



**Cour
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**International
Criminal
Court**

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ICC Weekly Update

31 May 2010 #35



Situation in Darfur, Sudan

In the situation in Darfur, Sudan, three cases are being heard: *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*; and *The Prosecutor v. Bahar Idriss Abu Garda*. Three warrants of arrest have been issued by Pre-Trial Chamber I for Harun, Kushayb and Al Bashir for crimes against humanity and war crimes. The three suspects remain at large. A summons to appear was issued for Abu Garda who appeared voluntarily before the Chamber on 18 May 2009. Abu Garda is not in the custody of the ICC. After the hearing of confirmation of charges, on 8 February, 2010, Pre-Trial Chamber I declined to confirm the charges.

Harun and Kushayb Case

Pre-Trial Chamber I informs the United Nations Security Council about the lack of cooperation by the Republic of the Sudan in the case against Harun and Kushayb

On 25 May, 2010, Pre-Trial Chamber I of the International Criminal Court (ICC) ordered the ICC Registrar to transmit the decision informing the United Nations Security Council about the lack of cooperation by the Republic of the Sudan in the case of the *Prosecutor v. Ahmad Muhammad Harun* (Ahmad Harun) and *Ali Muhammad Ali Abd-Al Rahman* (Ali Kushayb), in order for the Security Council to take any action it may deem appropriate.

Pre-Trial Chamber I was seized by the Prosecution's request of 19 April, 2010, and concluded that the Republic of the Sudan is failing to comply with its cooperation obligations stemming from the Security Council Resolution 1593 (2005) in relation to the enforcement of the warrants of arrest issued by the Chamber against Ahmad Harun and Ali Kushayb. This decision is however without prejudice to other decisions or actions that the Chamber may take in respect of other cases arising in the situation in Darfur, Sudan



Ahmad Harun and Ali Kushayb ©ICC-CPI

The Republic of the Sudan is not a State Party to the Rome Statute. However, it has the obligation to "cooperate fully with and provide any necessary assistance to the Court and the Prosecutor" pursuant to paragraph 2 of the Security Council resolution 1593 (2005). The Republic of the Sudan is a member of the United Nations since 12 November, 1956, and has agreed "to accept and carry out the decisions of the Security Council" in accordance with article 25 of the Charter of the United Nations.

Background information

The United Nations Security Council, acting under Chapter VII of the Charter of the United Nations, referred the situation in Darfur since 1 July, 2002 to the Prosecutor of the International Criminal Court in

resolution 1593 on 31 March, 2005. The Prosecutor concluded that the statutory requirements for initiating an investigation were satisfied and decided to open the investigation, on 6 June, 2005.

On 2 May, 2007, Pre-Trial Chamber I issued warrants of arrest for crimes against humanity and war crimes for Ahmad Harun, former Minister of State for the Interior of the Government of Sudan, and Ali Kushayb, an alleged leader of the Militia/Janjaweed. It is alleged crimes such as murder of civilians, rape and outrages upon the personal dignity of women and girls, persecution, forcible transfers, imprisonment or severe deprivation of liberty, and attacks intentionally directed against civilians were committed during an armed conflict which took place allegedly between the Government of Sudan including combatants from the Sudan People's Armed Forces and the Popular Defence Force along with the Militia/Janjaweed, against organised rebel groups, including the Sudanese Liberation Movement/Army and the Justice and Equality Movement in Darfur, Sudan.

A third warrant of arrest was issued on 4 March, 2009, for Sudanese President Omar Al Bashir listing war crimes and crimes against humanity. In the same context of the Situation in Darfur, the Chamber declined, on 8 February, 2010, to confirm the charges of war crimes against Bahar Idriss Abu Garda due to insufficient evidence. Finally, the Chamber is examining the Prosecutor's application for the issuance of warrants of arrest or summons to appear against two other individuals for war crimes committed during the attack on African Union peacekeepers in Darfur on 29 September, 2007.

Decisions taken between 17 - 28 May, 2010

Harun and Kushayb Case

Decision informing the United Nations Security Council about the lack of cooperation by the Republic of the Sudan

Issued by the Pre-Trial Chamber I on the 25th May, 2010

Al Bashir case

Decision Setting a Time Limit for the Parties' Replies to 8 Applications for Victims' Participation in the Proceedings

Issued by the Pre-Trial Chamber I on the 26th May, 2010

Situation in the Democratic Republic of the Congo

In this situation, three cases are being heard before the relevant Chambers: *The Prosecutor v. Thomas Lubanga Dyilo*; *The Prosecutor v. Bosco Ntaganda*; and *The Prosecutor v. Germain Katanga and Mathieu Ngudjolo Chui*. 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.

