



**Cour
Pénale
Internationale**

**International
Criminal
Court**

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7 March 2011 #68 ICC Weekly Update



Situation in the Libyan Arab Jamahiriya

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 is assigned by the Presidency to Pre-Trial Chamber I.

Statement by the Office of the Prosecutor on the situation in Libya

28.02.2011

United Nations Security Council [Resolution 1970](#) (2011) provides jurisdiction to the International Criminal Court over the situation in Libya.

The Office of the Prosecutor has to now decide whether an investigation into alleged crimes against humanity committed in Libya since 15 February 2011 should be opened.

The Office is currently assessing allegations of widespread or systematic attacks against the civilian population as well as other additional legal requisites established by the Rome Statute.

The Office is liaising with relevant organisations including the Arab League, the African Union, the UN Council on Human Rights, the UN High Commission for Human Rights and the UN Secretariat, as well as with States, in order to collect information required.

The Office of the Prosecutor is interested in receiving footage and images to confirm the alleged crimes. Additionally the Office is liaising with Libyan officials and army officers to receive information about the identity of authorities with command and control over the organizations allegedly involved in the crimes.

The Office of the Prosecutor has to act impartially. The next step will be to decide whether to open an investigation, and eventually collect evidence and request an arrest warrant against those identified as the most responsible. The judges will then decide based on the evidence. In accordance with its mandate to end impunity to contribute to the prevention of future crimes, the Office will act without delay.

"Information suggests that forces loyal to President Muammar Qadhafi are attacking civilians in Libya" said Prosecutor Luis Moreno-Ocampo. "This could constitute crimes against humanity and must stop. The Office will act swiftly and impartially. There will be no impunity for leaders involved in the commission of crimes."

Source: Office of the Prosecutor

Statement by ICC President, Judge Sang-Hyun Song, on United Nations Security Council resolution 1970

28.02.2011

"I take note of the unanimous decision taken by the United Nations Security Council on Saturday, 26 February 2011, to refer the situation in Libya to the Prosecutor of the International Criminal Court (ICC). I welcome this expression of trust in the ICC's role as the first permanent and independent international judicial institution with jurisdiction over the most serious crimes of concern to the international community as a whole."

Questions and Answers on the ICC proceedings following the UNSC referral regarding Libya

01.03.2011

For information on the proceedings before the ICC following the UNSC referral regarding the Libyan Arab Jamahiriya, please consult the following Questions and Answers: [English](#), [Français](#), [عربي](#).

ICC Prosecutor to open an investigation in Libya



The ICC Prosecutor at the 3 March Press Conference © ICC-CPI

On Thursday 3 March 2011 International Criminal Court Prosecutor, Luis Moreno-Ocampo, in accordance with the requirements under the Rome Statute announced the opening of an investigation in Libya.

United Nations Security Council [Resolution 1970](#) (2011) provides jurisdiction to the International Criminal Court over the situation in Libya since 15 February 2011. As per the Rome Statute, the Prosecutor shall proceed with an investigation unless there is no reasonable basis to believe that crimes falling under the ICC jurisdiction have been committed.

Following a preliminary examination of available information, the Prosecutor has reached the conclusion that an investigation is warranted.

The Office of the Prosecutor is liaising with the United Nations, the African Union, the Arab League, as well as States. Additionally, the Prosecutor will also request information from other sources including from Interpol who will provide assistance. The Prosecutor will act independently and impartially.

The next step is for the Prosecutor to present his case to ICC judges who will then decide whether or not to issue arrest warrants based on the evidence.

Source: Office of the Prosecutor

Decisions taken between 28 February - 4 March 2011

Decision Assigning the Situation in the Libyan Arab Jamahiriya to Pre-Trial Chamber I

Issued by the Presidency on 4 March 2011

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, Mathieu Ngudjolo Chui and Callixte Mbarushimana 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. The confirmation of charges hearing in the case *The Prosecutor v. Callixte Mbarushimana* is scheduled to start on 4 July 2011.

Decisions taken between 28 February - 4 March 2011

Lubanga case

Decision on the legal representative's application for leave to tender into evidence material from the "bar table" and on the Prosecution's Application for Admission of three documents from the Bar Table Pursuant to Article 64 (9)

Issued by Trial Chamber I on 2 March 2011

Redacted Decision on the "Defence Application Seeking a Permanent Stay of the Proceedings"

Issued by Trial Chamber I on 2 March 2011

Mbarushimana case

Decision on the "Prosecution's request for a review of potentially privileged material"

Issued by Pre-Trial Chamber I on 4 March 2011

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

ICC President to visit Southeast Asia

02.03.2011

The President of the International Criminal Court (ICC), Judge Sang-Hyun Song of South Korea, will begin an official visit to Southeast Asia on 5 March 2011. During his eight-day trip, he will be travelling to the Philippines (5-8 March), Malaysia (8-11 March) and Brunei (11-13 March).

The main purpose of President Song's visits is to raise awareness about the ICC and to facilitate informed consultations in countries that may be considering ratification of the Rome Statute. During his visits, he will hold meetings with state officials, members of the legal profession and other relevant actors.

