

# INTERNATIONAL COALITION FOR PEACE

## MEMORANDUM – ICC PROCEDURAL RULES

### & Strategic Considerations For State Party ICC Actions And Ratifying Nation State Court Action

#### I. ICC PROCEDURAL RULES

##### (1) Request for Investigation – ICC Prosecutor

As our International Coalition for Peace (“Coalition”) is now proceeding to the International Criminal Court (ICC), it is useful to set out the ICC Procedural Rules under which our filings will be made.

As our Coalition is not a State Party, we are proceeding under the authority of Article 15 of the Rome Statute, to persuade the Prosecutor to initiate an investigation on their own accord - *proprio motu*.

##### **Article 15 Prosecutor**

1. The Prosecutor may initiate investigations *proprio motu* on the basis of information on crimes within the jurisdiction of the Court.
2. The Prosecutor shall analyse the seriousness of the information received. For this purpose, he or she may seek additional information from States, organs of the United Nations, intergovernmental or non-governmental organizations, or other reliable sources that he or she deems appropriate, and may receive written or oral testimony at the seat of the Court.
3. If the Prosecutor concludes that there is a reasonable basis to proceed with an investigation, he or she shall submit to the Pre-Trial Chamber a request for authorization of an investigation, together with any supporting material collected. Victims may make representations to the Pre-Trial Chamber, in accordance with the Rules of Procedure and Evidence.
4. If the Pre-Trial Chamber, upon examination of the request and the supporting material, considers that there is a reasonable basis to proceed with an investigation, and that the case appears to fall within the jurisdiction of the Court, it shall authorize the commencement of the investigation, without prejudice to subsequent determinations by the Court with regard to the jurisdiction and admissibility of a case.
5. The refusal of the Pre-Trial Chamber to authorize the investigation shall not preclude the presentation of a subsequent request by the Prosecutor based on new facts or evidence regarding the same situation.

6. If, after the preliminary examination referred to in paragraphs 1 and 2, the Prosecutor concludes that the information provided does not constitute a reasonable basis for an investigation, he or she shall inform those who provided the information. This shall not preclude the Prosecutor from considering further information submitted to him or her regarding the same situation in the light of new facts or evidence.

Source:

[https://www.icc-cpi.int/nr/rdonlyres/ea9aef7-5752-4f84-be94-0a655eb30e16/0/rome\\_statute\\_english.pdf](https://www.icc-cpi.int/nr/rdonlyres/ea9aef7-5752-4f84-be94-0a655eb30e16/0/rome_statute_english.pdf)

## **(2) Request for Investigation to Prosecutor – Rules & Procedures**

Please consult Section II, Initiation of Investigations under Article 15, pages 17-18, Rules 46-50 for the applicable Rules for our Coalition Request for Investigation at the following link:

<https://www.icc-cpi.int/resource-library/Documents/RulesProcedureEvidenceEng.pdf>

## **(3) Page Limits on Documents filed with Prosecutor**

Please consult Regulations 36, 37, and 38 [pages 15-16] for specific page limits on documents filed with the Registry and with the Prosecutor, at the following link:

Please note that under Regulation 38 (3) (a), the page limit of the Coalition's Request for Investigation to the ICC Prosecutor shall not exceed 30 pages, at the following link. Please note the exceptions in Regulation 36.

[https://www.icc-cpi.int/resource-library/Documents/RegulationsCourt\\_2018Eng.pdf](https://www.icc-cpi.int/resource-library/Documents/RegulationsCourt_2018Eng.pdf)

## **II STRATEGIC CONSIDERATIONS FOR STATE PARTY ICC ACTIONS AND RATIFYING NATION STATE COURT ACTION**

**Background** – There are two principal methods that a State Party may activate Articles 5-8 ban in the Rome Statute against war crimes, genocide, crimes against humanity, and the crime of aggression to stop the Genocidal Technologies Pandemic.

- (1) Under Article 14 of the Rome Statute, a State Party may refer a situation to the Prosecutor for investigation:

Article 14

Referral of a situation by a State Party

1. A State Party may refer to the Prosecutor a situation in which one or more crimes within the jurisdiction of the Court appear to have been committed requesting the Prosecutor to investigate the situation for the purpose of determining whether one or more specific persons should be charged with the commission of such crimes.
2. As far as possible, a referral shall specify the relevant circumstances and be accompanied by such supporting documentation as is available to the State referring the situation

SEE:

[https://www.icc-cpi.int/nr/rdonlyres/ea9aef7-5752-4f84-be94-0a655eb30e16/0/rome\\_statute\\_english.pdf](https://www.icc-cpi.int/nr/rdonlyres/ea9aef7-5752-4f84-be94-0a655eb30e16/0/rome_statute_english.pdf)