Decisions taken between 17 - 28 May, 2010

Katanga and Ngudjolo Chui case

Decision replacing judges in the Appeals Chamber

Issued by the Presidency on the 17th May, 2010

Decision on the Presiding Judge of the Appeals Chamber in the Appeal of Germain Katanga Against the Decision of Trial Chamber II Entitled "Decision on the Modalities of Victim Participation at Trial"

Issued by the Appeals Chamber on the 19th May, 2010

Order on the Filing of Responses to Victims' Joint Application for Participation in the Appeal of Germain Katanga Against the "Decision on the Modalities of Victim Participation at Trial"

Issued by the Appeals Chamber on the 19th May 2010

Order Relating to the Authorities Relied Upon in the Document in Support of Germain Katanga's Appeal Against the "Decision on the Modalities of Victim Participation at Trial"

Issued by the Appeals Chamber on the 19th May, 2010

Decision on the Participation of Victims in the Appeal of Mr Katanga Against the “Decision on the Modalities of Victim Participation at Trial”

Issued by the Appeals Chamber on the 24th May, 2010

Décision invitant le Procureur et la Défense à présenter leurs observations sur une demande de participation de victime (règle 89-1 du Règlement de procédure et de preuve)

Issued by the Trial Chamber II on the 26th May, 2010

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**.

Situations under analysis

OTP delegation to visits Guinea

From 19 to 21 May, 2010, a delegation from the Office of the Prosecutor (OTP) of the International Criminal Court (ICC) was in Guinea to follow up on the mission carried out by the Deputy Prosecutor, Fatou Bensouda, in February this year. The OTP made public its preliminary examination in Guinea in October 2009. At the same time the international community unanimously called for accountability either through ICC or Guinean proceedings. Since then, the OTP has benefited from the full support of Guinean authorities as well as Regional and International Organizations. The purpose of this second visit was to liaise with Guinean judicial authorities and gather updated information on the on-going national investigation into the events of 28 September, 2009.

Guinea has been a State Party to the Rome Statute since 14 July, 2003. As such the ICC has jurisdiction over war crimes, crimes against humanity or genocide possibly committed in the territory of Guinea or by nationals of Guinea. Other situations under preliminary examination by the Office include Afghanistan, Colombia, Côte d'Ivoire, Georgia, and Palestine.

The Office of the Prosecutor is currently investigating in five situations: The Democratic Republic of Congo, Northern Uganda, the Darfur region of Sudan, the Central African Republic and the Republic of Kenya; all still engulfed in various degrees of conflict with victims in urgent need of protection.

Source: Office of the Prosecutor

Events

Lawyers discuss key developments at eighth annual Seminar of Counsel at ICC

The eighth Seminar of Counsel hosted by the Registry of the International Criminal Court (ICC) was opened on 17 May, 2010, in The Hague. The annual meeting constitutes the most important interaction forum between the Court and external lawyers. This year, 300 registered participants discussed best practices and policies related to the work of external counsel to ensure qualified legal representation of suspects and the accused, as well as of victims participating in proceedings before the Court. Among them, there were persons admitted to the ICC List of Counsel maintained by the Registrar, representatives of international legal associations, non-governmental organizations and international *ad hoc* tribunals.



Left to right: Silvana Arbia, Registrar, President Sang-Hyun Song and Didier Preira, Deputy Registrar ©ICC-CPI

In his welcoming remarks, the President of the Court, Judge Sang-Hyun Song, stressed the important role external lawyers play in promoting the understanding of the ICC. Highlighting the concept of positive complementarity, which aims at ensuring that national jurisdictions investigate and prosecute crimes under the jurisdiction of the Court, the President said with regard to the members of the

legal profession: "It is our hope that not only will they further accurate understandings of the Court locally but that they will also be better able to participate in domestic trials of international crimes."

In her opening statement the Registrar of the Court, Silvana Arbia, emphasized that the ICC has greatly benefited from the work of counsel to date. "Let me be forthright: for me and my colleagues in the Registry and at the Court, external counsels are, without a question, indispensable actors in the work of the Court," Ms Arbia said. The ICC List of Counsel, which has been created by the Registrar to provide defendants and victims in proceedings before the Court with a pool of highly qualified counsel, currently includes 335 lawyers from almost 50 countries. In this context, Ms Arbia pointed to the Court's recent efforts to increase the number of African female lawyers admitted to the list by means of a campaign jointly launched by the ICC and the International Bar Association last week.

