



OTP Weekly Briefing – 1-7 September 2009

1. Investigations and Prosecutions:

a. Situation in the [Democratic Republic of the Congo](#) (DRC)

This situation was referred by the DRC in April 2004. The OTP opened its investigation in June 2004, focussing on Ituri where the most serious crimes had been committed by the main armed groups. Four arrest warrants have been issued against [Thomas Lubanga Dyilo](#) and [Bosco Ntaganda](#), leaders of the UPC, and [Germain Katanga](#) and [Mathieu Ngudjolo Chui](#), leaders of FNI and FRPI. The trial of *the Prosecutor v. Thomas Lubanga Dyilo* began on 26 January 2009. The trial of [Katanga and Ngudjolo Chui](#), charged with attacking and 'wiping out' the village of Bogoro, is scheduled for 24 November 2009. [Bosco Ntaganda](#) is at large.

In September 2008, the OTP announced the start of its investigation into alleged crimes in the Kivus.

Case: *The Prosecutor v. Thomas Lubanga Dyilo*

Case: *The Prosecutor v. Germain Katanga and Mathieu Ngudjolo Chui*

The Kivus investigation

Several contacts have been undertaken or pursued with States within and outside the region to obtain information on alleged crimes committed, presence and structure of armed groups and forces operating in the Kivus. The Office is working both for the purpose of its own investigation and for the purpose of transmitting relevant information to relevant national jurisdictions.

b. Situation in [Uganda](#)

This situation was referred by Uganda in January 2004. The OTP opened its investigation in July 2004. Five arrest warrants have been issued against [top leaders of the Lords Resistance Army \(LRA\)](#): Joseph Kony, Vincent Otti (allegedly killed in 2007 on order of Kony), Okot Odhiambo, Raska Lukwiya (killed on 12 August 2006, whose arrest warrant has been withdrawn), and Dominic Ongwen. These arrest warrants are outstanding. Over the last 18 months, the LRA is reported to have killed more than 1,250, abducted more than 2,000 and displaced close to 300,000 in DRC alone. In addition there have been substantial numbers of killings and abductions in both South Sudan and Central African Republic.

c. Situation in [Darfur, the Sudan](#)

This situation was referred by the UN Security Council in March 2005. The OTP opened its investigation in June 2005. Three arrest warrants and one summons to appear have been issued against [Ahmad Harun and Ali Kushayb](#), [Omar Al Bashir](#), and [Bahar Idriss Abu Garda](#). Three arrest warrants are outstanding. Mr. Abu Garda [voluntarily appeared](#) before the Court pursuant to a summons and his initial appearance was on 18 May. After his initial appearance, he was allowed to leave the Netherlands. The confirmation of charges hearing is set for 12 October 2009.

Case: *The Prosecutor v. Omar Hassan Ahmad Al Bashir*

4 September - The Prosecution submitted its response to the victim applicants' request for participation in the appeal against the Pre-Trial Chamber's decision concerning charges of genocide in the arrest warrant for President Al Bashir. The Prosecution argued that the applicants, as they claim they were the victims of genocide, have an interest in participating in the appeal and that the best solution procedurally would be to wait for the Pre-Trial Chamber's decision on the applicants' status as victims, then the Appeals Chamber could

issue a decision on the applicants' request. The Prosecution noted that as an alternative, the Appeal Chamber may also seek the applicants' views in accordance with Rule 93 of the Rules of Procedure and Evidence.

Case: *The Prosecutor v. Bahr Idriss Abu Garda*

1 September - The Prosecution filed a public notification regarding the submission of five *ex parte* Prosecution filings, namely three requests for redactions and two notifications of summaries in lieu of witness' interview transcripts for the purpose of the confirmation hearing.

4 September - In anticipation of the confirmation hearing scheduled on 12 October 2009, the Prosecution attended, along with, the Defence and the Registry, a status conference during which issues such as the disclosure of evidence were discussed.

d. Situation in the [Central African Republic](#) (CAR)

This situation was referred by the Central African Republic in December 2004. The OTP opened its investigations in May 2007. One arrest warrant has been issued against [Jean-Pierre Bemba](#). The [confirmation of charges hearing](#) was held on 12 to 15 January 2009. On 15 June, Pre-Trial Chamber II [partially confirmed the charges](#) and the Prosecutor [applied for leave to appeal](#) the Chamber's decision to decline to confirm certain charges on 22 June. The Office continues to monitor allegations of crimes committed since the end of 2005.