While in Malaysia, President Song will also participate as a keynote speaker at the Asia-Pacific Parliamentary Consultation on the universality of the Rome Statute of the ICC.

Background

The ICC is an independent, permanent court that prosecutes persons accused of the most serious crimes of international concern: genocide, crimes against humanity and war crimes. It was established by an international treaty, the Rome Statute, which has 114 States Parties as of 1 January 2011.

To date, three States Parties to the Rome Statute – Uganda, the Democratic Republic of the Congo and the Central African Republic – have self-referred situations occurring in their countries to the Court. The Security Council has referred the situation in Darfur, Sudan, and the Prosecutor was granted authorisation by the Pre-Trial Chamber to open an investigation on his own initiative into the situation in Kenya.

On 26 February 2011, the United Nations Security Council for the first time unanimously decided to refer a situation – that of Libya – to the ICC Prosecutor. The Office of the Prosecutor has to now decide whether an investigation into alleged crimes against humanity committed in Libya since 15 February 2011 should be opened.

More information on the Court and its current activities

Biography of President Song

Interacting with communities

The Outreach Unit holds event in Kinshasa as part of the “Calling African Female Lawyers” campaign (DRC)



Launch of the “Calling African Female Lawyers” campaign in Kinshasa (DRC) © ICC-CPI

On 1 March 2011, as part of the “Calling African Female Lawyers” campaign, the Outreach Unit of the ICC held a session with female lawyers from the two Bar Associations of Kinshasa. The motivation for this event was the under-representation of female lawyers, and in particular of Congolese female lawyers, on the ICC List of Counsel. Present at the event was Mr Esteban Peralta, Chief of the Counsel Support Section at the Court. Mr Peralta gave a detailed presentation on the application process for admission to the List of Counsel and the List of Assistants to Counsel. It was stressed that while any victim or defendant should be able to choose their counsel from a pool of highly qualified lawyers, they should be able to do so with regard to their own preference for either male or female counsel. This is particularly important, for example, in relation to victims of sensitive crimes, such as crimes involving sexual violence. The presentation was followed by a lengthy question and answer session.

Training of journalists on the ICC starts in Brazzaville (Republic of the Congo)

03.03.2011

The Registrar of the International Criminal Court (ICC), Ms Silvana Arbia, together with the Minister of Communication of the Congo, Mr Bienvenu Okiemy, and the Minister of Justice of the Congo, Mr Aimé Emmanuel Yoka, opened today in Brazzaville (Republic of the Congo) a training seminar on the ICC for Congolese journalists.

Organised by the Ministry of Communication of the Congo, this two-day training, being held on 3 and 4 March 2011, gathers together 85 journalists from Brazzaville and the surrounding region. It aims to enhance media representatives’ understanding of the ICC and its activities, and also constitutes an opportunity for the ICC to answer questions and address concerns from journalists regarding the Court and its judicial developments.

After thanking the Communication Minister for his support in organising the event, the ICC Registrar highlighted in her opening speech that “the role played by journalists is becoming increasingly important for the development of societies in which the role of justice is fundamental”. She continued, “No one can ignore the reality that the ICC has already become an important institution for ensuring access to justice, even in difficult situations that prevent national jurisdictions from acting”.

The Communication Minister stated that “the rise of a new judicial system that sanctions the perpetrators of crimes against humanity, regardless of their official positions, marks a cornerstone in international law, as we turn from the 20th to the 21st century”.

Several workshops will offer opportunities to discuss issues such as the ICC’s role on the international criminal justice scene, its mandate and structure, rules governing its jurisdiction and rights of parties and participants in the proceedings before the ICC. As a practical exercise, the journalists will have to draft an article dealing with judicial developments at the Court and present it in the course of the training; this article will be discussed interactively with the participants and the Outreach staff of the ICC.

The International Criminal Court is the only permanent international court with the mission of helping to put an end to impunity for the perpetrators of the most serious crimes of concern to the international community as a whole, and thus to contribute to the prevention of such crimes.

Calendar

MARCH 2011						
Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
7	8	9	10	11	12	13
ICC President to visit the Philippines		ICC President to visit Malaysia		ICC President to visit Brunei		
Prosecutor to deliver the inaugural lecture of the new Master on Governance and Human Rights at the Universidad Autónoma, Madrid (Spain)						
14	15	16	17	18	19	20
	Deputy Prosecutor to participate in the international colloquium "Women's rights, Migrant women's rights and international humanitarian law", Dakar (Senegal)					
21	22	23	24	25	26	27
Trust Fund for Victims to hold board meeting at the ICC						
Prosecutor to deliver keynote speech at Facing History and Ourselves event, London (United Kingdom)						
Judge Akua Kuenyehia to deliver annual lecture on Human Rights and Global Justice at the Center for International Law and Justice at Florida A&M University (USA).						
28	29	30	31			
APRIL 2011						
Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
				1	2	3

The calendar is subject to last minute changes.