



OTP Weekly Briefing

Issue #112

10 to 21 February
2012

- **Prosecutor-elect Fatou Bensouda visits Australia**
- **The Prosecutor travels to Qatar for a series of high level meetings**

NEWS

Prosecutor-elect Fatou Bensouda visits Australia



13-17 February - Deputy Prosecutor and Prosecutor-elect Fatou Bensouda, together with the Court's President, the Registrar and the ASP President, participated in the international conference "Justice for all? The International Criminal Court - 10 year review of the ICC" at the University of New South Wales (UNSW) in Sydney.

Addressing the audience on gender justice and lessons from Africa, Prosecutor-elect Bensouda stated that *"gender crimes are prominent in our prosecutions because they are prominent in the contexts being prosecuted [...] This Office will make sure that victims of sexual and gender crimes see the crimes they have suffered from being punished; their perpetrators being arrested and prevented from committing additional crimes. This is a commitment that I make as the new incoming Prosecutor of the ICC"*. Mrs Bensouda also stressed that: *"The world increasingly understands the role of the Court; Africa understood it right from the start. As Africans, we know that impunity is not an academic, abstract notion. This African commitment to ending impunity is a reality and we have to find the way to focus our attention on that"*.

The Prosecutor-elect also participated in a full-day roundtable on the ICC with delegates from 11 member states of the Pacific Islands Forum (PIF), organised by the governments of Australia and New Zealand and the Commonwealth Secretariat, together with other senior officials of the Court.



The Prosecutor-elect finally gave a lecture on "The Rome Statute Ten Years On: Where to from here for the ICC?" at the Melbourne University Law School; the Prosecutor-elect told an audience of 300 persons: *"As the next Prosecutor of the International Criminal Court, I will continue to contribute to solidifying this change. I hope to count on the support of all of you present here today, as future world leaders, to achieve this change"*.

The Prosecutor travels to Qatar for a series of high level meetings



15-16 February - Prosecutor Moreno-Ocampo held meetings in Doha with HH the Emir Sheikh Hamad bin Khalifa al-Thani, as well as HE the Prime Minister and Minister of Foreign Affairs Sheikh Hamad bin Jassim bin Jabor al-Thani, to discuss a number of issues of mutual concern.



The Prosecutor also met with HH Sheikha Moza bint Nasser, in order to discuss education related issues. The Office believes that the completion of the first trial of the ICC (*The Prosecutor vs. Thomas Lubanga Dyilo*) will be a crucial opportunity to focus on how States and other relevant actors can maximize the work of the Court through their national curricula, and thus contribute to prevention. The commitment and initiatives regarding education by HH Sheikha Moza bint Nasser are a model in this area, and the Prosecutor sought her advice in order to encourage different initiatives.

OTP Activities

OVERVIEW

7 situations under investigation
14 cases in relation to 24 persons
9 outstanding arrest warrants
8 preliminary examinations in 4 different continents
Phases
1 initial appearance
2 cases before Pre-Trial Chambers
6 cases before Trial Chambers

I. Preliminary Examinations

Preliminary examinations refer to the analytical process by which the OTP assesses whether there is a reasonable basis to proceed with an investigation in a given situation.

In accordance with Article 15 of the Statute, the OTP proactively gathers and evaluates information from multiple sources, including “communications” from individuals and parties concerned ([phase 1](#) – **initial review**). Following a sequential process, and irrespective of the mechanism by which the jurisdiction of the Court is triggered, the Office then applies the same legal criteria laid out in Article 53 of the Statute, namely **temporal/territorial/personal jurisdiction** ([phase 2a](#)), **subject-matter jurisdiction** ([phase 2b](#)), **admissibility**, including complementarity and gravity ([phase 3](#)) and the **interests of justice** ([phase 4](#)).

Currently, the OTP is conducting preliminary examinations into eight situations: [Palestine](#) (phase 2a), [Afghanistan](#), [Honduras](#), [Korea](#) and [Nigeria](#) (phase 2b), [Colombia](#), [Georgia](#) and [Guinea](#) (Phase 3).

