

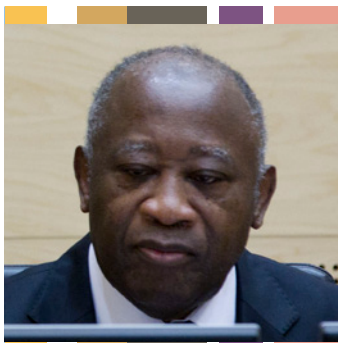


**Cour
Pénale
Internationale**

**International
Criminal
Court**

ICC-PIDS-WU-106/11_Eng

5 December 2011 #106 ICC Weekly Update



Situation in the Republic of 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.

New suspect in the ICC's custody: Laurent Gbagbo arrived at the detention centre

Laurent Koudou Gbagbo, national of Côte d'Ivoire, 66 years, arrived on 30 November 2011 at the International Criminal Court (ICC) detention centre in the Netherlands. He was surrendered to the ICC on 29 November 2011 by the national authorities of Côte d'Ivoire following a warrant of arrest issued under seal by the judges of the Pre-Trial Chamber III on 23 November 2011. The suspect's initial appearance hearing before the Pre-Trial Chamber III, composed of Judges Silvia Fernández de Gurmendi (presiding judge), Elizabeth Odio Benito and Adrian Fulford, will be held promptly.

Mr Gbagbo allegedly bears individual criminal responsibility, as indirect co-perpetrator, for four counts of crimes against humanity, namely murder, rape and other forms of sexual violence, persecution and other inhuman acts, allegedly committed in the territory of Côte d'Ivoire between 16 December 2010 and 12 April 2011.



Mr Laurent Koudou Gbagbo © ICC-CPI/AP/Peter Dejong

Factual allegations

Pre-Trial Chamber III found that there are reasonable grounds to believe that in the aftermath of the presidential elections in Côte d'Ivoire pro-Gbagbo forces attacked the civilian population in Abidjan and in the west of the country, from 28 November 2010 onwards, targeting civilians who they believed were supporters of the opponent candidate. Allegedly, the attacks were committed pursuant to an organisational policy and were also widespread and systematic as they were committed over an extended time period, over large geographic areas, and following a similar general pattern. The attacks were allegedly often directed at specific ethnic or religious communities and left a high number of reported victims.

The Chamber also found that there are reasonable grounds to believe that a plan existed between Mr Gbagbo and his inner circle and that they were aware that implementing it would lead to the commission of the alleged crimes. Mr Gbagbo, together with others, allegedly exercised joint control over the crimes, and made a coordinated and essential contribution to the realisation of the plan.

Mr Gbagbo allegedly engaged his responsibility as "indirect co-perpetrator" (article 25(3)(a) of the Rome Statute) for the above-mentioned charges of crimes against humanity. However, the Chamber highlighted that this issue may well need to be revisited in due course with the parties and participants.

For more information on this case, please [click here](#).

Decision Pursuant to Article 15 of the Rome Statute on the Authorisation of an Investigation into the Situation in the Republic of Côte d'Ivoire

Q&A on the case against Laurent Koudou Gbagbo

ICC Detention Centre

Decisions taken between 28 November 2011 - 2 December 2011

Gbagbo Case

Warrant Of Arrest For Laurent Koudou Gbagbo

Submitted by Pre-Trial Chamber III on 23 November 2011

Order scheduling the first appearance of Mr Laurent Koudou Gbagbo for 5 December 2011 and authorising photographs to be taken at that hearing

Issued by Pre-Trial Chamber III on 30 November 2011

"Ivorian victims will see justice for massive crimes: Mr Gbagbo is the first to be brought to account, there is more to come"

"It is exactly a year since the presidential election that led to one of the worst episodes of violence Cote d'Ivoire has ever known, with ordinary Ivorians suffering immensely, and crimes allegedly committed by both parties.

We have evidence that the violence did not happen by chance: widespread and systematic attacks against civilians perceived as supporting the other candidate were the result of a deliberate policy. In December last year, we put Mr Gbagbo and the others on notice. Today, we are following up.

Mr Gbagbo is brought to account for his individual responsibility in the attacks against civilians committed by forces acting on his behalf. He is presumed innocent until proven guilty and will be given full rights and the opportunity to defend himself.

