



**Cour
Pénale
Internationale**

**International
Criminal
Court**

ICC-PIDS-WU-105/11_Eng

28 November 2011 #105 ICC Weekly Update



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.

Course of action before the ICC following the arrest of the suspect Saif Al Islam Gaddafi in Libya

Pre-Trial Chamber I of the International Criminal Court (ICC) issued a warrant of arrest for Saif Al Islam Gaddafi on 27 June 2011, for two charges of crimes against humanity consisting of murder and persecution. The warrant of arrest remains outstanding and procedures as provided for in the Rome Statute need to be followed. The Pre-Trial Chamber Judges have the exclusive competence to decide on the continuation of the ICC judicial procedure.

In accordance with Resolution 1970, adopted unanimously by the United Nations Security Council on 26 February 2011, the Libyan authorities have the obligation to cooperate fully with the Court. On 5 July 2011, a request for cooperation with regard to the surrender of the suspect was notified, together with the warrant of arrest, to the Libyan authorities.

Should the Libyan authorities wish to conduct national prosecutions against the suspect, they shall submit a challenge to the admissibility of the case before Pre-Trial Chamber I, pursuant to articles 17 and 19 of the Rome Statute of the ICC. Any decision on the admissibility of a case is under the sole competence of the Judges of the ICC.

Therefore, contrary to what has been reported in the media, Pre-Trial Chamber I of the ICC remains seized of the case and the Libyan obligation to fully cooperate with the Court remains in force.

Pre-Trial Chamber I orders the termination of the case against Muammar Gaddafi

On 22 November 2011, Pre-Trial Chamber I of the International Criminal Court (ICC) decided to terminate the case against Muammar Mohammed Abu Minyar Gaddafi.

The ICC Prosecution has requested the Judges to withdraw the warrant of arrest issued for Muammar Gaddafi because of the changed circumstances caused by his death. The Chamber recalled that the purpose of criminal proceedings is to determine individual criminal responsibility and that jurisdiction cannot be exercised over a deceased person.

ICC Prosecutor arrives in Libya

On 22 November 2011, the Prosecutor of the International Criminal Court (ICC) arrived in Tripoli, Libya. Prosecutor Luis Moreno-Ocampo and Deputy Prosecutor Fatou Bensouda lead a delegation which will meet with Libyan authorities as part of coordination efforts following the arrest of Saif Al-Islam Gaddafi and unconfirmed reports regarding the arrest of Abdullah Al-Senussi.

Prosecutor Moreno-Ocampo said "Saif Al-Islam Gaddafi and Abdullah Al-Senussi must face justice. In resolution 1970, the UN Security Council referred the situation in Libya to the ICC and required the Libyan authorities to cooperate with the Court. I will talk to the national authorities and seek information about proposed national proceedings in order to assist us in analysing the admissibility of the case against Saif Gaddafi and Abdullah Al-Senussi and to understand their plans moving ahead. Their arrest is a crucial step in bringing to justice those most responsible for crimes committed in Libya. This is not a military or political issue, it is a legal requirement."

Warrants of arrest for Saif Al-Islam Gaddafi and Abdullah Al-Senussi were issued by ICC judges on 27 June 2011. "The issue of where the trials will be held has to be resolved through consultations with the Court. In the end, the ICC judges will decide, there are legal standards which will have to be adhered to," said the Prosecutor.

The Office continues its impartial investigation in Libya.

Source: Office of the Prosecutor

Decisions taken between 21 - 25 November 2011

Saif Al-Islam and Al-Senussi Case

Decision to Terminate the Case Against Muammar Mohammed Abu Minyar Gaddafi

Issued by Pre-Trial Chamber I on 22 November 2011

Order Requesting Observations Regarding the "Transmission of Muammar Mohammed Abu Minyar Gaddafi's death certificate"

Issued by Pre-Trial Chamber I on 14 November 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 21 - 25 November 2011

Bemba Case

Order regarding applications by victims to present their views and concerns or to present evidence

Issued by Trial Chamber III on 21 November 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 and Mathieu Ngudjolo Chui and the suspect 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 case against Callixte Mbarushimana was held from 16 to 21 September 2011. The decision on the confirmation of charges is pending.

