

## War Crimes and ICC

### Why in news?

The Congolese warlord Bosco Ntaganda was recently pronounced guilty of war crimes and crimes against humanity (CAH) by the International Criminal Court (ICC).

### What is the story behind?

- These convictions are related to the 2002-03 ethnic conflict in the Democratic Republic of Congo (DRC).
- After a 2006 indictment by the Hague court, it took seven more years for him to surrender and months more before the trial could start.
- The conviction follows the ICC's 2012 sentencing of Thomas Lubanga, the first to be pronounced guilty pertaining to atrocities in the Congo.

### What are some other recent cases?

- In **2014**, the ICC charged the **Kenyan President** of crimes against humanity, relating to the death of hundreds in the 2007 post-election ethnic violence.
- This ruling convicted the former Vice President of DRC in 2016 and handed an 18-year sentence.
- In **2019**, former **President of Ivory Coast** was acquitted of crimes against humanity.

### What are the challenges for ICC?

- Many African countries feel that they are being **selectively targeted**.
- The ICC faces a **strong resistance** to prosecute the war crimes committed in Iraq and Afghanistan.
- Some countries like Burundi, the Philippines are **quitting** the ICC.
- The **surge of nationalism** around the world is a **challenge to enforce accountability** transcending domestic and regional borders.
- The **refusal of major states** to bring themselves under the court's jurisdiction has dampened the hope to ensure that serious atrocities committed by elected representatives do not go unpunished.

## Quick Facts

### International Criminal Court (ICC)

- ICC is an intergovernmental organization and international tribunal. It is the world's first permanent international criminal court.
- **Headquarter:** The Hague, Netherlands.
- It has the jurisdiction to **prosecute individuals for the international crimes** of genocide, crimes against humanity (CAH), crime of aggression and war crimes.
- It **complements the existing national judicial systems** and so it can only exercise its jurisdiction when certain conditions are met.
- States which become party to the Rome Statute becomes member of ICC.
- The co-operation of the non-party states with ICC is of voluntary nature.
- But when a case is referred by the UNSC to the ICC, all UN member states are obliged to cooperate, since its decisions are binding for all of them.
- **India is not a signatory** to the Rome Statute.

