



12 March 2012 #119 ICC Weekly Update



Situation in the Democratic Republic of the Congo

In this situation, four cases have been brought before the relevant Chambers: *The Prosecutor v. Thomas Lubanga Dyilo*; *The Prosecutor v. Bosco Ntaganda*; *The Prosecutor v. Germain Katanga and Mathieu Ngudjolo Chui*; and *The Prosecutor v. Callixte Mbarushimana*. The accused Thomas Lubanga Dyilo, Germain Katanga and Mathieu Ngudjolo Chui are currently in the custody of the ICC. The suspect Bosco Ntaganda remains at large. The trial in the case *The Prosecutor v. Thomas Lubanga Dyilo* started on 26 January 2009. The trial in the case of *The Prosecutor v. Germain Katanga and Mathieu Ngudjolo Chui* started on 24 November 2009. On 16 December 2011, Pre-Trial Chamber I declined to confirm the charges against Mr Mbarushimana. He was released on 23 December 2011.

Practical information for the media: The decision on the guilt or innocence of Mr Lubanga Dyilo is scheduled for Wednesday, 14 March 2012

Trial Chamber I of the International Criminal Court (ICC) will deliver its decision on the innocence or guilt of Thomas Lubanga Dyilo (in accordance with article 74 of the Rome Statute) in a public hearing on 14 March 2012 at 10:00 (The Hague local time).

The trial of Mr Lubanga Dyilo is the first trial before the ICC. It started on 26 January 2009 and the closing statements were presented by the parties and participants on 25 and 26 August 2011. In accordance with the Rome Statute, in order to convict the accused, the Chamber must be convinced of the guilt of the accused beyond reasonable doubt. In the event of a conviction, the Chamber will later consider the appropriate sentence to be imposed.

For further information and updates on this case, click [here](#).

Webstreaming

The hearing will be held in open session. The proceedings can be followed live on the ICC website at:

Courtroom I: [English](#) | [French](#)

Further information for the media is [here](#).

Press conference by ICC Prosecutor Luis Moreno-Ocampo at 11:00 on Thursday, 15 March, related to the Lubanga case

On Thursday, 15 March 2012, at 11:00 (The Hague local time), the Prosecutor of the International Criminal Court (ICC), Mr Luis Moreno-Ocampo, will hold a press conference in relation to the decision on the guilt or innocence of Thomas Lubanga Dyilo, that will be announced in a public hearing the day before.

Webstreaming

The press conference will be broadcast live, with no delay, at 11:00 on the following ICC website links:

[English](#) | [French](#)

Further information for the media is [here](#).

Decisions taken between 5 - 9 March 2012

Lubanga Dyilo Case

Order reclassifying documents related to the "Decision on the 'Demande urgente en vertu de la Règle 21-3 du Règlement de procédure et de preuves' and on the 'Urgent Request for the Appointment of a Duty Counsel' filed by Thomas Lubanga Dyilo before the Presidency on 7 May 2007 and 10 May 2007, respectively"

Issued by the Presidency on 9 March 2012

Katanga and Ngudjolo Chui Case

Décision relative à la requête aux fins de prorogation du délai de dépôt des conclusions finales du représentant légal commun du groupe principal de victimes

Issued by Trial Chamber II on 5 March 2012

Order reclassifying documents related to the "Decision on the 'Demande urgente en vertu de la Règle 21-3 du Règlement de procédure et de preuves' and on the 'Urgent Request for the Appointment of a Duty Counsel' filed by Thomas Lubanga Dyilo before the Presidency on 7 May 2007 and 10 May 2007, respectively"

Issued by the Presidency on 9 March 2012

Mbarushimana Case

Decision on the Presiding Judge of the Appeals Chamber in the appeal of the Prosecutor against the decision of Pre-Trial Chamber I entitled "Decision on the confirmation of charges"

Issued by the Appeals Chamber on 5 March 2012

Order on the filing of responses to the "Requête pour la traduction de tout document essentiel a [sic] l'appel du Procureur contre la décision de la Chambre Préliminaire ICC-01/04-01/10-465" and to the "Prosecution's Request for an Extension of the Page Limit for its Document in Support of Appeal against the 'Decision on the confirmation of charges' (ICC-01/04-01-10-465-Red)"