- (2) Universal jurisdiction of National Courts of 123 State Parties ratifying the Rome Statute to prosecute war crimes, genocide, crimes against humanity, and the crime of aggression in their National Courts SEE: [https://asp.icc-cpi.int/en\\_menus/asp/states%20parties/Pages/the%20states%20parties%20to%20the%20rome%20statute.aspx](https://asp.icc-cpi.int/en_menus/asp/states%20parties/Pages/the%20states%20parties%20to%20the%20rome%20statute.aspx)

The National Courts of each of the Nations ratifying the Rome Statute is granted Universal Jurisdiction to prosecute war crimes, genocide, crimes against humanity, and the crime of aggression in their National Courts, as the Rome Statute was drafted with a view towards decentralizing the prosecution of serious crimes around the world, rather than having such prosecution centralized in one court in The Hague, at the International Criminal Court. SEE *Call for a Genocidal Technologies - Pandemic Treaty Conference of the 123 Nations that ratified the International Criminal Court Statute/Treaty of Rome* [https://exopolitics.blogs.com/international\\_criminal\\_co/2020/09/sample-request-for-a-writ-of-emergency-injunction-of-mandamus.html](https://exopolitics.blogs.com/international_criminal_co/2020/09/sample-request-for-a-writ-of-emergency-injunction-of-mandamus.html)

#### **A. What is the probability of the ICC Prosecutor granting the Coalition's Request for Investigation into the Genocidal Technologies Pandemic?**

There are various factors that might affect this outcome.

1. According to the ICC website, the Office of the Prosecutor has to date received approximately 12,000 Requests to Investigate. Yet the ICC website itself shows only 14 Situations under Investigation, with 11 of the 14 being in Africa. SEE: <https://www.icc-cpi.int/pages/situation.aspx> Thus current Situations under Investigation by the Prosecution amount to 14/12,000 or .00116667 of the total Requests for Investigation received by the Prosecutor over time. This vanishingly low percentage of acceptance by the ICC Prosecutor of Requests for Investigation suggests that, unless an applicant is a State Party, a Request for Investigation by the ICC Prosecutor may under ordinary circumstances be just another United Nations Cabal exercise in futility.
2. NOTE – Two UK-based legal and medical professionals on April 21, 2021 issued a press release announcing they had filed a Request for Investigation of the UK's crimes and breaches of the Nuremberg Code during Pandemic with the ICC Prosecutor. Here is the text of the Press Release:

#### **PRESS RELEASE**

Wednesday 21st of April 2021

'Request for Investigation' of the UK Government and its advisers, for genocide, crimes against humanity and breaches of the Nuremberg Code, issued to the International Criminal Court at the Hague, on Tuesday 20th of April 2021.

<https://www.ukcolumn.org/community/forums/topic/we-need-to-get-behind-this-man/page/22/>

## PRESS RELEASE

Wednesday 21st of April 2021

‘Request for Investigation’ of the UK Government and its advisers, for genocide, crimes against humanity and breaches of the Nuremberg Code, issued to the International Criminal Court at the Hague, on Tuesday 20th of April 2021.

On Tuesday 20th of April 2021 we, the undersigned, issued a 27 -page ‘Request for Investigation’ to the International Criminal Court (ICC) at The Hague, with a view to asking that our allegations of genocide, crimes against humanity and breaches of the Nuremberg Code, by the UK Government and its advisers, be accepted by the ICC and investigated.

We believe that we have provided compelling reasons as to why our Government and its advisers are guilty of the above charges. However, at this stage it is important to note that we are not required to provide all the evidence we have (which would run to several hundred pages) and are limited to a maximum of 30 pages, simply to make an outline case as part of our Request.

The ICC will review our ‘Request for Investigation’ and assess whether they believe there is a reasonable basis to proceed with an investigation into a ‘Situation’, pursuant to the criteria established by the Rome Statute.

The ICC does not provide a timeline regarding acceptance, nor of course is there any guarantee that they will ultimately accept our ‘Request for Investigation’ due to a variety of reasons, including the fact that they are limited in their capacity to conduct investigations.

Updates will be provided as and when more information becomes available.

Melinda C. Mayne LPC LLM MBA GDL  
Kaira S. McCallum JP BSc  
END OF PRESS RELEASE

We have located Kaira S. McCallum as a Member of the UK Medical Freedom Alliance and contacted her as follows:

<https://www.ukmedfreedom.org>

“Greetings I am a Coordinating Judge of the Natural and Common Law Tribunal for Public Health and Justice at [Peaceinspace.org](http://Peaceinspace.org). Together to two other International Legal and medical organizations, we are preparing to request the Prosecutor of the International Criminal Court ICC to open an investigation into the Genocidal Technologies Pandemic.

