

Building a world community

mondial

International 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 2
DECEMBER 2019

ICC Update

by Monique Cuillerier

The International Criminal Court is currently engaged in ten preliminary examinations, and has eleven situations under investigation.

Preliminary examinations are currently being conducted in Afghanistan, 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 considering all available legal remedies.

Bangladesh/Myanmar

In November 2019, following a request from the Prosecutor, an investigation into alleged crimes of deportation, persecution, and any other crimes relevant to the Court against the Rohingya people.

At question was whether the Court had jurisdiction over crimes that took place only in part in the territory of a State Party. Myanmar is not a State Party, but Bangladesh is.

Central African Republic (I)

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 in October 2016 and sentencing took place in September 2018. Later in 2018, Bemba filed an appeal, which was heard in September 2019. The judgement on the appeal will be made in late November 2019.

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 in November 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 and the confirmation of charges hearing took place in September and October 2019. The judges will now assess whether there is sufficient evidence to continue with the case.

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. In July 2019, the Trial Chamber filed reasons for the acquittal and the Prosecutor will, in response, file a notice of appeal.

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

Darfur, Sudan

The situation in Darfur, Sudan was referred to the Court by the UN Security Council in March 2005.

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 recent political changes 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. He has transferred to a prison in DRC in 2015 where he continues to serve his sentence.

Implementation of the collective reparations decision continues.

The trial of Bosco Ntaganda began in September 2015 and he was found guilty in July 2019 of 18 counts of war crimes, and crimes against humanity committed in Ituri, DRC between 2002 and 2003. In early November 2019, Ntaganda was sentenced to thirty years imprisonment. An appeal is possible. As well, victims' reparations are still to be considered.

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 Pre-Trial Chamber confirmed charges of war crimes and crimes against humanity in a confidential decision at the end of September 2019. A redacted version of this decision will be made available at a later date.

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, which is expected to be completed before the end of the year.

Closing arguments are set to begin in March 2020.

Other

In late November, Kiribati acceded to the Rome Statute. It will become the 123rd State Party when the Statute enters into force on February 1st, 2020.

Prior to Kiribati's accession, 122 countries had ratified the Rome Statute -- 33 in Africa, 18 in the Asia-Pacific area, 18 in Eastern Europe, 28 in Latin America and the Caribbean, and 25 in Western Europe and other states.