Issued by the Appeals Chamber on 6 March 2012

Decision on the "Prosecution's Request for an Extension of the Page Limit for its Document in Support of Appeal against the 'Decision on the confirmation of charges' (ICC-01/04-01/10-465-Red)"

Issued by the Appeals Chamber on 7 March 2012

Decision on Mr Mbarushimana's request for time extension

Issued by the Appeals Chamber on 9 March 2012

Situation in Darfur, Sudan

There are four cases in the situation in Darfur, Sudan: *The Prosecutor v. Ahmad Muhammad Harun* ("Ahmad Harun") and *Ali Muhammad Ali Abd-Al-Rahman* ("Ali Kushayb"); *The Prosecutor v. Omar Hassan Ahmad Al Bashir*; *The Prosecutor v. Bahar Idriss Abu Garda*; *The Prosecutor v. Abdallah Banda Abakaer Nourain and Saleh Mohammed Jerbo Jamus*; and *The Prosecutor v. Abdel Raheem Muhammad Hussein*. Five warrants of arrest have been issued by Pre-Trial Chamber I for Messrs Harun, Kushayb, Al Bashir and Hussein. The four suspects remain at large. A summons to appear was issued for Mr Abu Garda who appeared voluntarily before the Chamber on 18 May 2009. After the hearing of confirmation of charges, on February 2010, Pre-Trial Chamber I declined to confirm the charges. Mr Abu Garda is not in the custody of the ICC. Two other summonses to appear were issued against Mr Banda and Mr Jerbo who appeared voluntarily on 17 June 2010; the confirmation of charges hearing took place on 8 December 2010. On 7 March 2011, Pre-Trial Chamber I unanimously decided to confirm the charges of war crimes brought by the ICC's Prosecutor against Mr Banda and Mr Jerbo, and committed them to trial. On 16 March 2011, the ICC Presidency constituted Trial Chamber IV and referred the case to it.

Decisions taken between 5 - 9 March 2012

Banda and Jerbo Case

Decision on the "Requête aux fins d'être autorisés à soumettre un Addendum"

Issued by Trial Chamber IV on 6 March 2012

Situation in the Central African Republic

The situation was referred to the Court by the Government of the Central African Republic in December 2004. The Prosecutor opened an investigation in May 2007. In the only case in this situation, *The Prosecutor v. Jean-Pierre Bemba Gombo*, Pre-Trial Chamber II confirmed, on 15 June 2009, two charges of crimes against humanity and three charges of war crimes, and committed the accused to trial before Trial Chamber III. The trial started on 22 November 2010.

Decisions taken between 5 - 9 March 2012

Bemba Case

Order on the reclassification of transcripts

Issued by Trial Chamber III on 5 March 2012

Public redacted version - Judgment on the appeal of Mr Jean-Pierre Bemba Gombo against the decision of Trial Chamber III of 6 January 2012 entitled "Decision on the defence's 28 December 2011 'Requête de Mise en liberté provisoire de M. Jean-Pierre Bemba Gombo'"

Issued by the Appeals Chamber on 5 March 2012

Order on the implementation of Decision on the supplemented applications by the legal representatives of victims to present evidence and the views and concerns of victims

Issued by Trial Chamber III on 6 March 2012

Decision on "Application of Legal Representative of Victims Mr Zarambaud Assingambi for leave to participate in the appeals proceedings following the Defence appeal of 9 January 2012 and addendum of 10 January 2012"

Issued by the Appeals Chamber on 1 February 2012

Situation in Kenya

On 31 March 2010, Pre-Trial Chamber II granted the Prosecutor's request to open an investigation proprio motu in the situation in Kenya, State Party since 2005. Following summonses to appear issued on 8 March 2011, six Kenyan citizens voluntarily appeared before Pre-Trial Chamber II on 7 and 8 April 2011. The confirmation of charges hearing in the case *The Prosecutor v. William Samoei Ruto, Henry Kiprono Kosgey and Joshua Arap Sang* took place from 1 to 9 September 2011. The confirmation of charges hearing in the case *The Prosecutor v. Francis Kirimi Muthaura, Uhuru Muigai Kenyatta and Mohammed Hussein Ali* took place from 21 September to 5 October 2011. On 23 January 2012, the Judges declined to confirm the charges against Mr Kosgey and Mr Ali. Pre-Trial Chamber II confirmed the charges against Mr Ruto, Mr Sang, Mr Muthaura and Mr Kenyatta and committed them to trial.