Let me make it clear: investigations continue. We will collect evidence impartially and independently, and bring further cases before the Judges, irrespective of political affiliation.

Leaders must understand that violence is no longer an option to retain or gain power.

The time of impunity for these crimes is over."

Source: Office of the Prosecutor

Practical information for media: The initial appearance hearing in the case against Laurent Koudou Gbagbo is scheduled for Monday, 5 December 2011

The initial appearance of Laurent Koudou Gbagbo before Pre-Trial Chamber III of the International Criminal Court (ICC) is scheduled for Monday, 5 December 2011, at 14:00 (The Hague local time).

During this public hearing, Pre-Trial Chamber III, composed of Judges Silvia Fernández de Gurmendi (presiding judge), Elizabeth Odio Benito and Adrian Fulford, will verify the identity of the suspect and ensure that he was clearly informed of the charges brought against him and of his rights under the Rome Statute. At the end of this first appearance, the Pre-Trial Chamber will set the date of the next step in the pre-trial proceedings: the hearing on the confirmation of charges.

Mr Gbagbo, born on 31 May 1945, former President of Côte d'Ivoire, allegedly bears individual criminal responsibility, as an indirect co-perpetrator, for four counts of crimes against humanity, namely murder, rape and other sexual violence, persecution and other inhuman acts, allegedly committed in the context of post-electoral violence in the territory of Côte d'Ivoire between 16 December 2010 and 12 April 2011.

Mr Gbagbo was transferred to the ICC's custody on 30 November 2011, in accordance with a warrant of arrest issued by Pre-Trial Chamber III on 23 November 2011. Upon the completion of the transfer, the ICC Registrar, Ms Silvana Arbia, expressed her thanks to the authorities of the Host State, the Netherlands, and the Ivorian authorities for their full cooperation with the ICC, which allowed a successful and swift transfer of the suspect to the ICC detention centre.

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*; and *The Prosecutor v. Abdallah Banda Abakaer Nourain and Saleh Mohammed Jerbo Jamus*. Four warrants of arrest have been issued by Pre-Trial Chamber I for Messrs Harun, Kushayb and Al Bashir. The three 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.

ICC Prosecutor Presents New Case in Darfur

Today the Prosecutor of the International Criminal Court, Luis Moreno-Ocampo, requested Pre-Trial Chamber I to issue an arrest warrant against the current Sudanese Defense Minister Abdelrahim Mohamed Hussein for crimes against humanity and war crimes committed in Darfur from August 2003 to March 2004.

The evidence allowed the Office of the Prosecutor to conclude that Mr Hussein is one of those who bears the greatest criminal responsibility for the same crimes and incidents presented in previous warrants of arrest for Ahmed Harun and Ali Kushayb issued by the Court on 27 April 2007. Mr Hussein was then Minister for the Interior for the Government of Sudan and Special Representative of the President in Darfur, with all of the powers and responsibilities of the President. Mr Hussein delegated some of his responsibilities to Mr Harun, the Minister of State for the Interior, whom he appointed to head the "*Darfur Security Desk*."

The crimes were perpetrated during attacks upon the towns and villages of Kodoom, Bindisi, Mukjar and Arawala in the Wadi Salih and Mukjar Localities of West Darfur. The attacks followed a common pattern: the Government of Sudan forces surrounded the villages, the Air Force dropped bombs indiscriminately and foot soldiers, including Militia/Janjaweed, killed, raped and looted the entire village, forcing the displacement of 4 million inhabitants. Currently, 2.5 million remain in camps for Internally Displaced Persons.

In the "*Prosecution v. Harun & Kushayb*" case, Pre-Trial Chamber I ruled that Local Security Committees coordinated these attacks. They were supervised by State Security Committees which reported to Mr Harun, who in turn, according to the evidence, reported to Mr Hussein. "The evidence shows that this was a state policy supervised by Mr Hussein to ensure the coordination of attacks against civilians", said Moreno-Ocampo.

"Moreover, the evidence shows that directly and through Mr Harun, Mr Hussein played a central role in coordinating the crimes, including in recruiting, mobilizing, funding, arming, training and the deployment of the Militia/Janjaweed as part of the Government of the Sudan forces, with the knowledge that these forces would commit the crimes," said the Prosecutor.

