



Our Reference: OTP2014/036752

The Hague, Monday, 16 March 2015

Dear Sir,

On behalf of the Prosecutor, I thank you for your communication received on 25 November 2014, submitted on behalf of individuals named in a separate article 15 communication submitted to the Office of the Prosecutor by the Lago Agrio Plaintiffs regarding an alleged situation in Ecuador.

As you may know, the International Criminal Court ("the ICC" or "the Court") is governed by the Rome Statute, which entrusts the Court with a very specific and carefully defined jurisdiction and mandate. One fundamental feature of the Rome Statute (article 11) is that the Court may only exercise jurisdiction over crimes committed after the entry into force of the Rome Statute, on 1 July 2002 or following the ratification of the Statute by the State concerned. Another fundamental feature is that the Court may only exercise jurisdiction over the most serious crimes of concern to the international community as a whole, namely genocide, crimes against humanity and war crimes. These crimes are carefully defined in the Rome Statute (articles 6 to 8) and are further elaborated in the Elements of Crimes, adopted by the Assembly of States Parties.

Based on the information currently available, some of the allegations described in the Lago Agrio Plaintiffs' communication do not appear to fall within the Court's temporal jurisdiction, and other allegations do not appear to fall within the Court's subject-matter jurisdiction.

The Prosecutor has therefore determined that there is not a basis at this time to proceed with further analysis of the above-mentioned communication. In light of your related communication, this letter thus serves to notify you of this decision, which has also been notified to the Lago Agrio Plaintiffs. The information you have submitted will be maintained in our archives, as the decision not to proceed may be reconsidered in light of new facts or information.

Yours sincerely,

R. Doak Bishop  
Partner  
King & Spalding L.L.P.  
1100 Louisiana, Suite 4000  
Houston, TX 77002-5213

M.P. Dillon  
Head of the Information & Evidence Unit  
Office of the Prosecutor