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## ICC Update (December 2016)

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Over the length of its existence, there have been twenty-three 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.

### **Uganda**

In the case of the Prosecutor v. Joseph Kony, and Vincent Otti both suspects remain at large.

In the case of the Prosecutor v. Dominic Ongwen, Ongwen was surrendered to ICC custody in 2015. His trial is scheduled to begin on December 6, 2016.

### **Democratic Republic of the Congo**

Lubanga Dyilo has been convicted and sentenced to 14 years imprisonment. In October, 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. German Katanga was found guilty and sentenced to twelve years. He has been transferred to a prison facility in DRC and a decision on victim reparations will be forthcoming.

The trial of Bosco Ntaganda, 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) began in September 2015 and continues.

In December 2015, Germain Katanga was transferred to prison in DRC after being found guilty being an accessory to one count of a crime against humanity (murder) and four counts of war crimes (murder, attacking a civilian population, destruction of property and pillaging). A decision on victim reparations is pending.

### **Darfur, Sudan**

Suspects in four cases (Ahmad Harun, Ali Kushayb, Omar Hassan Ahmad Al Bashir, Abdallah Banda Abakaer Nourain, and Abdel Raheem Muhammad Hussein) remain at large.

## **Central African Republic (I)**

This situation was referred to the Court by the Government of the Central African Republic in 2004. A verdict was reached in the case the Prosecutor v. Jean-Pierre Bemba Gombo in March 2016. Bemba was found guilty of two counts of crimes against humanity (murder and rape) and three counts of war crimes (murder, rape, and pillaging). Appeals and victims' reparations are pending in this case.

The trial against Jean-Pierre Bemba Gombo, Aimé Kilolo Musamba, Jean-Jacques Mangenda Kabongo, Fidèle Babala Wandu, and Narcisse Arido, for offences against the administration of justice allegedly committed in connection with the case above resulted in a guilty verdict in late October. An appeal is possible.

## **Kenya**

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

## **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. An arrest warrant against Simone Gbagbo is outstanding.

## **Mali**

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

## **Central African Republic (II)**

A second investigation in Central African Republic is ongoing.

## **Georgia**

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

## **Other**

To date, 124 countries have ratified the Rome Statute of the International Criminal Court, although recently South Africa, Gambia, and Burundi announced their intentions to withdraw from the Court.

Chile and the Netherlands became the 31st and 32nd countries to ratify the Kampala Amendments on the Crime of Aggression in September 2016. In July, Kenya became the first State Party to lodge declaration of non-acceptance of ICC jurisdiction over the crime of aggression.

## **Assembly of States Parties meeting**

The 15th annual session of the Assembly of States Parties (ASP) was held from November 16th to 24th. Ahead of the session, WFMC organized a meeting between members of Canadian civil society and government officials at Global Affairs Canada.

At the ASP meeting, there was discussion of the withdrawals by several African states and the implications that may have for the Court and the Crime of Aggression amendments which have passed the necessary thirty ratifications. Additionally, the recent new policies issued by the Office of the Prosecutor — on case selection and prioritisation and on children — were considered.