



International Criminal Court Trial Competition Case April 2011

**A Case before the International Criminal Court (ICC): the Confirmation Hearing
in the Case of John Evans:**





11. On 12 May 2018, the ICC Prosecutor announced his intention to start an investigation –acting *proprio motu*- into the Brisk-Ulva conflict. On 15 May 2008, the Prosecutor notified the UN Secretary General pursuant to Article 15bis (6) of the Rome Statute.

12. On 1 April 2018, the UN Security Council, acting under Chapter VII, determined by unanimous vote in Resolution 8679 that the blockade amounted to a breach of and threat to international peace and security and condemned Ulva for its actions. However, the UN Security Council did not





responsible Minister indicated that they had no other choice than to execute the arrest warrant; and further due to Article 59 (4) of the Rome Statute, it was not open to them to challenge the warrant's validity.

21. On 5 March 2019, John Evans was surrendered to the ICC. His initial appearance took place 7 March 2019. The case was assigned to Pre-Trial Chamber 6, with the view of holding a hearing to confirm the charges on which the Prosecutor was seeking trial; and to determine a reasonable period of time after the initial appearance.
22. The charges for which the Prosecutor seeks confirmation are the same as those set out in the application for the arrest warrant.
23. Prior to the confirmation hearing, a number of hearings took place and many motions and responses were filed with Pre-Trial Chamber 6. During these hearings, the Prosecutor indicated that the ICC has jurisdiction over the case and that John Evans had not been unlawfully arrested and detained. Further, the Prosecutor argued that and even if this were the case, it would not affect the jurisdiction of the ICC.
24. The Defence adopted the position that the ICC lacks jurisdiction and that

