

# Communications received between July 2002 and 8 July 2003

## North America

Canada 18  
Mexico 2  
United States 70

## Europe

Austria 3  
Belarus 1  
Belgium 7  
Croatia 2  
Czech Republic 1  
Denmark 3  
Estonia 1  
Finland 7

France 58  
Georgia 1  
Germany 93  
Greece 2  
Hungary 1  
Ireland 2  
Italy 9  
Latvia 1

Lithuania 1  
Luxembourg 1  
Netherlands 29  
Poland 5  
Portugal 2  
Romania 7  
Russia 3  
Serbia and Montenegro 3

Slovakia 1  
Slovenia 1  
Spain 23  
Sweden 4  
Switzerland 6  
Turkey 1  
United Kingdom 33

## Asia

China 1  
India 6  
Japan 1  
Malaysia 1  
Nepal 1  
Pakistan 2  
Philippines 1  
South Korea 3  
Thailand 1  
Vietnam 1

## Central America/Caribbean

Costa Rica 1  
Haiti 1

## Africa

Algeria 2  
Angola 1  
Congo Brazzaville 1  
Ivory Coast 2  
Egypt 4  
D.R.Congo 1  
Guinea 1  
Mauritius 1  
Morocco 2  
Senegal 1  
South Africa 2

## Middle East

Iran 2  
Israel 3  
Lebanon 1

## Australasia

Australia 16

## South America

Argentina 3  
Brazil 1  
Colombia 2  
Peru 1  
Venezuela 3

# ICC JURISDICTION

■ **What?** Genocide, crimes against humanity and war crimes.

**When?** On or after 1 July 2002.

**Who** can trigger the jurisdiction of the Court?

- The United Nations Security Council.
- A State Party.
- The Prosecutor exercising his *proprio motu* powers.
- How ?
  - 1. Crimes committed by nationals or in the territory of a State Party.
  - 2. National government unable or unwilling.
  - 3. Case is of sufficient gravity.
  - 4. Authorisation of a Pre-Trial Chamber of the Court.

## Permanent International Criminal Court

1998

2003

Created in July 1998 with the signature of the Rome Statute

Election of 18 Judges and Prosecutor

## Temporary international criminal jurisdictions

1945

IMT at Nuremberg

1993

ICTY

1994

ICTR

## Other internationalised criminal jurisdictions

1999

Kosovo

2000

East Timor

2002

Sierra Leone

2003

Cambodia

## Examples of national exercise of universal jurisdiction

1946

Tokyo

1961

Eichmann

1985

Demjanjuk

1987

Barbie

1994

Sarić

1997

Djajić

1998

Pinochet

Munyeshyaka

1999

Jorgić  
Ould Dah  
Niyonteze

2000

Habré

2001

Mukangango  
Mukabutera  
Ntezimana  
Higaniro

2003

Cavallo

## Examples of national application of domestic law involving international crimes

1970

My Lai

1976

Majdanek

1985

Argentina  
(Junta trials)

1989

Finta

1994

Ethiopia

1998

Chile

# Allegations of crimes outside the jurisdiction of the ICC

## ***Temporal Jurisdiction***

- 50 communications containing allegations of acts committed before 1 July 2002.

## ***Subject-Matter Jurisdiction***

- Crimes of environmental damage, drug trafficking, money laundering, tax evasion, and judicial corruption. Communications about isolated human rights abuses.

The Court is not designed to deal with violations of human rights unless they constitute genocide, crimes against humanity or war crimes.

## ***The Crime of Aggression***

- 38 communications express the view that a crime of aggression took place in the context of the war in Iraq. The Court cannot proceed with respect to aggression until the crime is defined and the conditions for the exercise of jurisdiction set out. The Assembly of States Parties of the International Criminal Court may adopt such a definition at a review conference to be convened in 2009. Thus, the alleged crime to which these communications refer does not fall within the jurisdiction of the Court.

