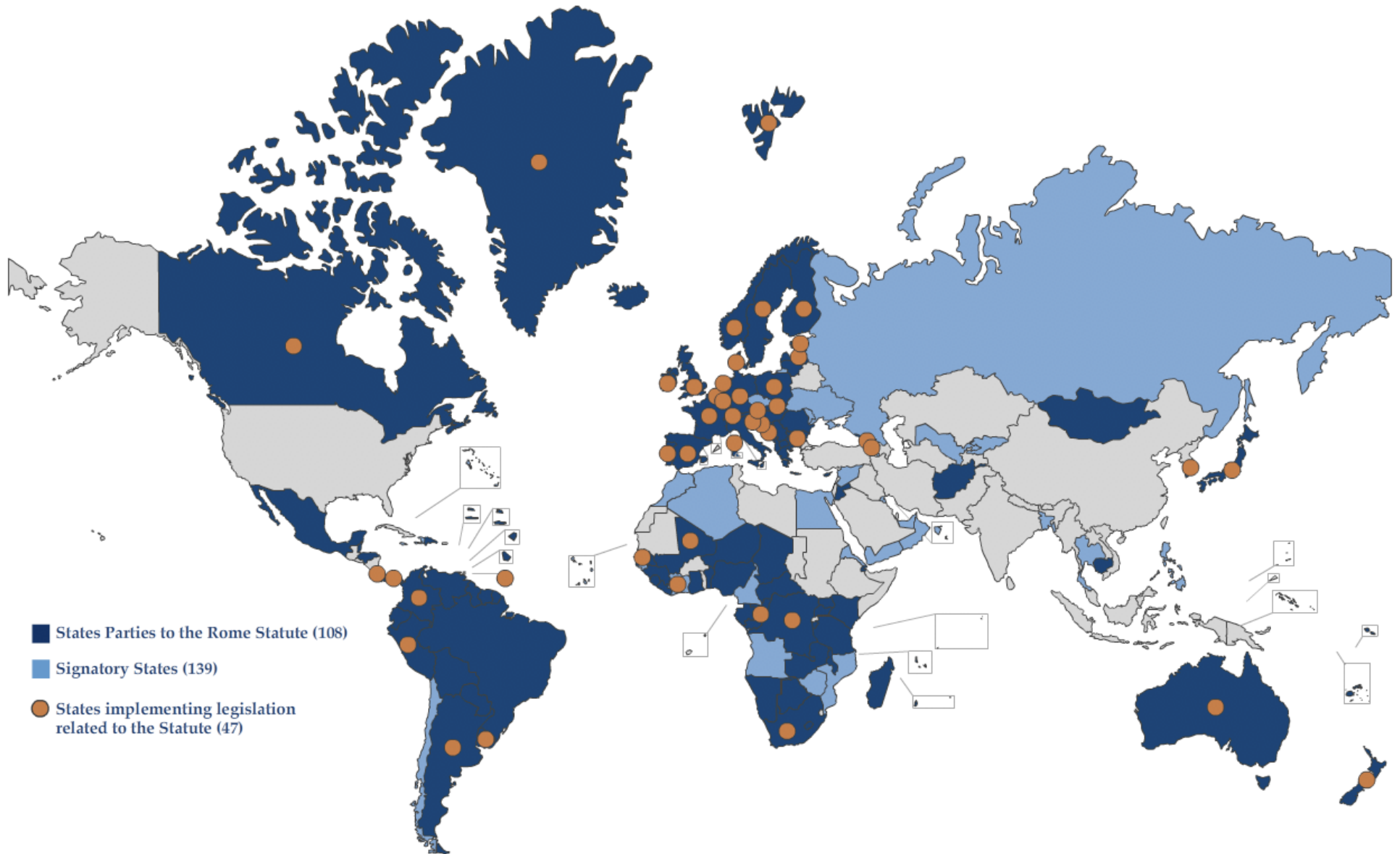


Office of the Prosecutor International Criminal Court

11 May 2010

Reinhold Gallmetzer
Appeals Counsel

The Rome Statute



Preliminary examination - criteria for selection of situations

- Jurisdiction
- Admissibility
 - Genuine national proceedings
 - Willingness and ability to proceed
 - Gravity of the crimes
- Interest of justice (potential countervailing considerations, incl.)
 - The interests of victims, including views expressed by affected communities
 - Ability of the Office to protect victims and witnesses

Decision not to proceed on this ground only in exceptional circumstances (reviewable by PTC).

Preliminary examinations



Dismissed situations



Selected situations



Principles of investigation and the selection of cases

- Short and focused investigations
 - Limited number of incidents
 - Representative samples of most serious crimes and main types of victimization
- Persons bearing greatest responsibility
 - Highest echelons of responsibility (military or civilian)
 - Including those who ordered, financed or organized crimes
 - Exceptionally, also mid-ranking or notorious perpetrators
- Focused evidence collection
 - Priority of documentary, physical, financial and forensic evidence over witness testimonies
 - For witness testimonies, priority of witnesses who are not at risk
 - Priority of non-confidential (54(3)(e)) information
- Case-hypothesis and exculpatory theories

Cases arising from selected situations - DRC



Thomas LUBANGA

UPC no. 1



Matthew NGUDJOLO

FRPI no. 1



Bosco NTAGANDA

UPC no. 3



Germain KATANGA

FNI no. 1



DR Congo

Cases arising from selected situations - Uganda



Joseph KONY

LRA no. 1



Okot ODHIAMBO

LRA no. 3



Vincent OTTI

*Allegedly killed
on KONY's orders*

LRA no. 2



Raska LUKWIYA
*Killed by Ugandan
army in confrontation*
Dominic ONGWEN

LRA no. 4

 Uganda

Cases arising from selected situations - CAR



Jean-Pierre BEMBA

MLC no. 1

A world map showing the continents in light blue and oceans in light grey. The Central African Republic is highlighted in a darker red color. The text 'Central African Republic' is written in blue over the map.

Central African Republic

Cases arising from selected situations – Darfur



Omar AL BASHIR

President of Sudan



Ahmad HARUN

*Minister of State for
the Interior (2003-2005)*

*Currently, Minister of State
for Humanitarian Affairs*



Bahr Idriss ABU GARDA

Darfur Rebel Leader



Ali KUSHAYB

*Militia/Janjaweed leader
operating in West Darfur*



Challenges

- Arrests (lack of police force and reliance of cooperation)
- Peace and Justice
- Positive complementarity
- Witness management and protection
- Ongoing conflict
- Security and health issues of staff

Challenges and dilemmas: *Staff health, security and working conditions*



Bullet holes in Kinshasa Field Office, Democratic Republic of Congo

ICC camp in Abeche, Chad

Cancelled/postponed missions, 2007–2009

| <i>Situation</i> | <i>Security</i> | <i>Health</i> | <i>Evacuations/ Suspensions</i> | <i>Other</i> | <i>Total</i> |
|---|-----------------|---------------|-------------------------------------|--------------|--------------|
| Democratic Republic of the Congo | 4 | 2 | — | 14 | 20 |
| Darfur | 2 | — | 4 | 3 | 9 |
| Central African Republic | 1 | — | — | 12 | 13 |
| Uganda | — | — | — | 2 | 2 |

Discussion

