The International Criminal Court

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Video file
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The International Criminal Court (ICC) opened in 2002 in The Hague, in the Netherlands, with a mission to investigate and bring to trial individuals charged with the gravest crimes when the countries involved did not have the commitment or the capacity to bring them to justice themselves.

The ICC takes on cases involving four types of crimes: and crimes of aggression by one country against another, war crimes, crimes against humanity and genocide It is composed of 18 judges, senior judicial officers and lawyers elected from the member countries with a mandate of nine years. Its most important section is the office of the prosecutor, which conducts investigations and prosecutions.

Once an investigation is complete and the suspects arrested, the court can in theory organise a trial and sentence those found guilty. However, in reality, the ICC conducts its mission under extremely difficult conditions: 124 countries are members of the Court but dozens of others don't recognise it, notably the United States, China, Russia and Israel.

Even member states don't always cooperate, depending on the political context: The investigators therefore lack the means to do their work, witnesses can be put under pressure and arresting suspects is often a challenge because the ICC does not have its own police force.

It is thus dependent on the goodwill of the member states. If a suspect is in the territory of a country which doesn't recognise the authority of the court, there is virtually no chance of the person being arrested. And some member countries don't honour their obligation to arrest suspects. These factors explain, in part, the mixed results of the ICC:

• Of some 30 cases launched since its creation, nearly half are still ongoing, essentially because the suspects are still at large.

• Less than half of the arrest warrants issued since 2002 have been executed.

So, in the final analysis, the court's rate of conviction is low; over some 20 years it has found 11 accused, all of them African, guilty, with four others acquitted.

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