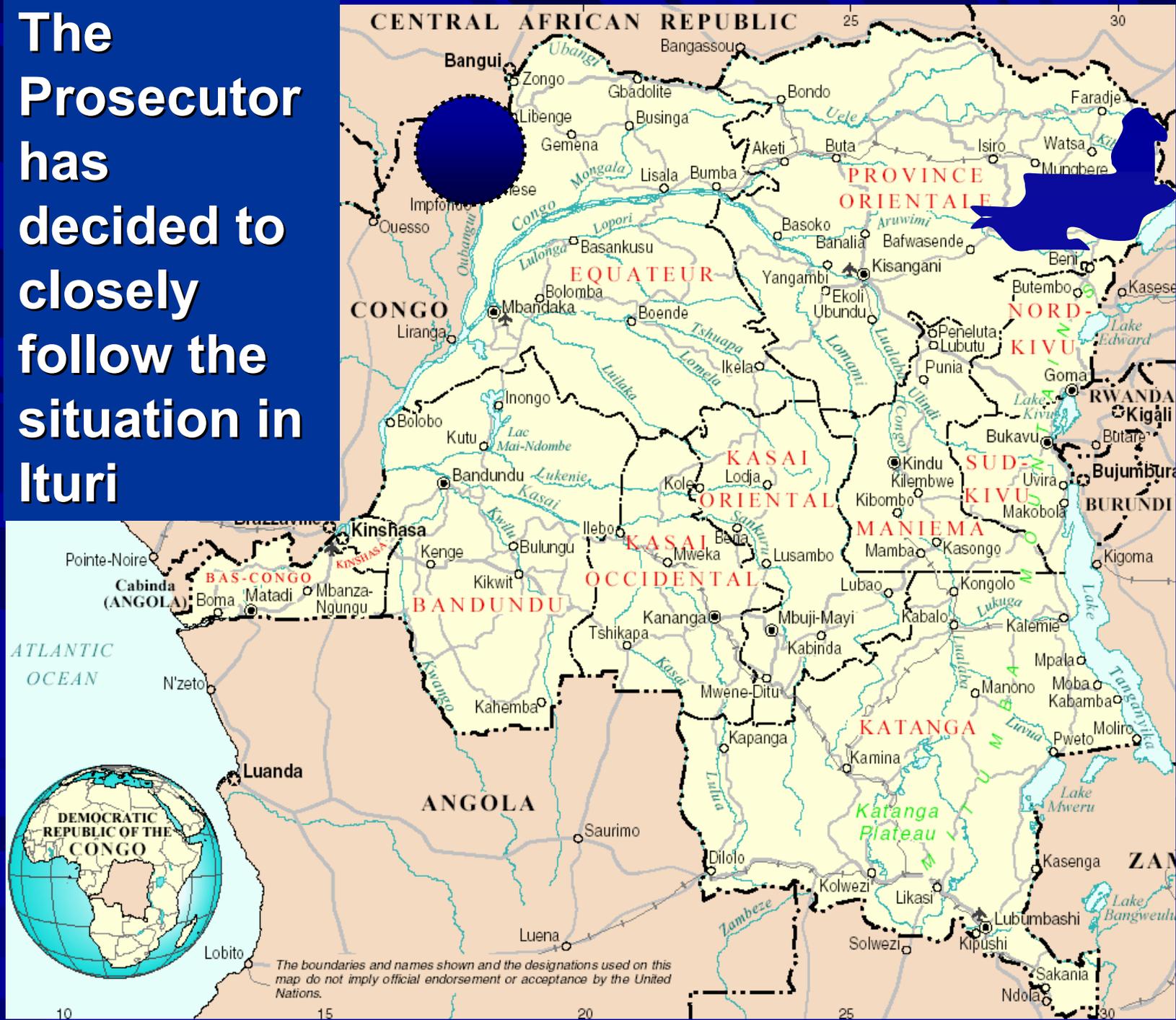
# Crimes committed in the territory of non-States Parties

- 16 communications with no detailed information relate to acts allegedly committed by United States' troops on the territory of Iraq. Since neither Iraq nor the United States is a State Party to the Statute, the ICC has no jurisdiction in these matters.
- There are 2 brief communications with no detailed information about the Israeli-Palestinian conflict. These communications do not involve any State Party. The situation, therefore, does not fall within the jurisdiction of the Court.
- The Office has received communications alleging the killing of civilians by army soldiers in the Ivory Coast. The situation, currently, does not fall within the jurisdiction of the Court.