The two-day seminar was followed by three additional days reserved for practical training sessions on procedural and practical issues facing counsel representing defendants or victims before the Court.

Press conference by the President of the Assembly of the States Parties

The President of the Assembly of States Parties to the Rome Statute of the International Criminal Court, Ambassador Christian Wenaweser, held a press conference on Friday, 28 May, 2010 at 11:00 hours at the Uganda Media Centre, 26 Nile Avenue, Kampala.

Ambassador Wenaweser talked about the impact of the Review Conference of the Rome Statute on international criminal justice, which will take place in Kampala, Uganda from 31 May to 11 June 2010 at the Munyonyo Commonwealth Resort. The Conference constitutes a significant milestone for the International Criminal Court not only because of the possible adoption of the amendments to the Rome Statute.

In general, it will be a unique opportunity for States to reflect on the achievements of the Court in the stocktaking of four topics: complementarity, cooperation, impact of the Rome Statute on victims and affected communities, and peace and justice. Additionally, States will be able to reaffirm their commitments to combat impunity for the most serious crimes of concern to international community.

Source: Assembly of States Parties

Live Blog Session with Assembly of States Parties President, Ambassador Christian Wenaweser

The President of the Assembly of the States Parties, Ambassador Christian Wenaweser, held a live blogging session on Thursday, 27 May, from 10:15 to 11:15 (The Hague local time). Ambassador Wenaweser answered to questions about the Review Conference of the Rome Statute which will take place in Kampala, Uganda, from 31 May to 11 June, 2010.

To consult the blog, please visit the Review Conference site at:

<http://www.kampala.icc-cpi.info/blogspot>

Opening of the Review Conference of the Rome Statute in Kampala

The Review Conference of the Rome Statute of the International Criminal Court (ICC) will be opened on Monday, 31 May, 2010 at 10 a.m. at the Munyonyo Commonwealth Resort in Kampala, Uganda. The Conference that will last until 11 June represents the first opportunity to consider amendments to the Rome Statute and to take stock of its implementation and impact since it entered into force in 2002. Around 2000 representatives of States, non-governmental organizations and intergovernmental organizations will participate.



The Conference will be opened by the President of the Assembly of the States Parties, Ambassador Christian Wenaweser, the United Nations Secretary-General, Ban Ki-moon and the ICC President Judge Sang-Hyun Song. Statements will be also made by the ICC Prosecutor, Luis Moreno-Ocampo, the former United Nations Secretary-General, Kofi Annan and the President of Uganda, Yoweri Kaguta Museveni.

During the Conference various issues will be considered. As part of proposed amendments of the Rome Statute, discussions will focus on the definition of the crime of aggression, amongst others.

Moreover, the Conference will include a stocktaking exercise during which the overall success and impact of the Rome Statute will

be considered in relation to four topics: complementarity, cooperation, the impact of the Rome Statute system on victims and affected communities and peace and justice.

Besides a general debate of high-level representatives of States Parties to the Rome Statute, a series of panel discussions and a number of side events are scheduled. Civil society will hold numerous side-events at the "People's Space" or Lake Side Garden, of the Munyonyo Commonwealth Resort.

Additionally, representatives of the 111 States Parties to the Rome Statute, as well as observers of other States, the United Nations, and civil society groups will have the opportunity to reaffirm their commitments to combat impunity for the most serious crimes of concern to the international community as a whole.

Link to the website of the Review Conference:

<http://www.kampala.icc-cpi.info/>

Source: Assembly of States Parties

Press Conference by the United Nations Secretary-General

The Secretary-General of the United Nations, H.E. Mr. Ban Ki-moon, the President of the Assembly of States Parties to the Rome Statute of the International Criminal Court, H.E. Ambassador Christian Wenaweser, and the President of the International Criminal Court, H.E. Judge Sang-Hyun Song, held a press conference on Monday, 31 May, 2010 at 13:00 hours at the Munyonyo Commonwealth Resort, Royal conference room.

They addressed the impact of the Review Conference of the Rome Statute on international criminal justice as well as the role of the United Nations in this connection.

Source: Assembly of States Parties

Review Conference of the Rome Statute: Series of videos on YouTube channel

The International Criminal Court (ICC) is launching on YouTube a series of short educational **videos on the Review Conference of the Rome Statute** that will be held in Kampala, Uganda, from 31 May to 11 June, 2010.

The most relevant issues of the Conference are addressed by a number of key actors, including the United Nations Secretary-General, Ban Ki-moon, the President of the Assembly of the States Parties, Ambassador Christian Wenaweser, and the ICC President, Judge Sang-Hyun Song. The Convenor of the Coalition for the International Criminal Court, Bill Pace, as well as representatives of States and other personalities will explain the relevance of the Review Conference, which constitutes a significant milestone for international justice.