Decisions taken between 5 - 9 March 2012

Ruto and Sang case

Decision on the Defences' Applications for Leave to Appeal the Decision on the Confirmation of Charges Pursuant to Article 61(7) (a) and (b) of the Rome Statute

Issued by Pre-Trial Chamber II on 9 March 2012

Decision on the "Urgent Request by the Victims' Representative for an order from the Chamber requiring the Registrar to provide appropriate resources for the current mission in Kenya"

Issued by Pre-Trial Chamber II on 9 March 2012

Muthaura and Kenyatta case

Decision on the Defence Applications for Leave to Appeal the Decision on the Confirmation of Charges

Issued by Pre-Trial Chamber II on 9 March 2012

Second Decision with Respect to the Question of Invalidating the Appointment of Counsel to the Defence

Issued by Pre-Trial Chamber II on 9 March 2012

Decision on the "Prosecutor's Request for leave to Reply to the 'Defence Response to the Prosecution's Request to Invalidate the Appointment of Counsel to the Defence team'"

Issued by Pre-Trial Chamber II on 13 July 2011

Situation in Côte d'Ivoire

Côte d'Ivoire, which is not party to the Rome Statute, **had accepted the jurisdiction** of the ICC on 18 April 2003; more recently, and on both 14 December 2010 and 3 May 2011, the Presidency of Côte d'Ivoire **reconfirmed the country's acceptance** of this jurisdiction. On 3 October 2011, the Pre-Trial Chamber authorised the Prosecutor to open an investigation into the situation in Côte d'Ivoire since 28 November 2010. The hearing on the confirmation of charges in the case *The Prosecutor v. Laurent Gbagbo*, the only case currently heard before the Court in this situation, is scheduled to start on 18 June 2012.

Decisions taken between 5 - 9 March 2012

Gbagbo Case

Decision on the Protocols concerning the disclosure of the identity of witnesses of the other party and the handling of confidential information in the course of investigations

Issued by Pre-Trial Chamber III on 6 March 2012

Decision on the "Application by Redress Trust for Leave to Submit Observations to Pre-Trial Chamber III of the International Criminal Court Pursuant to Rule 103 of the Rules of Procedure and Evidence"

Issued by Pre-Trial Chamber III on 8 March 2012

Situation in Libya

On 26 February 2011, the United Nations Security Council decided unanimously to refer the situation in the Libyan Arab Jamahiriya since 15 February 2011 to the ICC Prosecutor. On 3 March 2011, the ICC Prosecutor announced his decision to open an investigation in the situation in Libya, which was assigned by the Presidency to Pre-Trial Chamber I. On 27 June 2011, Pre-Trial Chamber I issued three warrants of arrest respectively for **Muammar Mohammed Abu Minyar Gaddafi, Saif Al-Islam Gaddafi and Abdullah Al-Senussi** for crimes against humanity (murder and persecution) allegedly committed across Libya from 15 until at least 28 February 2011, through the State apparatus and Security Forces. On 22 November 2011, Pre-Trial Chamber I formally terminated the case against Muammar Gaddafi due to his death.

Decisions taken between 5 - 9 March 2012

Saif Al-Islam and Al-Senussi Case

Decision on the admissibility of the "Appeal Against Decision on Application Under Rule 103" of Ms Mishana Hosseinioun of 7 February 2012

Issued by the Appeals Chamber on 9 March 2012

Situation in Uganda

The case *The Prosecutor v. Joseph Kony, Vincent Otti, Okot Odhiambo and Dominic Ongwen* is currently being heard before Pre-Trial Chamber II. In this case, five warrants of arrest have been issued against [the] five top members of the Lords Resistance Army (LRA). Following the confirmation of the death of Mr Lukwiya, the proceedings against him have been terminated. The four remaining suspects are still at large.