# Allegations of crimes committed by nationals or in the territory of a State Party

- Communications regarding crimes allegedly committed by nationals of States Parties who were part of the coalition forces during the war in Iraq contain neither detailed information on the alleged crimes nor information on the ability or willingness of the State concerned to investigate and prosecute the alleged crimes.
- Communications referred to the Office of the Prosecutor in the future are expected to contain specific information concerning the ability or willingness of national authorities to deal with those alleged crimes, as well as a description of the efforts undertaken, if any, to seek redress before those authorities.

The Prosecutor has decided to closely follow the situation in Ituri



## **a) Information on crimes allegedly committed in Ituri**

- There are six communications regarding the situation in Ituri, including two detailed reports from non-governmental organisations. These communications present the situation through a general description and through individual stories.
- As a result of direct violence or indirect causes such as starvation, landmines, untreated injuries and diseases (including the transmission of HIV/AIDS through rape) between 2.5 and 3.3 million people have died in the country since 1998 according to different reports.
- Since 1 July 2002 more than 5.000 people would have died in Ituri as a consequence of crimes that could amount to genocide, crimes against humanity or war crimes.
- Crimes reported: massacre of civilians on the basis of ethnicity, summary executions, disappearances, torture, ritual cannibalism, forced recruitment of child soldiers, looting and prevention humanitarian aid from reaching the population.
- Gender crimes – Rape and sexual assaults common. Severe mutilation of female genitalia has occurred. Some women / girls forced to leave their villages with the militias to act as sex slaves. People have been forced to watch the rape of family members.
- Several mass graves have been discovered. Many of the victims are women and children. Injuries indicate execution-style killings. Some victims thrown in the Chari River. Some have been killed with bullets or with machetes, knives, axes and spears – mutilation (such as decapitation) of bodies is common.
- Civilians forced to dig for gold for the militias – unpaid forced labour. Roadblocks created to control the movement of ethnic groups.
- Commanders frequently murdered in the struggle for military control.
- This information is corroborated by different United Nations reports, the media and non-governmental organisations.

# Child soldiers



Source: external



Source: external



Source: external

## **b) Money-laundering and other crimes committed outside the Democratic Republic of Congo which may be connected with the alleged atrocities**

- **Various reports have pointed to links between the activities of some African, European and Middle Eastern companies and the atrocities allegedly taking place in the D R C. The alleged involvement of organised crime groups from Eastern Europe has also been mentioned. Their activities allegedly include gold mining, the illegal exploitation of oil, and the arms trade. The revenues of these alleged illegal activities flow through the international banking system.**
- **Although the specific findings of these reports have not been confirmed, the investigation of the financial aspects of the alleged atrocities will be crucial to stop and investigate the crimes. If the alleged business practices continue to fuel atrocities, these would not be stopped even if current perpetrators were arrested and prosecuted.**
- **The Office of the Prosecutor is establishing whether investigations and prosecutions on the financial side of the alleged atrocities are being carried out in the relevant countries.**

## c) Ability of the government of the Democratic Republic of Congo to genuinely investigate and prosecute the crimes allegedly committed in Ituri

A transitional government was being established in the Democratic Republic of Congo on 30 June 2003.

The United Nations Security Council is following the situation in the Democratic Republic of Congo closely.

The Prosecutor is conscious of the peace process under way, and hopes that the efforts of the international community to halt the violence will bear fruit.

The Office of the Prosecutor is ready to make its contribution to the prevention of future crimes and the investigation and punishment of those who bear the greatest responsibility for the alleged crimes committed in Ituri.

If necessary, the Prosecutor will seek authorisation from a Pre-Trial Chamber to start an investigation.