Decisions taken between 21 - 25 November 2011

Lubanga Dyilo Case

Decision on the "Registrar's Submissions under Regulation 24bis of the Regulations of the Court In Relation to Trial Chamber I's Decision ICC-01/04-01/06-2800" of 5 October 2011

Issued by the Appeals Chamber on 21 November 2011

Mbarushimana Case

Order to the Defence for an Expedited Response to the "Prosecution's Notice that it no longer relies on the statement of Prosecution Witness 692 to support the confirmation of charges"

Issued by Pre-Trial Chamber I on 23 November 2011

Decision on Defence Request for leave to withdraw pursuant to Regulation 78 of the Regulations of the Court

Issued by Pre-Trial Chamber I on 25 November 2011

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.

Decisions taken between 21 - 25 November 2011

Banda and Jerbo Case

Decision on Article 54(3)(e) documents

Issued by Trial Chamber IV on 23 November 2011

Order on the defence's application for leave to reply

Issued by Trial Chamber IV on 24 November 2011

Relevant Links

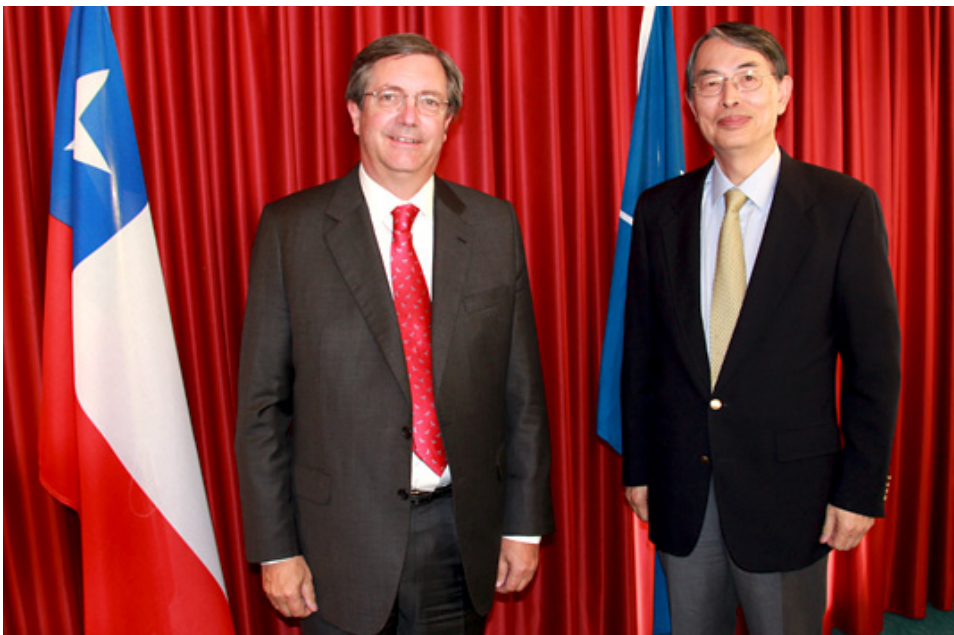
Courtroom proceedings can be followed on the ICC website: www.icc-cpi.int

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

Vice-Minister of Foreign Affairs of Chile visits the ICC



H.E. Ambassador Fernando Schmidt Ariztía, Vice-Minister of Foreign Affairs of the Republic of Chile, and Judge Sang-Hyun Song, ICC President at the ICC © ICC-CPI

On 23 November 2011, the Vice-Minister of Foreign Affairs of the Republic of Chile, H.E. Ambassador Fernando Schmidt Ariztía, visited the International Criminal Court (ICC) and held an official meeting with the ICC President, Judge Sang-Hyun Song.

President Song briefed Ambassador Schmidt on the ICC's current proceedings and activities and conveyed his gratitude for Chile's support to the Court, recalling that the country's ratification of the Rome Statute in 2009 meant that the entire South American continent was now part of the ICC family. The ICC President furthermore thanked the Ambassador for Chile's recent ratification of the Agreement on Privileges and Immunities of the International Criminal Court.

Ambassador Schmidt reaffirmed Chile's commitment to the ICC and all its endeavours, underlining that the promotion of human rights is one of the pillars of Chile's foreign policy. The Ambassador expressed his country's intention to further increase its active engagement in support of the Rome Statute system of international justice.

Calendar

NOVEMBER 2011						
Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
28	29	30				
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.