We note that your Alliance Member Kaira S. McCallum has filed a Request for Investigation with the ICC Prosecutor on the same matter and we would very much like to contact her cooperatively to compare information and approaches.

We ask respectfully that Kaira S. McCallum contact our Tribunal at [peace@peaceinspace.org](mailto:peace@peaceinspace.org)

Skype: peaceinspace

Tel: +1-604-600-9203

Many thanks, Alfred Lambremont Webre, JD, MEd, CERT Public Health Judge”

<http://www.peaceinspace.org>

- B. **How can we best pursue Universal jurisdiction of National Courts of 123 State Parties ratifying the Rome Statute to prosecute war crimes, genocide, crimes against humanity, and the crime of aggression in their National Courts, by filing our Indictment in the National Court of a specific favorable National Court?**
- C. The 123 Rome Statute Ratifying Nations are listed here: [https://asp.icc-cpi.int/en\\_menus/asp/states%20parties/Pages/the%20states%20parties%20to%20the%20rome%20statute.aspx](https://asp.icc-cpi.int/en_menus/asp/states%20parties/Pages/the%20states%20parties%20to%20the%20rome%20statute.aspx) SEE BELOW:

Ironically, although Tanzania is not a ratifying Nation of the Rome Statute, through the agency of a Peaceinspace.org Tribunal Judge with direct access to the late President of Tanzania [John Magufuli](#), known to be opposed to COVID measures, the Peaceinspace.org Tribunal for a time contemplated bringing an action in Tanzanian courts to enforce its Indictment and November 29, 2020 Final Judgment.

**COALITION PROPOSAL:** It seems reasonable that Our Coalition should initiate a search for favourable National Court venues in which to file our Indictment of the Genocidal Technologies Pandemic for enforcement by the National Court.

## 123 NATIONS RATIFYING ROME STATUTE

- A
  - [Afghanistan](#)
  - [Albania](#)
  - [Andorra](#)
  - [Antigua and Barbuda](#)
  - [Argentina](#)
  - [Australia](#)
  - [Austria](#)
- B
  - [Bangladesh](#)
  - [Barbados](#)
  - [Belgium](#)

- [Belize](#)
- [Benin](#)
- [Bolivia](#)
- [Bosnia and Herzegovina](#)
- [Botswana](#)
- [Brazil](#)
- [Bulgaria](#)
- [Burkina Faso](#)
- C
  - [Cabo Verde](#)
  - [Cambodia](#)
  - [Canada](#)
  - [Central African Republic](#)
  - [Chad](#)
  - [Chile](#)
  - [Colombia](#)
  - [Comoros](#)
  - [Congo](#)
  - [Cook Islands](#)
  - [Costa Rica](#)
  - [Côte d'Ivoire](#)
  - [Croatia](#)
  - [Cyprus](#)
  - [Czech Republic](#)
- D
  - [Democratic Republic of the Congo](#)
  - [Denmark](#)
  - [Djibouti](#)
  - [Dominica](#)
  - [Dominican Republic](#)
- E
  - [Ecuador](#)
  - [El Salvador](#)
  - [Estonia](#)
- F
  - [Fiji](#)
  - [Finland](#)
  - [France](#)
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  - [New Zealand](#)
  - [Niger](#)
  - [Nigeria](#)
  - [North Macedonia](#)
  - [Norway](#)
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- [Paraguay](#)
- [Peru](#)
- [Poland](#)
- [Portugal](#)
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  - [Republic of Korea](#)
  - [Republic of Moldova](#)
  - [Romania](#)
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  - [Saint Kitts and Nevis](#)
  - [Saint Lucia](#)
  - [Saint Vincent and the Grenadines](#)
  - [Samoa](#)
  - [San Marino](#)
  - [Senegal](#)
  - [Serbia](#)
  - [Seychelles](#)
  - [Sierra Leone](#)
  - [Slovakia](#)
  - [Slovenia](#)
  - [South Africa](#)
  - [Spain](#)
  - [State of Palestine](#)
  - [Suriname](#)
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  - [Timor-Leste](#)
  - [Trinidad and Tobago](#)
  - [Tunisia](#)
- U
  - [Uganda](#)
  - [United Kingdom](#)
  - [United Republic of Tanzania](#)
  - [Uruguay](#)
- V
  - [Vanuatu](#)
  - [Venezuela](#)
- Z
  - [Zambia](#)

