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mondial

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ICC Update

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

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

Afghanistan

In March 2020, the Prosecutor was authorized to begin an investigation into alleged crimes against humanity and war crimes since 2003 in Afghanistan, as well as other alleged crimes committed on the territory of other States Parties since 2002 but linked to the conflict in Afghanistan.

Bangladesh/Myanmar

In November 2019, an investigation into alleged crimes of deportation, persecution, and any other crimes relevant to the Court against the Rohingya people was begun.

In February, a delegation from the Court traveled to Bangladesh to explain to the public how investigations are conducted.

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.

An appeal filed by Bemba was rejected in November 2019, with the Appeals Chamber confirming the re-sentencing decision.

Bemba, who was acquitted on charges of war crimes and crimes against humanity, had also made a claim for compensation related to his acquittal. This claim was denied in May 2020.

Burundi

An investigation into crimes under the Rome Statute that may have occurred in Burundi between 2004, when Burundi deposited its instrument of ratification, and 2017 when it withdrew from the Rome Statute, has been authorized.

The preliminary examination began in April 2016 focused on acts of killing, imprisonment, torture, rape and other forms of sexual violence, and enforced disappearances.

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. In March, Trial Chamber V was assigned to the trial, the date of which will now be set.

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 16 September 2019, the Prosecutor filed a notice of appeal against this decision, which will be considered by the Appeals Chamber.

Separate from the appeals process, the conditions of release of Gbagbo and Blé Goudé were considered and adjusted.

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 several current cases concerning the situation in Darfur, Sudan with four suspects -- Ahmad Harun, Omar Hassan Ahmad Al Bashir, Abdallah Banda Abakaer Nourain, and Abdel Raheem Muhammad Hussein -- who 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. To date, however, the situation remains unchanged.

Ali Muhammad Ali Abd–Al-Rahman (aka Ali Kushayb) is now in the Court's custody and has had his identity verified and been informed of the crimes he is alleged to have committed. The confirmation of charges hearing is scheduled for December 2020.

In June 2020, Ali Muhammad Ali Abd–Al-Rahman's case was severed from that of Ahmad Harun since Harun is not in the Court's custody.

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. The closing briefs were filed on 24 February 2020. The closing statements took place from 10 to 12 March 2020. A decision will be pronounced in due time.

Other

123 countries had ratified the Rome Statute -- 33 in Africa, 19 in the Asia-Pacific area, 18 in Eastern Europe, 28 in Latin America and the Caribbean, and 25 in Western Europe and other states.