II. Investigations and Prosecutions

1. Situation in the [Democratic Republic of the Congo](#) (DRC) – Referred: April 2004 Investigation Opened: June 2004 Trials

The Prosecutor v [Thomas Lubanga Dyilo](#) – charged with war crimes against children committed in the Ituri region 2002 – 2003

Status: Trial finished on 26 August 2011, pending judgment

The Prosecutor v [Germain Katanga and Mathieu Ngudjolo Chui](#) – charged with war crimes and crimes against humanity committed during the attack of the village of Bogoro in the Ituri region on 24 February 2003

Status: Defence case presentation concluded, closing oral statements set to start on 15 May 2012

Confirmation of Charges Hearing

The Prosecutor v [Callixte Mbarushimana](#) – charged with war crimes and crimes against humanity, including massive sexual violence, committed in the North and South Kivus 2009 – 2010

Status: Pre-Trial Chamber I declines to confirm the charges (16 December 2011); OTP is seeking leave to appeal

Warrant Pending

The Prosecutor v [Bosco Ntaganda](#) – charged with war crimes against children committed in the Ituri region 2002-2003

Issued: 22 August 2006

2. Situation in [Uganda](#) – Referred: January 2004 Investigation opened: July 2004

Warrants Pending

The Prosecutor v [Joseph Kony](#) et al. – charged with war crimes and crimes against humanity committed during LRA’s insurgency activities in Northern Uganda 2002 – 2004

Issued: 8 July 2005. On 11 July 2007, Pre-Trial Chamber I ordered to terminate the proceedings against [Raska Lukwiya](#). On 8 November 2007, the OTP submitted information to the PTC on the reported death of Vincent [Otti](#).

9 February - Invisible Children and Resolve published an overview of LRA activity reported over the last year across the Central African Republic, Democratic Republic of Congo, and South Sudan. In total, 284 attacks were reported in 2011, with a total of more than 140 civilians killed and almost 600 abducted. Attacks decreased markedly across the year, particularly in the second six months, the latter following reports that Kony summoned a gathering of key LRA leaders in CAR between July and September. The authors highlight that reductions in attacks do not necessarily point to a weakened LRA - the LRA have employed similar strategies to evade international attention before, for example prior to launching increased attacks in 2008.

3. Situation in [Darfur, the Sudan](#) – Referred: March 2005 Investigation opened: June 2005

Trial

The Prosecutor v [Abdallah Banda Abakaer Nourain and Saleh Mohammed Jerbo Jamus](#) – charged with war crimes committed during an attack against the Haskanita AU peacekeeping base in North Darfur on 29 September 2007

Status: Charges confirmed, trial date to be set

Prosecution to present additional evidence

The Prosecutor v [Bahar Idriss Abu Garda](#) – charged with war crimes committed during an attack against the Haskanita AU peacekeeping base in North Darfur on 29 September 2007

Warrants Pending

The Prosecutor v [Omar Al Bashir](#) – charged with war crimes, crimes against humanity and genocide committed as part of the counter-insurgency campaign in Darfur 2003 – 2008 (at least)

Issued: 4 March 2009 & 12 July 2010

The Prosecutor v [Ali Kushayb](#) and [Ahmad Harun](#) – charged with war crimes and crimes against humanity committed during the attacks against the civilian population in Darfur August 2003 – March 2004

Issued: 27 February 2007

12 February - According to a [report](#) released by the Sudan Social Development Organisation (SUDO), the humanitarian situation in Abu Shouk Camp, situated just outside El Fasher in North Darfur, is deteriorating. Displaced persons told the survey takers that poverty, security and human rights were getting worse, citing new policies of the World Food Program (WFP) that forced them to look for low-paid work in El Fasher, which led to women and girls being sexually exploited while working as maids. They cited the health situation as "back to zero" with only the Sudanese Red Crescent and the Arab Egyptian Center to provide health care, cited continuous human rights violations, prosecutions and arrests of activists and human rights defenders, the lack of access to justice for crimes like rape because of the 2009 closure of legal aid organizations by the Government of the Sudan, and the activities of the police, security and central reserve police as having a "negative impact on the life of IDPs."

19 February - U.S. Special Envoy Princeton Lyman [met](#) in Khartoum with Sudan's Foreign Minister Ali Karti. Karti said that the situation in Sudan and South Sudan was a result of war, calling on the international community to address the root causes of the problem rather than dealing with its repercussions. Reports indicate that Sudan's Minister of Social Welfare, Amira Al-Fadil, told Lyman that the language of threats used by the US envoy to the UN, Susan Rice, does not lead to solutions.