## APPENDIX

### ICC Practice Manuals

Please take notice of the following important ICC Practice Manuals that will affect our Coalition filings and practice before the ICC:

#### A. ICC Resource Library

<https://www.icc-cpi.int/resource-library#rpe>

#### **Core ICC texts**

*The core legal texts are the seven documents that together form the basis of the Court's legal framework: the Rome Statute of the International Criminal Court (Statute), the Rules of Procedure and Evidence, the Elements of Crimes, the Regulations of the Court, the Regulations of the Registry, the Regulations of the Office of the Prosecutor and the Code of Professional Conduct for counsel. The most important of these, and first to be adopted and enter into force, was the Statute, following which the remaining six texts entered into force at various points during the Court's history. All can be amended according to their own particular amendment procedure.*

#### **Rome Statute of the International Criminal Court (Statute)**

Download: [English](#), [Français](#), [□□□□□□□□](#), [Español](#)

*The Rome Statute of the International Criminal Court is the international treaty that founded the Court. Comprising a Preamble and 13 Parts, it establishes the governing framework for the Court. Adopted at the Rome Conference on 17 July 1998, it entered into force on 1 July 2002, thereby creating the International Criminal Court. See our [history](#).*

*The Statute sets out the Court's jurisdiction over genocide, crimes against humanity, war crimes and – as of an amendment in 2010 – the crime of aggression. In addition to jurisdiction, it also addresses issues such as admissibility and applicable law, the composition and administration of the Court, investigations and prosecution, trials, penalties, appeal and revision, international cooperation and judicial assistance, and enforcement.*

#### **Rules of Procedure and Evidence (Rules)**

Download: [English](#), [Français](#)

*The Rules of Procedure and Evidence are an instrument for the application of the Rome Statute. Subordinate to the Statute, they provide for the composition and administration of the Court, setting out rules governing jurisdiction and admissibility, stages of proceedings and trial procedure, investigation and prosecution, penalties, appeal and revision, offences and misconduct against the Court, compensation, international cooperation and judicial assistance, and enforcement.*

#### **Elements of Crimes**

Download: [English](#), [Français](#), [Español](#)

*The Elements of Crimes were adopted to assist the Court in interpreting and applying articles 6-8bis of the Statute, which establish the crimes within the jurisdiction of the Court. In particular, they set out the jurisdictional, material and mental elements that must be present in order for a person to be held criminally responsible and liable for punishment for those crimes.*

### **Regulations of the Court**

Download: [English](#), [Français](#)

*The Regulations of the Court set out the framework necessary for the routine functioning of the Court. Subject to both the Statute and the Rules, they regulate aspects of the composition and administration of the Court, proceedings before the Court, counsel issues and legal assistance, victims participation and reparations, detention matters, cooperation and enforcement, removal from office and disciplinary measures.*

### **Regulations of the Office of the Prosecutor**

Download: [English](#), [Français](#), [□□□□](#)

*Like the Regulations of the Registry, the Regulations of the Office of the Prosecutor are subject to the Statute, the Rules and the Regulations of the Court. They govern the operations of the Office of the Prosecutor in relation to its management and administration, providing for divisions and sections within the Office, and regulating the handling of information and evidence, preliminary examination and evaluation of information, investigations, proceedings before the Chambers and trials.*

### **Regulations of the Registry**

Download: [English](#), [Français](#), [Español](#), [□□□□](#)

*The Regulations of the Registry, subject to the Statute, the Rules and the Regulations of the Court, govern the operation of the Registry by providing for its organization and management. They set out how the Registry will perform its administrative duties regarding proceedings before the Court and how it will discharge its responsibilities regarding issues of legal representation and assistance, victims and witnesses, and detention matters.*

### **Code of Professional Conduct for counsel**

Download: [English](#), [Français](#), [Español](#), [□□□□](#)

*The Code of Professional Conduct for counsel, adopted by the Assembly of States Parties, applies to defence counsel, counsel acting for states, amici curiae and counsel for victims and witnesses practising at the Court. It governs the conduct of counsel in their representation of clients and relations with the Court, other counsel, persons who are unrepresented or represented by other counsel, and victims and witnesses. It also establishes a disciplinary regime for misconduct.*

### ***Code of Conduct for the Office of the Prosecutor***

Download: [English](#), [Français](#)

### ***Code of Judicial Ethics***

The [Code of Judicial Ethics](#) provides guidelines for general application to contribute to judicial independence and impartiality with a view to ensuring the legitimacy and effectiveness of the judicial process. To this effect the Code contains guidelines on the conduct of Judges relating both to their professional roles, for example by acting with integrity, respecting confidentiality and regulating the conduct of those participating in courtroom proceedings, and in their activities outside the Court.

