



# 2 April 2012 #122 ICC Weekly Update

## 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 in two separate cases, six Kenyan citizens voluntarily appeared before Pre-Trial Chamber II on 7 and 8 April 2011. The confirmation of charges hearings in the two cases took place from 1 to 9 September 2011, and 21 September to 5 October 2011, respectively. On 23 January 2012, the judges declined to confirm the charges against Henry Kiprono Kosgey and Mohammed Hussein Ali. Pre-Trial Chamber II confirmed the charges against William Samoei Ruto, Joshua Arap Sang, Francis Kirimi Muthaura and Uhuru Muigai Kenyatta and committed them to trial. On 29 March 2012, the ICC Presidency constituted Trial Chamber V and referred to it the two cases: *The Prosecutor v. William Samoei Ruto and Joshua Arap Sang* and *The Prosecutor v. Francis Kirimi Muthaura and Uhuru Muigai Kenyatta*.

## ICC Presidency constitutes Trial Chamber V and refers the two Kenyan cases to it

On 29 March 2012, the Presidency of the International Criminal Court (ICC) issued a decision on the constitution of Trial Chamber V and referred to it the cases in the situation in Kenya: *The Prosecutor v. William Samoei Ruto and Joshua Arap Sang* and *The Prosecutor v. Francis Kirimi Muthaura and Uhuru Muigai Kenyatta*.

Trial Chamber V is composed of [Judge Christine Van den Wyngaert](#), [Judge Kuniko Ozaki](#) and [Judge Chile Eboe-Osuji](#).

### Decisions taken between 26 - 30 March 2012

#### Ruto and Sang case

##### **Decision constituting Trial Chamber V and referring to it the case of *The Prosecutor v. William Samoei Ruto and Joshua Arap Sang***

Issued by the Presidency on 29 March 2012

#### Muthaura and Kenyatta case

##### **Decision referring the case of *The Prosecutor v. Francis Kirimi Muthaura and Uhuru Muigai Kenyatta* to Trial Chamber V**

Issued by the Presidency on 29 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 26 - 30 March 2012

#### Bemba Case

##### **Order on the procedure for the submission as evidence of material used during questioning of witnesses**

Issued by Trial Chamber III on 26 March 2012

### Decision postponing the commencement of the presentation of evidence by the legal representatives of victims

Issued by Trial Chamber III on 28 March 2012

#### 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*. 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. Trial Chamber I convicted Mr Lubanga Dyilo on 14 March 2012, and will hold a hearing to pronounce the sentence at a later stage. 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. After being granted leave to appeal by Pre-Trial Chamber I, the ICC Prosecutor appealed the decision on 12 March 2012.

Decisions taken between 26 - 30 March 2012

#### Lubanga Dyilo Case

##### Order refusing a request for reconsideration

Issued by the Trial Chamber I on 27 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 26 - 30 March 2012

#### Banda and Jerbo Case

##### Decision on the Request of the Legal Representatives of victim a/6000/11 pursuant to Regulation 35

Issued by the Trial Chamber IV on 29 March 2012

#### 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 26 - 30 March 2012

#### Gbagbo Case

##### First decision on the Prosecutor's requests for redactions and other protective measures

Issued by Pre-Trial Chamber I on 27 March 2012

##### Addendum to the "First decision on the Prosecutor's requests for redactions and other protective measures"

Issued by Pre-Trial Chamber I on 29 March 2012

#### Relevant Links

Courtroom proceedings can be followed on the ICC website: [www.icc-cpi.int](http://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](#)

## Calendar

APRIL 2012						
Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
						1
2	3	4	5	6	7	8
Judge Kourula to participate in the 2012 LI Haopei Lecture and Seminar "Sovereignty and Individual Criminal Responsibility for Core International Crimes", Beijing (China) <sup>1</sup>				Judicial Recess <sup>2</sup>		
9	10	11	12	13	14	15
Judicial Recess <sup>2</sup>						
16	17	18	19	20	21	22
			Delegation from the High Court of Justice of Chad to visit the ICC			
23	24	25	26	27	28	29
				Court to host ICC Trial Competition (English)		
- From 15 May 2012: Closing Statements in the case against Germain Katanga and Mathieu Ngudjolo Chui - 29 May – 1 June: ICC to host NGO Roundtable - From 18 June 2012: Confirmation of charges hearing in the case against Laurent Gbagbo						

1. The ICC is grateful to the organizers, the Forum for International Criminal and Humanitarian Law and China University of Political Science and Law, for covering the costs of the Court's participation.
2. Please note that there will be no hearings during the ICC's Judicial Recess from Thursday, 5 April 2012 (17:30) until Monday, 16 April 2012 (09:00)

The calendar is subject to last minute changes.