The Prosecutor considered that Mr Hussein should be arrested in order to prevent him from continuing with the commission of crimes within the jurisdiction of the Court.

After careful consideration, the Office of the Prosecutor has decided to publicly seek a warrant against Mr Hussein to encourage further public focus on Government of the Sudan policy and actions, and promote cooperation in taking action to arrest Mr Hussein and the 3 other individuals subject to ICC warrants, as established by UN Security Council Resolution 1593 (2005).

The Prosecutor emphasized that Mr Hussein is presumed innocent and will be given full rights and the opportunity to defend himself. Pre-Trial Chamber I will review the evidence and make a decision on the Prosecution's request.

This is the fourth case of the International Criminal Court in Darfur. To date, ICC judges have issued arrest warrants against Ahmad Harun and Ali Kushayb - for crimes against humanity and war crimes; warrants of arrest against Omar Al-Bashir for genocide, crimes against humanity and war crimes; and summonses to appear for rebel leaders Abdallah Banda, Saleh Jerbo and Abu Garda for war crimes.

The Prosecutor will brief the United Nations Security Council on the situation in Darfur on 15 December 2011 at UN Headquarters.

Source: Office of the Prosecutor

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 28 November 2011 - 2 December 2011

Saif Al-Islam and Al-Senussi Case

Decision Regarding the Prosecution's Request for a Status Conference

Issued by Pre-Trial Chamber I on 1 December 2011

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 28 November 2011 - 2 December 2011

Bemba Case

Decision on the prosecution's and defence's requests regarding Witness 219's testimony

Issued by the Trial Chamber III on 1 December 2011

Decision on the defence's objection to the use of 10 documents by the prosecution during Witness 219's testimony

Issued by the Trial Chamber III on 2 December 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

Consensus candidate for next ICC Prosecutor

The President of the Assembly of States Parties, Ambassador Christian Wenaweser, and the incoming President of the Assembly, Ambassador Tiina Intelmann, presented the results of the consultations undertaken with the aim of finding a consensus candidate for the post of Prosecutor of the International Criminal Court.

On 25 October 2011 the Search Committee for the position of Prosecutor submitted its report to the Bureau, with a shortlist of four candidates. After the release of the report the President of the Assembly, with the assistance of five regional focal points, began a process of consultations over a four week period which included a series of meetings of the New York Working Group of the Bureau, where the four candidates shortlisted by the Search Committee were given the opportunity to present themselves to States Parties.

The consultations carried out resulted in an informal agreement among the States Parties to have a consensus candidate, Ms Fatou B. Bensouda, from The Gambia, nominated for the consideration by the Assembly of States Parties. Ms Fatou Bensouda will be elected at the tenth session of the Assembly on 12 December 2011, at the United Nations Headquarters, and assume the post on 16 June 2012.



Ms Fatou Bensouda © ICC-CPI

Ms Bensouda was elected Deputy Prosecutor by the Assembly of States Parties on 8 September 2004. She is in charge of the Prosecution Division of the Office of the Prosecutor. Prior to her election, Ms Bensouda worked as a Legal Adviser and Trial Attorney at the International Criminal Tribunal for Rwanda (ICTR) in Arusha, Tanzania, rising to the position of Senior Legal Advisor and Head of The Legal Advisory

Unit. Before joining the ICTR, she was the General Manager of a leading commercial bank in The Gambia. Between 1987 and 2000, she was successively Senior State Counsel, Principal State Counsel, Deputy Director of Public Prosecutions, Solicitor General and Legal Secretary of the Republic, then Attorney General and Minister of Justice, in which capacity she served as Chief Legal Advisor to the President and Cabinet of The Gambia. Ms Bensouda holds a masters degree in International Maritime Law and Law of The Sea and as such is the first international maritime law expert of The Gambia.

Statement by the President of the Assembly

1 December 2011 - [English](#) | [Español](#) | [Français](#) | [عربي](#)

United Nations Press Conference (from UN website)

1 December 2011 - [English](#)

UN Webcast Video [English](#) (00:27:40)

Source: Assembly of States Parties

ICC invites bids for the construction of its Permanent Premises



The Permanent Premises Project Team of the International Criminal Court (ICC) is inviting bids for the construction of its Permanent Premises in The Hague (The Netherlands). The design for the new premises by *schmidt hammer lassen architects* has a gross floor area of approximately 52,000 m². Interested tenderers have until the 17 January 2012 at 12:00 (The Hague local time) to submit their expressions of interest.

