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Land grabbers may end up in The Hague: Global Diligence welcomes the ICC Prosecutor's new case selection policy

Today the Prosecutor of the International Criminal Court signalled that she will no longer stand by as kleptocratic dictatorships and businesses commit mass human rights violations in the name of profit. For the first time in history, an international criminal court will prioritise crimes within its jurisdiction that are committed by means of or result in "the destruction of the environment, the illegal exploitation of natural resources, or the illegal dispossession of land."¹ This new focus will help close the impunity gap for international crimes committed during peacetime, and open the door for the case filed on behalf of Cambodian victims against Cambodia's ruling elite.

In 2014, Global Diligence partner, Richard J Rogers, filed a 'Communication' before the ICC prosecutor, asking her to investigate the widespread and systematic forced population transfers, stemming from Cambodia's land grabbing frenzy. According to Rogers:

"The new ICC prosecution policy confirms the need to tackle the mass violence and brutality of kleptocratic regimes who have stayed under the radar for too long. The systemic crimes committed under the guise of 'development' are no less damaging to victims than many wartime atrocities. Forced population displacement destroys entire communities and leads to instability or even war. The ICC Prosecutor has sent a clear message that such offences may amount to crimes against humanity and can no longer be tolerated."

Land grabbing and the associated forced evictions are a major global human rights problem that has reached a crisis point in many poor countries. Unscrupulous investors rely on corrupt politicians to gain land concessions and use local security forces to illegally evict residents, often violently. In Cambodia - one of the worst examples - an estimated 830,000 innocent civilians have been adversely affected by land disputes with hundreds of thousands forced from their land to live in abject poverty. Minority

¹ This policy change does NOT create new crimes or new definitions of crimes. It is a shift in focus to crimes of a certain nature. But all these crimes must already be within the ICC's jurisdiction.

indigenous people have suffered disproportionately – as Global Diligence partner, Alexandre Prezanti, points out:

“Land-grabbing has not only led to immense suffering of members of indigenous minority groups, but also to the loss of their natural environment, traditional agricultural practices, and places of spiritual significance, and consequently the destruction of their cultural identities.”

The ICC’s new policy is not only a wake-up call for political leaders intent on stealing their country’s natural resources for personal gain, but also for corrupt businessmen who seek to profit from the misery caused by illegal exploitation. The investigations undertaken by organisations such as Global Witness – who seek to expose the link between corruption, poverty and environmental degradation – have suddenly become difficult to ignore.²

The Policy Paper on Case Selection and Prioritisation of the ICC Prosecutor is available at: <https://www.icc-cpi.int//Pages/item.aspx?name=pr1238>

Global Diligence LLP is a London-based international law firm specialised in international human rights and international criminal law. See generally <http://www.globaldiligence.com/>. For further information on the case filed against the Cambodian ruling elite see <http://www.globaldiligence.com/about-us/icc-cambodian-case-study/>

For comment in English, contact:

Richard J Rogers
richardrogers@globaldiligence.com
00 33 65 139 4878

For comment in French or Russian contact:

Alexandre Prezanti
alexprezanti@globaldiligence.com
00 44 7516 035537

² For Global Witness’ investigation on Cambodia, see <https://www.globalwitness.org/en/campaigns/cambodia/>