Case: *The Prosecutor v. Jean-Pierre Bemba Gombo*

31 August - The Prosecution supported the participation of the victims in the appeal against the Decision on Interim Release of Jean-Pierre Bemba Gombo on the ground that the victims appear to meet all the legal requirements for participation.

3 September - The Appeals Chamber decided to [grant suspensive effect](#) to the Prosecutor's Appeal against the Pre-Trial Chamber II decision, dated 14 August 2009, which granted Jean-Pierre Bemba Gombo "conditional release". Hence, implementation of the decision on interim release is suspended pending the final decision on the merits of the Prosecution's Appeal (<http://www.icc-cpi.int/Menus/Go?id=d357b4ae-8459-40e8-acbf-e2f322680bb6&lan=en-GB>).

4 September - The Pre-Trial Chamber II rendered its [Decision Postponing the Hearings with States on Mr Jean-Pierre Bemba Gombo's Conditional Release and Considering the Defence's Additional Applications](#). The public hearings are postponed until the Appeals Chamber has ruled on the appeal against the decision made on 14 August 2009, on interim release (<http://www.icc-cpi.int/Menus/Go?id=c4f28b63-89c5-4103-b395-4220d8da425f&lan=en-GB>).

2. Preliminary Examinations:

a. Afghanistan

The Office made its examination public in 2007. It examines alleged crimes within the jurisdiction of the Court by all actors involved. The OTP met outside Afghanistan with Afghan officials and organizations. The OTP sent requests for information to the Government of Afghanistan and has received no answer yet.

b. Colombia

The Office made its examination public in 2006. It examines alleged crimes within the jurisdiction of the Court and investigations/proceedings conducted in Colombia against the alleged most serious perpetrators, paramilitary leaders, politicians, guerrilla leaders and military personnel. The Office is also analysing allegations of international networks supporting armed groups committing crimes in Colombia.

c. Georgia

The Office made its examination public on 14 August 2008. The Georgian Minister of Justice visited the OTP. Russia, a State not Party to the Statute, sent 3,817 communications to the OTP. The Prosecutor requested information from the Governments of Russia and Georgia on 27 August 2008. Both the Russian and Georgian authorities responded. The Office conducted a visit to Georgia in November 2008.

d. [Palestine](#)

On 22 January 2009, the Palestinian National Authority lodged a declaration with the Registrar under article 12(3) of the Rome Statute which allows States not party to the Statute to accept the Court's jurisdiction. The OTP is examining all issues related to its jurisdiction, including whether the declaration accepting the exercise of jurisdiction by the Court meets statutory requirements, whether crimes within the Court's jurisdiction have been committed and whether there are national proceedings in relation to alleged crimes.

➤ 1 September - Prosecutor Moreno-Ocampo met with South African lawyers who introduced a case in South Africa requesting the investigation, either by the South African judiciary or alternatively the ICC, of South African nationals allegedly involved in crimes committed in December 2008 - January 2009 in Gaza.

e. Côte d'Ivoire

The Court has jurisdiction over the situation in Côte d'Ivoire by virtue of an Article 12(3) declaration submitted by the Ivorian Government on 1 October 2003. The declaration accepts the jurisdiction of the Court as of 19 September 2002. The most serious crimes, including alleged widespread sexual violence, were committed in 2002-2005. On 17-18 July, high-level representatives of OTP visited Abidjan.

f. [Kenya](#)

The Office made its examination public in February 2008. The Prosecutor has received numerous Article 15 communications on the post-election violence. On 3 July 2009, a common statement was issued in The Hague by a [Government delegation from Kenya](#) lead by Justice Minister Kilonzo and the Prosecutor. It stated that in order to prevent a recurrence of violence during the next election cycle, those most responsible for previous post-election violence must be held accountable. Kenyan authorities committed themselves to refer the situation to the Court if efforts to conduct national proceedings fail. On 9 July 2009, the African Union Panel of Eminent African Personalities, chaired by Kofi Annan, announced the submission to the OTP of a sealed envelope containing a list of persons allegedly implicated and supporting materials previously entrusted to Mr. Annan by the Waki Commission on the post-election violence. On 16 July, Prosecutor Moreno-Ocampo received the sealed envelope and 6 boxes containing [documents and supporting materials compiled by the Commission](#). The Prosecutor opened the envelope, examined its content and resealed it. On 14 July, the Prosecutor received two reports from the Kenyan authorities on witness protection measures and on the status of legal proceedings carried out by national authorities.

