



ICC Prosecutor: alleged war crimes in the territory of the Republic of Korea under preliminary examination.

6 December 2010

The Office of the Prosecutor has received communications alleging that North Korean forces committed war crimes in the territory of the Republic of Korea. The Prosecutor of the ICC, Luis Moreno-Ocampo, confirmed that the Office has opened a preliminary examination to evaluate if some incidents constitute war crimes under the jurisdiction of the Court. They are:

a) the shelling of Yeonpyeong Island on the 23 November 2010 which resulted in the killing of South Korean marines and civilians and the injury of many others; and

b) the sinking of a South Korean warship, the Cheonan, hit by a torpedo allegedly fired from a North Korean submarine on 26 March 2010, which resulted in the death of 46 persons.

The Republic of Korea has been a State Party to the Rome Statute since 13 November 2002. As such, the ICC has jurisdiction over war crimes, crimes against humanity or genocide possibly committed on the territory of the Republic of Korea or by its nationals since 1st February 2003, date on which the Statute entered into force in the Republic of Korea.

The Office of the Prosecutor is mandated by the Statute to conduct preliminary examinations for the purpose of determining if the Rome Statute criteria for opening an investigation are met.

Other situations under preliminary examination by the Office include Afghanistan, Colombia, Côte d'Ivoire, Guinea, Georgia, Honduras, Nigeria and Palestine.

The Office of the Prosecutor is currently investigating in five situations: The Democratic Republic of Congo, Northern Uganda, the Darfur region of Sudan, the Central African Republic, and Kenya.

The International Criminal Court is an independent, permanent court that investigates and prosecutes persons accused of the most serious crimes of international concern, namely genocide, crimes against humanity and war crimes if national authorities with jurisdiction are unwilling or unable to do so genuinely.