

**Cour  
Pénale  
Internationale**



Le Bureau du Procureur  
The Office of the Prosecutor

**International  
Criminal  
Court**

Our Reference: OTP-CR-159/11

The Hague, 31 May 2013

Dear Sir or Madam,

On behalf of the Prosecutor, I thank you again for your communication received on 31/05/2011, as well as any subsequent related information.

In our letter to you on 26/06/2012, we advised that the Office would carry out an analysis of the allegations in your communication. As we noted, meaningful analysis can take some time. Under Article 53 of the Rome Statute, the Prosecutor must consider whether there is a reasonable basis to believe that crimes within the jurisdiction of the Court have been committed, whether national systems are investigating and prosecuting the relevant crimes, and whether the interests of justice would be served by an investigation. The Prosecutor must also consider the gravity of the alleged crimes.

Accordingly, we have continued with the analysis of your communication, based on the information you provided as well as other readily available information. Following this analysis, I advise you that the matters described in your communication do not appear to fall within the jurisdiction of the Court.

The International Criminal Court is entrusted with a very specific and carefully defined jurisdiction and mandate under the Rome Statute. One fundamental feature of the Rome Statute (Article 11) is that the Court may only exercise jurisdiction over crimes committed after the entry into force of the Rome Statute, on 1 July 2002 or following the ratification of the Statute by the State concerned. Another fundamental feature is that the Court may only exercise jurisdiction over the most serious crimes of concern to the international community as a whole, namely genocide, crimes against humanity and war crimes. These crimes are carefully defined in the Rome Statute (Articles 6 to 8) and are further elaborated in the Elements of Crimes, adopted by the Assembly of States Parties.

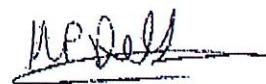
Based on the information currently available, it appears that some of these preconditions are not satisfied with respect to the conduct described. Some of the allegations described in your communication do not appear to fall within the Court's temporal jurisdiction, and other allegations do not appear to fall within the Court's subject-matter jurisdiction.

The Prosecutor has therefore determined that there is not a basis at this time to proceed with further analysis. However, the information you have submitted will be maintained in our archives, and the decision not to proceed may be reconsidered in the light of new facts or information.

I am grateful for your interest in the ICC and I regret that we could not be of assistance. I hope you will appreciate that with the defined jurisdiction of the Court, many allegations will be beyond the reach of this institution. In this regard, please also note that the ICC is designed to complement, not replace national jurisdictions. Thus, you may wish to continue raising your concerns with other appropriate national or international authorities.

Yours sincerely,

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