted in new sentences for Bemba, Mangenda and Kilolo in September 2018. Bemba was sentenced to one year imprisonment and fined EUR 300 000, Kilolo and Mangenda were each sentenced to eleven months imprisonment. Kilolo was fined EUR 30 000. All were credited with time spent in detention and the imprisonment portion of their sentences, as a result, are considered served. Outstanding issues regarding the re-sentencing continue to be argued in front of the Appeals Chamber.

### *Central African Republic (II)*

The Government of CAR referred this situation in May 2014. The situation focuses on alleged war crimes and crimes against humanity committed since 1 August 2012, in the context of the conflict between Muslim Séléka and Christian anti-balaka groups.

An arrest warrant was issued on November 11, 2018 for Alfred Yekatom and he was surrendered to the Court on November 17. A further arrest warrant, for Patrice-Edouard Ngaïssona, was issued on 7 December 2018 and he was arrested five days later. The two cases were joined by the Pre-Trial Chamber in February. The confirmation of charges hearing was scheduled to begin in June, but has delayed until September 2019.

### *Côte d'Ivoire*

The cases of Laurent Gbagbo and Charles Blé Goudé, charged with crimes against humanity allegedly committed in Côte d'Ivoire in 2010 and 2011, were joined in March 2015 and the trial began in January 2016. In January 2019, both were acquitted. On February 1, 2019, the Appeals Chamber set conditions to be imposed upon Gbagbo and Blé Goudé following their release to a State willing to accept them and enforce the conditions set by the Chamber. They are no longer in the ICC detention centre as an interim measure pending their release. A complete decision in writing will be issued in due course and there remains the possibility that the Prosecutor will appeal the decision after the full decision is filed.

The case against Simone Gbagbo remains at the pre-trial stage as she is still not in the custody of the Court.

### *Darfur, Sudan*

There are four current cases concerning the situation in Darfur, Sudan with five suspects -- Ahmad Harun, Ali Kushayb, Omar Hassan Ahmad Al Bashir, Abdallah Banda Abakaer Nourain, and Abdel Raheem Muhammad Hussein -- who all remain at large.

Following the ongoing political change in Darfur, the situation regarding Al Bashir in particular may change, as there have been calls from within Sudan to have him turned over to the Court.

### *Democratic Republic of the Congo*

In 2012, Thomas Lubanga Dyilo was convicted and sentenced to 14 years of imprisonment. In December 2017, a decision set the amount of his liability for collective reparations at US\$10,000,000. Implementation of the collective reparations decision remains pending.

Bosco Ntaganda was found guilty of eighteen counts of war crimes and crimes against humanity, including murder, rape, sexual slavery, and enlisting child soldiers, on July 8, 2019. Next, the Court will receive submissions regarding the possible sentence.

Sylvestre Mudacumura, for whom an arrest warrant was issued in 2012, remains at large.

### *Georgia*

An investigation into crimes allegedly committed in and around South Ossetia, Georgia in 2008 was begun in January 2016 and continues.

### *Libya*

Mahmoud Mustafa Busayf Al-Werfalli, Saif Al-Islam Gaddafi, and Al-Tuhamy Mohamed Khaled are all still at large and, as a result, their cases remain pending.

### *Kenya*

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

### *Mali*

Al Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud was surrendered to Court's custody at the end of March 2018. The next step will be a confirmation of charges hearing.

### *Uganda*

The case against Joseph Kony and Vincent Otti remains pending as they are still at large.

The trial of Dominic Ongwen began in December 2016 and the Defence is currently presenting evidence. Over 4000 victims have been granted the right to participate in the trial.

### *Other*

To date, 122 countries have ratified the Rome Statute of the International Criminal Court, which marks its 20th anniversary this year.

The Philippines withdrew from the Rome Statute effective March 17, 2019.