3. Cooperation – Galvanizing Efforts to Arrest:

➤ 31 August - Prosecutor Moreno-Ocampo met with the Dutch Minister of Foreign Affairs, Mr. Maxime Verhagen; they discussed, amongst other issues, the need to execute outstanding arrest warrants.



➤ 31 August - 1 September - Deputy Prosecutor Fatou Bensouda participated in the Third Annual International Humanitarian Law Dialogs at the Chautauqua Institution (US); focussing this year on "Honoring Women in International Criminal Law, From Nuremberg to the ICC". H. William Caming, former Prosecutor in Nuremberg, David Crane, former

Prosecutor at the Special Court for Sierra Leone, Richard Goldstone, former Prosecutor at the International Criminal Tribunals for the former Yugoslavia and Rwanda, Whitney R. Harris, former Prosecutor at Nuremberg, Robert Petit, Prosecutor at the Extraordinary Chambers in the Courts of Cambodia, Stephen Rapp, former Prosecutor at the Special Court for Sierra Leone, and other Prosecutors adopted the Third Chautauqua Declaration, in which note is taken of *“the recognition in international criminal law of sexual and gender violence as an instrument of war, which can constitute war crimes, crimes against humanity and genocide”*.

➤ 4 September - Prosecutor Moreno-Ocampo met with the Venezuelan Ambassador in The Hague, Mr. Agustín Perez Celis, and Congressman Edgar de Jesús Lucena González.

4. Coming Events:

- 8- 11 September - Prosecutor’s visit to New York
- 10 September - Presentation of OTP’s 2009-2012 draft Prosecutorial Strategy at the [Consultative Conference on International Criminal Justice](#), New York
- 12 September - Prosecutor’s briefing with OTP Special Gender Advisor Catharine MacKinnon and OTP Special Advisor on crime prevention Juan Méndez, New York
- 14 September - Prosecutor’s visit to Washington
- 15 September - Prosecutor’s Keynote address, [Research Conference “The ICC and Complementarity: From Theory to Practice”](#), The Hague
- 16 September - Prosecutor’s Presentation, International Conference on Fighting Impunity in peacebuilding contexts, The Hague
- 23 September - Prosecutor’s Keynote address, Global Creative Leadership Forum, New York
- September 2009 - Publication of the UN Fact Finding Mission Report on the Gaza Conflict
- September 2009 - Continuing consultations and publication of the Report of AU High Level Panel on Darfur

- October - Trial Chamber I: Start of the Defence case in [The Prosecutor v. Lubanga Dyilo](#)
- 6-7 October - OTP-NGO bi-annual roundtable, The Hague
- 12 October - Pre-Trial Chamber I: Confirmation of charges hearing in [The Prosecutor v. Abu Garda](#)
- 26-27 October - Prosecutor’s visit to Ecuador in the context of preliminary examination activities in the region

- 9-10 November - Prosecutor’s participation in symposium “The ICC that Africa Wants”, Cape Town
- 11-13 November - Prosecutor’s visit to Rwanda on the occasion of the International Prosecutors’ colloquium
- 20-22 November - Prosecutor’s participation in the World Economic Forum’s Summit on the Global Agenda 2009, Dubai
- 24 November - Trial Chamber II: Start of the Trial of [The Prosecutor v. Germain Katanga and Mathieu Ngudjolo](#)

- December - Prosecutor’s report to the UNSC on the Darfur situation pursuant to UNSCR 1593 (2005)

* This document reflects the views of the Office of the Prosecutor of the ICC. For more information, contact Mrs. Olivia Swaak-Goldman, International Cooperation Adviser in the Office of the Prosecutor, at Olivia.Swaak-Goldman@icc-cpi.int