More information about this tender can be found [here](#).

The ICC aims to construct its new permanent premises on the site of the former Alexanderkazerne (Alexander Baracks), located on the corner of the Van Alkemadelaan and the Oude Waalsdorperweg in The Hague.

The scope of the tender ranges from the further engineering of the Final Design up to the construction of the new premises and the landscaping of the site, including elements such as the mechanical and electrical installations, security and ICT, interior finishes and fixed furniture. Construction is anticipated to start in 2012 and be completed in 2015, when the premises will be ready for use.

About the ICC

The International Criminal Court is the only permanent international court established with the mission to help put an end to impunity for the perpetrators of the most serious crimes of concern to the international community as a whole, namely the crime of genocide, crimes against humanity, war crimes and the crime of aggression, and thus to contribute to the prevention of such crimes.

At present, the ICC is housed in three interim buildings in the Binkhorst area of The Hague. As a permanent judicial institution, the ICC requires functional permanent premises to enable the Court to discharge its duties effectively and to reflect the significance of the Court in the fight against impunity. In December 2007 the Assembly of States Parties to the Rome Statute (treaty founding of the Court) decided that the ICC should be provided with newly built permanent premises.

Tenth session of the Assembly of States Parties of the International Criminal Court

The Assembly of States Parties of the International Criminal Court ("the Assembly") will hold its tenth session at the United Nations Headquarters in New York from 12 to 21 December 2011.

The tenth session will be marked by elections, which will significantly change the composition of the Court. The Assembly will elect a new President of the Assembly of States Parties for the tenth to twelfth sessions (2011 – 2013). Ambassador Tiina Intelmann (Estonia), was recommended for the post by the Bureau in July. She will replace Ambassador Christian Wenaweser (Liechtenstein).

The Assembly will further elect the Prosecutor who shall hold office for a term of up to nine years and shall not be eligible for re-election. As mandated by the Rome Statute, every effort shall be made to elect the Prosecutor by consensus. The four shortlisted candidates recommended by the Prosecutor Search Committee are: Ms Fatou Bensouda (Gambia), Mr Andrew T. Cayley (United Kingdom), Mr Mohamed Chande Othman (United Republic of Tanzania), and Mr Robert Petit (Canada).

After informal consultations among States Parties, it was decided to narrow the list to two candidates: Ms Fatou Bensouda (Gambia) and Mr Mohamed Chande Othman (United Republic of Tanzania). At the 1 December informal consultations, to be held in New York, States Parties will see if there is consensus on one candidate.

In addition, the Assembly will elect six new judges out of 19 nominated candidates who will serve non-renewable terms of nine years. The Assembly will also elect two Vice-Presidents of the Assembly, 18 new members of the Bureau, and six members of the Committee on Budget and Finance.

At the tenth session, the Assembly will, in addition, consider, *inter alia*, the 2012 budget of the Court and the premises of the Court.

Further information about the tenth session of the Assembly can be found on the website of the International Criminal Court at:

<http://www.icc-cpi.int/nr/exeres/8e728ec3-5785-4127-83d7-d910d99df603.htm>

All journalists wishing to cover the session and related events should refer to guidelines for media access, which can be found at:

http://www.icc-cpi.int/iccdocs/asp_docs/ASP10/ASP10-MediaGuidelines-ENG.pdf

Source: Assembly of States Parties

Calendar

DECEMBER 2011						
Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
			1	2	3	4
5 ICC to host visit by the President of the International Bar Association	6 ICC to host Welcoming Ceremony for the Maldives	7	8	9	10	11
12	13	14	15	16	17	18
Assembly of States Parties holds its tenth session in New York, USA						
19	20	21	22	23	24	25
Judicial recess begins						
Assembly of States Parties holds its tenth session in New York, USA						
Please note that there will be no hearings during the ICC's Judicial Recess from Friday, 16 December 2011 (17:30) until Monday, 9 January 2012 (09:00)						

The calendar is subject to last minute changes.