Decisions taken between 5 - 9 March 2012

Decision on Victim's Participation in Proceedings Related to the Situation in Uganda

Issued by Pre-Trial Chamber II on 9 March 2012

Relevant Links

Courtroom proceedings can be followed on the ICC website: www.icc-cpi.int

You can also consult the **hearing schedule**

Video summaries can be found on our **YouTube channel** | The ICC's activities can also be followed through **Twitter**

Events

Judge Sang-Hyun Song re-elected President of the International Criminal Court for 2012-2015; Judges Sanji Mmasenono Monageng and Cuno Tarfusser elected First and Second Vice-President respectively

On 11 March 2012, the judges of the International Criminal Court (ICC) re-elected [Judge Sang-Hyun Song](#) (Republic of Korea) as President of the Court for a three-year term with immediate effect. [Judge Sanji Mmasenono Monageng](#) (Botswana) was elected First Vice-President and [Judge Cuno Tarfusser](#) (Italy) Second Vice-President.

"I am humbled by the trust that my fellow judges have placed in me by re-electing me as President of the Court. It is an honour to serve an institution with such an important mandate, and I pledge to devote myself fully to ensuring its effective functioning, efficiency and independence", President Song stated following the election.

"I wish to express my deep appreciation of the outstanding contribution that Judge Diarra and Judge Kaul have made as Vice-Presidents during the last three years, and I look forward to working together with Vice-President Monageng and Vice-President Tarfusser, and indeed all the judges in the future".

The Presidency – consisting of the President and the two Vice-Presidents – plays a key role in providing strategic leadership to the ICC as a whole. The Presidency coordinates with the other organs and seeks the concurrence of the Prosecutor on matters of mutual concern. In accordance with the Rome Statute, the ICC's governing treaty, the Presidency is responsible for the proper administration of the Court, with the exception of the Office of the Prosecutor. It oversees the activities of the Registry and provides input into a broad range of administrative policies affecting the Court's overall functioning. Furthermore it conducts judicial review of certain decisions of the Registrar and concludes Court-wide cooperation agreements with States and international organisations.

Five ICC judges sworn in at a ceremony held at the seat of the Court

On 9 March 2012, five judges of the International Criminal Court (ICC) were sworn in at a ceremony held at the seat of the Court in The Hague. Judges [Howard Morrison](#) (United Kingdom), [Anthony T. Carmona](#) (Trinidad and Tobago), [Olga Herrera Carbuccia](#) (Dominican Republic), [Robert Fremr](#) (Czech Republic) and [Chile Eboe-Osuji](#) (Nigeria) were [elected at the latest session of the Assembly of States Parties to the Rome Statute](#) (ASP) in December 2011 for nine-year terms.

Judge Miriam Defensor-Santiago (Republic of the Philippines), who was also elected in December, was unavailable due to personal circumstances. The solemn undertaking for her will take place at a later date.

In accordance with article 45 of the Rome Statute, founding treaty of the ICC, today's ceremony was held in open court. Each judge made a solemn undertaking before the President of the ASP, H.E. Tiina Intelmann, stating: "I solemnly undertake that I will perform my duties and exercise my powers as a judge of the International Criminal Court honourably, faithfully, impartially and conscientiously, and that I will respect the confidentiality of investigations and prosecutions and the secrecy of deliberations".

In his opening address, ICC President Judge Sang-Hyun Song welcomed the arrival of the new judges to the Court. "As existing and new judges, we will all work together to reinforce the rule of law and continue to develop a system of international criminal justice of which the ICC and its States Parties can be proud. In doing so, we will always remember the countless people around the world, especially the victims and vulnerable, who look to this Court with hope and expectation for a better, more just future", he stated.

The President of the ASP, H.E. Tiina Intelmann, commented: "The Court's institutional reputation and its place in the international system are contingent upon the ability to deliver justice with all the guarantees of a fair trial, in accordance with the Rome Statute".

Also attending the ceremony were the judges of the Court, ICC Prosecutor Luis Moreno-Ocampo, Deputy Prosecutor and Prosecutor-elect Fatou Bensouda, ICC Registrar Silvana Arbia and Deputy Registrar Didier Preira, Vice President of the ASP H.E. Markus Börlin, together with a large number of diplomats and other high-ranking guests, representatives of other international organisations in The Hague and members of the civil society.

The International Criminal Court has a bench of 18 judges who are nationals of States Parties to the Rome Statute. Judges are chosen from among persons of high moral character, impartiality and integrity who possess the qualifications required in their respective countries for appointment to the highest judicial offices. The election of the judges takes into account the need for the representation of the principal legal systems of the world, a fair representation of men and women, and equitable geographical distribution.