4. Situation in the [Central African Republic](#) (CAR) – Referred: January 2005 Investigation opened: May 2007

Trial

The Prosecutor v [Jean-Pierre Bemba Gombo](#) – charged with war crimes and crimes against humanity, including a massive rape campaign, committed in CAR between 26 October 2002 – 15 March 2003

Status: Prosecution case presentation ongoing

5. Situation in [Kenya](#) – OTP request to start investigation: November 2009 Investigation opened: March 2010

Trials

The Prosecutor v [William Samoei Ruto and Joshua Arap Sang](#) – charged with crimes against humanity committed during the post-electoral violence in Kenya on or about 30 December 2007 – end January 2008

Status: Case sent to trial on 23 January 2012, date of trial to be set

The Prosecutor v [Francis Kirimi Muthaura and Uhuru Muigai Kenyatta](#) – charged with crimes against humanity committed during the post-electoral violence in Kenya 24 – 28 January 2008

Status: Case sent to trial on 23 January 2012, date of trial to be set

6. Situation in [Libya](#) – Referred: February 2011 Investigation opened: March 2011

Warrants Pending

The Prosecutor v [Saif Al-Islam Gaddafi](#) and [Abdullah Al Senussi](#) – charged with crimes against humanity committed during attacks on the civilian population by the Libyan Security Forces 15 February – at least 28 February 2011

Issued: 27 June 2011; Pre-Trial Chamber I ordered the termination of the case *the Prosecutor v. Muammar Gaddafi*, after Prosecution request (22 November 2011)

7. Situation in [Côte d'Ivoire](#) – OTP request to start investigation: June 2011 Investigation opened: October 2011

Warrant executed

The *Prosecutor v [Laurent Gbagbo](#)* – charged with war crimes and crimes against humanity committed after the November 2010 Ivorian elections.

Issued: 23 November 2011 (under seal)

Status: initial appearance on 5 December 2011; confirmation of charges hearing set for 18 June 2012

III. Arrests - Cooperation

9 PERSONS SOUGHT BY THE COURT



The Prosecutor v Bosco Ntaganda (more information [here](#))

Current location: **DRC, in and around Goma**

The Prosecutor v Joseph Kony et al (more information [here](#))

Current location: **variously, at different times, in the border area between DRC, CAR and South Sudan**

The Prosecutor v Saif Al-Islam Gaddafi and Abdullah Al-Senussi (more information [here](#))

Current location: **Libya**

The Prosecutor v Ahmed Harun and Ali Kushayb (more information [here](#))

Current location: **South Kordofan, Sudan (A. Harun)**
Sudan (A. Kushayb)

The Prosecutor v Omar Hassan Ahmad Al Bashir (more information [here](#))

Current location: **Khartoum, Sudan**

IV. Other Co-operation

13-15 February - The OTP participated in training approximately 30 Kenyan prosecutors at a workshop in Naivasha, on International Criminal Justice. The workshop was jointly organized by the Institute for Security Studies and the Republic of

Kenya's Directorate of Public Prosecutions. The workshop brought together a wide range of regional and international experts and practitioners in the criminal justice field including, amongst others, Kenya's Director of Public Prosecutions, Judge Nahamya from Uganda's International Crimes Division, Rwanda's Prosecutor General, and senior prosecutors from Burundi and Tanzania. The OTP led training sessions on the jurisdictional and admissibility provisions of the Rome Statute, the current preliminary examinations, investigations and cases at the Court, and key moments in the OTP's investigation into Kenya's post-election violence. The OTP's training sessions were very well received, with participating Prosecutors widely indicating that the workshop helped clarify several misunderstandings and misconceptions about the OTP's engagement in Kenya.

V. Upcoming Events

| February | | | | | | |
|----------|----|----|--|----|----|----|
| 27 | 28 | 29 | | | | |
| March | | | | | | |
| | | | 1 <i>Prosecutor-elect participates in the Ariadne Annual Policy Briefing, The Hague</i> | 2 | 3 | 4 |
| 5 | 6 | 7 | 8 | 9 | 10 | 11 |
| 12 | 13 | 14 | 15 | 16 | 17 | 18 |
| 19 | 20 | 21 | 22 | 23 | 24 | 25 |
| 26 | 27 | 28 | 29 | 30 | 31 | |

VI. Other Information



21 February - The Office convened a meeting for all OTP staff in relation to the general strategy of the Office and its transition towards a new Prosecutor. The Prosecutor, Prosecutor-elect, the Director of JCCD and the Head of the Investigations Division presented the achievements in the last nine years of activities, as well as the challenges ahead and the transition process towards Prosecutor-elect Fatou Bensouda taking office in June 2012.

* 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