### ***Chambers Practice Manual***

29 November 2019 - [English](#), [Français](#)



## **CHAMBERS PRACTICE MANUAL**

2019

*This update of the Chambers Practice Manual, resulting from collective discussions held at the Judges' retreat near Arnhem (Netherlands) on 3-4 October 2019 and drawing on the preparatory work undertaken by a number of judges on this issue, adds a number of specific deadlines for rendering diverse types of decisions and judgments.*

*These guidelines for the timing of key judicial decisions now introduce a coherent, consistent and predictable system of timeframes regulating work at pre-trial, trial and appeal level.*

*They aim to achieve a significant step forward in respect of the efficiency and expeditiousness of Court proceedings.*

[Previous editions of the Manual](#)

### [Guidelines for the Judiciary Concerning the Holding of Court Hearings during the COVID-19 Pandemic](#)

The Guidelines are facilitative and non-binding, aiming to provide clarity on the Court's approach to holding hearings in Court proceedings during the COVID-19 Pandemic. The Guidelines emphasise that the applicable Chamber may decide independently whether required hearings should be conducted physically, remotely or as a combination of both. A Chamber should consider the rights and protections guaranteed in the Rome Statute and the Rules of Procedure and Evidence, as well as giving due consideration to the situations and restrictions in states where parties or participants in the hearings are located.

### **The Staff Regulations**

The [Staff Regulations](#) were adopted by the Assembly of States Parties, in accordance with article 44(3) of the Rome Statute. They broadly outline the principles and policies that apply to all Court staff. They do not apply to elected officials such as the Judges, the Prosecutor and the Registrar. The Regulations provide for the duties, obligations and privileges of Court staff and establish guidelines for matters such as the classification of posts and staff, salaries and allowances, appointment and promotion of staff, leave entitlements, social security, staff expenses, staff relations, separation of service, disciplinary measures, appeal of administrative decisions and recruitment.

### **Staff rules of the International Criminal Court**

The [Staff Rules of the International Criminal Court](#) elaborate on the Staff Regulations and apply to all staff members with a fixed-term appointment including, subject to another resolution, to staff of the Secretariat of the Assembly of States Parties. They provide more detailed provisions on the issues dealt with in the Regulations.

### **The Financial Regulations and Rules**

The [Financial Regulations and Rules](#) were adopted by the Assembly of States Parties in accordance with article 113 of the Rome Statute and outlines the rules and regulations that govern the financial administration of the Court. The Regulations deal with matters such as the creation of a proposed budget for approval by the Assembly of States Parties, appropriations, the provision of and management of funds and other income, internal control of the Court's finances, accounting methods and auditing of the Court's accounts. The Rules elaborate on these by providing detail on how the Regulations are to be implemented. An annex to the Rules and Regulations sets out the terms of reference for the auditor appointed by the Assembly of States Parties to audit the Court.

### **The Agreement on the Privileges and Immunities of the International Criminal Court**

This [Agreement](#) between States Parties elaborates on articles 4 and 48 of the Rome Statute that refer to the legal personality of the Court and its privileges and immunities in the territory of States Parties. The Agreement provides that the Court's premises, archives, documents and communications are inviolable; that its property, funds and assets are immune from legal processes and it is exempt from taxes and customs. The Agreement also details the immunities that various groups of personnel working with or attending the Court, such as Representatives at the Assembly of States Parties, Judges, Counsel, Witnesses and Victims, are entitled to.

### **The Agreement between the International Criminal Court and the United Nations**

This [Agreement](#) was concluded pursuant to article 2 of the Rome Statute in order to provide for a mutually beneficial relationship between the two organisations. This is done through recognition of and respect for each other's mandates, reciprocal representation, exchange of information and cooperation between the organisations on matters of personnel, administration, facilities and services, including access to UN venues.

### **The Headquarters Agreement with the Host State**

This [Agreement](#) was concluded between the Court and the Netherlands to regulate matters regarding the establishment of the Court in The Hague. It aims to ensure the stability, independence and smooth functioning of the Court and the Secretariat of the Assembly of States Parties in the Netherlands. In addition to detailing the immunities and privileges that the Court and its officials, staff and related personnel enjoy, the Headquarters Agreement regulates the provision of services, such as electricity, water and fire protection to the Court as well as security of the Court premises and its personnel. It also deals with the facilitation of entry into the Netherlands of those required to travel to the Court, visitors of detainees and other stakeholders,

*such as NGOs and press and contains provisions regulating the transport, detention and release (interim or otherwise) of detainees.*