The Conference represents the first opportunity for the States Parties to the Rome Statute to make amendments to the Statute since its entry into force on 1 July, 2002. It will give States and other stakeholders, such as international organisations and NGOs, the unique chance to assess and reflect on the progress of the Rome Statute and the ICC, and reaffirm their commitment to combat impunity for the most serious crimes of concern to the international community, namely genocide, crimes against humanity and war crimes.

The ICC YouTube channel was launched in March, 2010. The use of YouTube is the first step of new communication efforts that will guarantee more diverse and transparent ways of bringing developments about the ICC to the world.

Official ICC YouTube Channel:

www.youtube.com/user/IntlCriminalCourt



Multimedia exhibition and other ICC side events in Kampala during the Review Conference

On 2 June, 2010, a multimedia installation titled “The road from Rome to Kampala” will open at the ICC field office in Kampala, Uganda. This event is part of a series of **parallel activities** organised by the International Criminal Court (ICC) in the context of the Review Conference of the Rome Statute, which will be held in Kampala from 31 May to 11 June.

During the opening of the exhibition, statements will be made by the ICC President, Judge Sang-Hyun Song, the President of the Assembly of the States Parties, Ambassador Christian Wenaweser, the Ambassador of the Hashemite Kingdom of Jordan to the United States, Zeid Ra’ad Zeid Al-Hussein, the Deputy Prosecutor, Fatou Bensouda and the ICC Registrar, Silvana Arbia.

The photo and video exhibition, which remains open until the end of the Review Conference, is literally a road to be travelled to follow the journey international criminal justice has taken from Nuremberg onwards.

Two other events organised in cooperation with the International Bar Association (IBA) will take place at the “People’s Space”. On 4 June, the Registrar, Silvana Arbia, will participate in the panel discussion “Calling African Female Lawyers: The ICC needs you”, a campaign that was recently launched in The Hague. The Registrar will outline the ICC’s efforts to increase the number of female counsel practicing before the Court. Other panellists include Botswana’s Attorney-General Athaliah L. Molokomme and Judge Elizabeth Ibanda-Nahamya from the Special War Crimes Division of the High Court of Uganda.

On 9 June, also in cooperation with the IBA, the Office of Public Counsel for the Defence (OPCD) will hold a moot court based on a hypothetical case scenario (*The Prosecutor v. Deran Mostol*) modeled on the ICC confirmation of charges proceeding. The hearing will be presided over by Judge Elizabeth Ibanda-Nahamya. The other members of the jury are Bruce Kwalisimia Kyerere, President of the Uganda Bar Association, and Lorraine Smith, head of the IBA ICC Monitoring Programme. The moot court will be preceded by an OPCD introduction concerning the nature of the confirmation of charges hearing at the ICC. After the hearing, representatives from the OPCD, IBA and the participants will be available to respond to questions from the audience.

Interacting with communities

ICC raises awareness amongst the Sudanese refugees in Eastern Chad

From 25 April to 15 May, 2010, the Outreach unit of the International Criminal Court’s Public Information and Documentation Section (PIDS) conducted a three-week mission targeting the Sudanese refugees in Eastern Chad.

During that period, the mission team held interactive sessions with leaders, delegates and teachers in four refugee camps. The Outreach staff explained to these groups of both men and women the latest judicial developments related to the situation in Darfur, Sudan, answered questions and clarified common misperceptions regarding the work of the Court. Most of the concerns of the refugees focused on the capacity of the Court to implement warrant of arrests issued by its judges.

For security reasons the Court cannot operate directly in Darfur at the moment, but PIDS is making efforts to reach out to the Sudanese communities living outside Sudan. During this year, the Outreach programme will include meetings with Sudanese communities in The Netherlands, Belgium, France, UK, Italy, Germany, Egypt and in Eastern Chad.



During an Outreach interactive session with the leaders of a Sudanese Refugee camp in Eastern Chad ©ICC-CPI

Calendar

MAY 2010 / JUNE 2010						
Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
31	1	2	3	4	5	6
First Review Conference of the Rome Statute, Kampala, Uganda						
7	8	9	10	11	12	13
First Review Conference of the Rome Statute, Kampala, Uganda						
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				
JULY 2010						
Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
			1	2	3	4
Future events: 5 July: Trial of Jean-Pierre Bemba Gombo is scheduled to start.						

The calendar is subject to last minute changes.