

<https://www.icc-cpi.int/Pages/item.aspx?name=180208-otp-stat>

Statement : 8 February 2018 | Español

Statement of the Prosecutor of the International Criminal Court, Mrs Fatou Bensouda, on opening Preliminary Examinations into the situations in the Philippines and in Venezuela



Since 2016, I have closely followed the situations in the Republic of the Philippines ("the Philippines") and in the Bolivarian Republic of Venezuela ("Venezuela"). Both countries are States Parties to the Rome Statute.

▪ [See video statement](#)

Following a careful, independent and impartial review of a number of communications and reports documenting alleged crimes potentially falling within the jurisdiction of the International Criminal Court ("ICC" or "the Court"), I have decided to open a [preliminary examination into each situation](#).

The preliminary examination of the situation in the Philippines will analyse crimes allegedly committed in this State Party since at least 1 July 2016, in the context of the "war on drugs" campaign launched by the Government of the Philippines. Specifically, it has been alleged that since 1 July 2016, thousands of persons have been killed for reasons related to their alleged involvement in illegal drug use or dealing. While some of such killings have reportedly occurred in the context of clashes between or within gangs, it is alleged that many of the reported incidents involved extra-judicial killings in the course of police anti-drug operations.

The preliminary examination of the situation in Venezuela will analyse crimes allegedly committed in this State Party since at least April 2017, in the context of demonstrations and related political unrest. In particular, it has been alleged that State security forces frequently used excessive force to disperse and put down demonstrations, and arrested and detained thousands of actual or perceived members of the opposition, a number of whom would have been allegedly subjected to serious abuse and ill-treatment in detention. It has also been reported that some groups of protestors resorted to violent means, resulting in some members of security forces being injured or killed.

Under the Rome Statute, national jurisdictions have the primary responsibility to investigate and prosecute those responsible for international crimes. I emphasise that a preliminary examination is [not an investigation](#) but a process of examining the information available in order to reach a fully informed determination on whether there is a reasonable basis to proceed with an investigation pursuant to the criteria established by the Rome Statute. Specifically, under article 53(1) of the Rome Statute, I, as Prosecutor, must consider issues of jurisdiction, admissibility and the interests of justice in making this determination.

In conformity with the complementarity principle, which is a cornerstone of the Rome Statute legal system, and within the framework of each preliminary examination, my Office will be engaging with the national authorities concerned with a view to discussing and assessing any relevant investigation and prosecution at the national level.

In the independent and impartial exercise of its mandate, my Office will also give consideration to all submissions and views conveyed to it during the course of each preliminary examination, strictly guided by the requirements of the Rome Statute.

There are no statutory timelines on the length of a preliminary examination. Depending on the facts and circumstances of each situation, I will decide whether to initiate an investigation, subject to judicial review as appropriate; continue to collect information to establish a sufficient factual and legal basis to render a determination; or decline to initiate an investigation if there is no reasonable basis to proceed.

I reiterate that my Office undertakes this work with full independence and impartiality in accordance with its mandate and the applicable legal instruments of the Court. As we do, we hope to count on the full engagement of the relevant national authorities in the Philippines and Venezuela.

The ICC would have jurisdiction over genocide, crimes against humanity and war crimes if committed on the respective territories of the Philippines and Venezuela or by their respective nationals since the date when the Statute entered into force in each State, namely since 1 November 2011 in the case of Philippines, and since 1 July 2002, in Venezuela.

The Office of the Prosecutor of the ICC conducts independent and impartial preliminary examinations, investigations and prosecutions of the crime of genocide, crimes against humanity and war crimes. Since 2003, the Office has been conducting investigations in multiple situations within the ICC's jurisdiction, namely in Uganda; the Democratic Republic of the Congo; Darfur, Sudan; the Central African Republic (two distinct situations); Kenya; Libya; Côte d'Ivoire; Mali; Georgia and Burundi. Since 20 November 2017, Pre-Trial Chamber III is seized of the Prosecutor's request for authorisation to commence an investigation into the situation in the Islamic Republic of Afghanistan. The Office is also conducting preliminary examinations relating to the situations in Colombia; the Gabonese Republic; Guinea; Iraq/UK; Palestine; Nigeria; and Ukraine.