

INFORMATION SHEET ON GUINEA AND THE INTERNATIONAL CRIMINAL COURT

1. General Information

The International Criminal Court (ICC) is an independent, permanent court that tries persons accused of the most serious crimes of international concern, namely genocide, crimes against humanity and war crimes.

The treaty that created the ICC (the Rome Statute) has been ratified by 110 member states.¹ Guinea ratified the Rome Statute on July 14, 2003.

The seat of the ICC is at The Hague in the Netherlands. The working languages of the ICC are English and French. The website of the ICC is located at <http://www.icc-cpi.int/>

2. Specific Information about Crimes Against Humanity

The ICC has jurisdiction over crimes against humanity. See Rome Statute (“RS”) Articles 5(b), 7. Murder and rape may be crimes against humanity when they are committed as part of a widespread or systematic attack directed against a civilian population. RS Art. 7.

Specifically, murder is a crime against humanity when (1) the perpetrator killed one or more persons; (2) the conduct was committed as part of a widespread or systematic attack directed against a civilian population; and (3) the perpetrator knew that the conduct was part of or intended to be part of a widespread or systematic attack against a civilian population. See Elements of Crimes (“EOC”) at Art. 7(1)(a).

Rape is a crime against humanity when (1) the perpetrator invaded the body of a person by conduct resulting in penetration, however slight, of any body part of the victim . . . , or of the anal or genital opening of the victim with any object or any other part of the body; (2) the invasion was committed by force, or by threat of force or coercion . . . ; (3) the conduct was committed as part of a widespread or systematic attack directed against a civilian population; and (4) the perpetrator knew that the conduct was part of or intended the conduct to be part of a widespread or systematic attack directed against a civilian population.

¹ The United States has not ratified the Rome Statute.

3. Who May be Held Responsible?

A person who commits a crime within the jurisdiction of the court is individually responsible and liable for punishment when: (1) the person commits a crime; or (2) when the person orders, solicits or in any way induces the commission of such a crime which in fact occurs or is attempted; or (3) for when the person aids, abets, or otherwise assists in the commission or attempted commission of a crime for the purpose of facilitating the commission of a crime. RS Art. 25.

As described above, a military commander may be held criminally responsible if he orders others to commit a crime. Additionally, a military commander can be held responsible for crimes committed by forces under his command and control if he fails to exercise control properly over such forces. RS Art. 28. Such a commander is criminally responsible when (1) the commander knew or should have known that the forces were committing crimes or about to commit crimes; and (2) the commander failed to take all necessary or reasonable measures to prevent or repress the commission of such crimes or failed to submit the matter to the competent authorities for investigation and prosecution. Id.

4. How the ICC Initiates an Investigation into Alleged Crimes

The ICC investigates alleged crimes through the Office of the Prosecutor. The Prosecutor may initiate an investigation in three different ways: (1) based on a referral from any state party; (2) based on a referral from the United Nations Security Council; or (3) based on a “communication” received from an individual or organization.²

Communications about alleged crimes may be submitted in French or English to:

International Criminal Court
Office of the Prosecutor
Communications
Post Office Box 19519
2500 CM The Hague
The Netherlands

Or send it by email to: otp.informationdesk@icc-cpi.int

Or send it by facsimile to: +31 70 515 8555

² To date, there have been three state referrals from the governments of the Democratic Republic of Congo, Uganda, and the Central African Republic, and one referral from the United Nations Security Council regarding the situation in Darfur. Each of these referrals resulted in the initiation of an investigation. The Office of the Prosecutor has also received over 8252 communications since July 2002 from more than 130 countries, but has not yet initiated an investigation based on a communication.