Statement of ICC President Judge Sang-Hyun Song

Photographs of the ceremony

Video of the ceremony (YouTube)

Downloadable **video** and **audio** for broadcasting



Five new judges of the International Criminal Court © ICC-CPI
Front row: Judges Howard Morrison, Olga Herrera Carbuccia and Anthony T. Carmona. Back row: Judges Robert Fremr and Chile Eboe-Osuji

President of the Assembly of States Parties witnesses solemn undertaking of new judges



On 9 March 2012 the President of the Assembly of States Parties (“the Assembly”), Ambassador Tiina Intelmann, witnessed the solemn undertaking of the five new judges of the Court, which was held in open court, in the presence of the diplomatic community, international organizations and representatives of civil society.

The President, along with the Vice-President of the Assembly and Coordinator of The Hague Working Group, Ambassador Markus Börlin, and the Chair of the Study Group on Governance, Ambassador Pieter de Savornin Lohman, held an informal meeting with 21 of the judges of the Court, including five who were elected in December, to have an exchange of views on how the Assembly and the judges could address the challenges being faced by the Court in the coming year.

The President also held meetings with the Attorney General and Minister of Justice of Nigeria, Mr. Mohammed Bello Adoke, and the Mayor of The Hague, Mr. Jozias van Aartsen.

President Intelmann discussed with the coordinators and facilitators of The Hague Working Group how they would undertake their mandate. She also had a meeting with the representatives of the Group of Latin American and Caribbean States for an exchange of views on the work of the Assembly and how cooperation with the Court could be strengthened. Furthermore, the President met other members of the diplomatic community, senior Court officials and representatives of the ICC Staff Council.

Statement of the President of the ASP, H.E. Tiina Intelmann [English](#) | [Español](#) | [Français](#)

Interacting with communities

The ICC Outreach Programme in Kenya joins women in Eldoret, Uasin Gishu County to mark International Women’s Day

On Thursday, 8 March 2012, the International Criminal Court’s (ICC) Outreach Programme in Kenya organised an Outreach session with over 80 women to mark International Women’s Day, which is celebrated annually in different parts of the world. The participants represented various national and local women’s organisations from Uasin Gishu County and nearby villages.

During the session, in addition to providing an overview of the Court, the Outreach staff explained that the Rome Statute is the first international treaty to recognise a range of sexual and gender-related crimes among the most serious crimes under international law. The crimes discussed included rape, sexual slavery, forced marriage, forced pregnancy, forcible prostitution and gender-based persecution.

During the session, participants discussed the current judicial phase in the two Kenya cases, related to the 2008 post-election violence, and emphasised the need for the ICC to continue investigating rape and gender-related alleged crimes.

In her closing remarks, a member of FIDA-Kenya, the Federation of Women Lawyers in Kenya, thanked the ICC Outreach Programme for providing them with valuable information that helped to address and clarify issues about the work of the Court. She urged the Outreach Programme to expand its reach to other groups in the community “who have not had access to such beneficial information”.

The ICC’s Outreach Programme is mandated to interact with and provide information to communities affected by crimes brought before the Court and it aims to cultivate awareness and understanding of judicial proceedings within these communities. This, in turn, engenders greater local community participation and dialogue, and allows the Court to hear and address the communities’ concerns and counter misperceptions.

Calendar

| MARCH 2012 | | | | | | |
|---|---------|---|----------|--------|----------|--------|
| Monday | Tuesday | Wednesday | Thursday | Friday | Saturday | Sunday |
| 12 | 13 | 14 | 15 | 16 | 17 | 18 |
| | | ICC Trial Chamber I to deliver its decision on the innocence or guilt of Thomas Lubanga Dyilo | | | | |
| 19 | 20 | 21 | 22 | 23 | 24 | 25 |
| 26 | 27 | 28 | 29 | 30 | 31 | |
| APRIL 2012 | | | | | | |
| Monday | Tuesday | Wednesday | Thursday | Friday | Saturday | Sunday |
| | | | | | | 1 |
| 2 | 3 | 4 | 5 | 6 | 7 | 8 |
| - From 15 May 2012: Closing Statements in the case against Germain Katanga and Mathieu Ngudjolo Chui - From 18 June 2012: Confirmation of charges hearing in the case against Laurent Gbagbo | | | | | | |

The calendar is subject to last minute changes.