

# -Humanitarian Law RULES! -

*Center for the Study of Humanitarian Law*

Monthly Newsletter

November 2016

## IHL Analysis

### *Implication of International Criminal Court (ICC)'s policy paper on case selection and prioritization in land grabbing issues in Cambodia*

Recently, the ICC, to which Cambodia is a State Party since 2002, has updated its case selection and prioritization policy to include "serious crime under national law, such as illegal exploitation of natural resources ... land grabbing or the destruction of the environment."<sup>1</sup> This brings light to the discussion of whether there will be an investigation of case concerning "widespread and systematic" land grabbing issue in Cambodia by the ICC.

Recalling a complaint filed by a British lawyer Richard Rogers in 2014 regarding Cambodia's land grabbing issues, the ICC was requested to conduct an investigation into the case. Rogers contended that the mass violations of rights resulted from over a decade of land grabbing by Cambodian elites severely affected about 830,000 Cambodians, where cases of murder, forced transfer and deportation, illegal imprisonment and other inhumane treatments have been reported in relations to land disputes. Per his complaint, such "widespread and systematic" violations of rights thus constitute a crime against humanity.

According to the changes in the ICC's policy paper on case selection and prioritization, in considering cases before it, the ICC will pay particular attention to the commission of crimes under the Rome Statute that are committed in the forms of destruction of the environment, illegal exploitation of natural resources and unlawful land grabbing, which adversely affect civilian populations.

The change of ICC's policy to cover crimes relating to natural resources, environment and land grabbing may indicate that the land grabbing in Cambodia is a potential case that falls within the selection and priority of the ICC. Nonetheless, it would be too early to say that the ICC will open a formal investigation of the case, given that States have the first responsibility and right to prosecute international crimes based on the principle of complementary of the ICC's jurisdiction. Last but not least, there are also other legal considerations and requirements to be determined by the ICC, such as "the gravity of the crimes, the degree of responsibility of the alleged perpetrators and the potential charges,"<sup>2</sup> which involve both qualitative and quantitative assessments.

<sup>1</sup> International Criminal Court (ICC), *Policy Paper on Case Selection and Prioritisation*, (15 September 2016), para. 7.

<sup>2</sup> *Ibid*, para. 34.

## LIBRARY HOURS

November & December 2016

Mon to Fri: 8.45am – 5.30pm

Closed:

Independence Day – 9 November 2016

Water Festival – 14-16 November 2016

## UPCOMING EVENTS

ECCC lecture series

- Fourth lecture – 5 November 2016

- Fifth lecture – 26 November 2016

IHL Moot Court Competition  
(National Round) – 3-4 December 2016

## WESTLAW TRAINING

CSHL is now offering Westlaw database training to law students at RULE. If you would like to attend a training session, please contact [contact@elbbl-cshl.org](mailto:contact@elbbl-cshl.org) to arrange a time.

