



**Cour
Pénale
Internationale**

**International
Criminal
Court**

ICC-PIDS-WU-101/11_Eng

31 October 2011 #101 ICC Weekly Update



Situation in the Republic of Kenya

On 31 March 2010, Pre-Trial Chamber II granted the Prosecutor's request to open an investigation *proprio motu* in the situation in Kenya, State Party since 2005. Following summonses to appear issued on 8 March 2011, six Kenyan citizens voluntarily appeared before Pre-Trial Chamber II on 7 and 8 April 2011. The confirmation of charges hearing in the case *The Prosecutor v. William Samoei Ruto, Henry Kiprono Kosgey and Joshua Arap Sang* took place from 1 to 9 September 2011. The confirmation of charges hearing in the case *The Prosecutor v. Francis Kirimi Muthaura, Uhuru Muigai Kenyatta and Mohammed Hussein Ali* took place from 21 September to 5 October 2011. The decisions on the confirmations of charges are pending.

Ruto, Kosgey and Sang Case

Pre-Trial Chamber II will issue its decisions confirming or declining to confirm the charges in both Kenyan cases on the same date

On 26 October 2011, Pre-Trial Chamber II decided that the decision to confirm or decline to confirm the charges in the case of *The Prosecutor v William Samoei Ruto, Henry Kiprono Kosgey and Joshua Arap Sang* will be issued on the same date as the decision in the case of *The Prosecutor v Francis Kirimi Muthaura, Uhuru Muigai Kenyatta and Mohammed Hussein Ali*. The confirmation of charges hearings in these two cases were held from 1 to 8 September 2011 and from 21 September to 5 October 2011, respectively.

The Chamber, duty-bound by law to protect the safety and well-being of witnesses and victims throughout the proceedings, took this decision mindful of the many security concerns raised by the victims in both cases. Those concerns were also supported by regular reports received by the Chamber on the security situation in the Republic of Kenya.

In its decision, the Chamber also reiterated its appeal previously made to all concerned and citizens of the Republic of Kenya to respect the life, security and property of victims and witnesses and to refrain from engaging in any activities that are likely to trigger or exacerbate tension and violence in the Republic of Kenya.

Decisions taken between 24 - 28 October 2011

Decision on the Issuance of the Decision Pursuant to Article 61(7) of the Rome Statute

Issued Pre-Trial Chamber II on 26 October 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 24 - 28 October 2011

Lubanga Case

Redacted Order on the Request for Reconsideration of Order ICC-01/04-01/06-2785-Conf

Issued Trial Chamber I on 25 October 2011

Order on the application from DRC-DO1-WWWW-0019 of 1 June 2011

Issued Trial Chamber I on 3 June 2011

Decision on two requests for leave to appeal the “Decision on the request by DRC-DO1-WWWW-0019 for special protective measures relating to his asylum application”

Issued Trial Chamber I on 4 August 2011

Mbarushimana Case

Decision on the “Defence Challenge to the Jurisdiction of the Court”

Issued Pre-Trial Chamber I on 26 October 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 24 - 28 October 2011

Bemba Case

Decision on 270 applications by victims to participate in the proceedings

Issued Trial Chamber III on 25 October 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**

Statement by the President

ICC expresses deep regret for the loss of Judge Antonio Cassese

The International Criminal Court (ICC) expresses deep regret for the enormous loss of Antonio Cassese, one of the pre-eminent scholars in international criminal law. Judge Cassese was the first President of the first international criminal tribunal, the International Criminal Tribunal for the former Yugoslavia, and, until recently, President of the Special Tribunal for Lebanon.

The ICC President, Judge Sang-Hyun Song, stated that “Antonio Cassese has always been at the forefront of international criminal justice”. He also highlighted that Judge Cassese chaired the International Commission of Inquiry on Darfur whose recommendation led to the UN Security Council’s first referral of a situation to the ICC. “All of us who work in the field of international criminal law shall remain greatly indebted to him”, said President Song.

Events

President of the International Criminal Court addresses the United Nations General Assembly: “international support for the ICC has continued to grow”

On 26 October 2011, the President of the International Criminal Court (ICC), Judge Sang-Hyun Song presented the ICC's seventh annual report to the United Nations General Assembly. “With two new investigations and several new cases, the Court is busier than ever”, he told the Assembly, adding that international support for the ICC had continued to grow as the Court's membership reached 119. Stressing the common goals of the ICC and the United Nations, President Song appealed to all UN member states to “stand united behind the international efforts to suppress the gravest crimes known to humanity”.

President Song informed the Assembly that the ICC's first trial concluded in August and the judgement in the case against Thomas Lubanga Dyilo, charged with the use of child soldiers in the Democratic Republic of the Congo, was expected before the end of the year. Two other trials are underway, and preparations for a fourth trial have begun.



Judge Sang-Hyun Song, President of the ICC (left), meets with UN Secretary-General Ban Ki-moon © UN Photo/Ryan Brown

The ICC President thanked France for its cooperation in arresting Callixte Mbarushimana, alleged to be responsible for crimes committed in the Kivus region of Democratic Republic of the Congo. He further stated that proceedings in the situation in Kenya had progressed significantly in the past year. The six suspects had complied with summonses issued by the Pre-Trial Chamber in March and voluntarily appeared before the Court. Rulings on whether the cases should proceed to trial are pending.

President Song informed the Assembly that the number of situations under ICC investigation had risen from five to seven. Following the unanimous United Nations Security Council referral of the situation in Libya to the ICC Prosecutor, three warrants of arrest had been issued by the Court. Earlier this month, the Court's judges authorised the Prosecutor to investigate alleged crimes in the wake of last year's presidential elections in Côte d'Ivoire.

The ICC President expressed deep concern over the fact that the ICC's arrest warrants for Joseph Kony and three other alleged commanders of the Lord's Resistance Army in the situation in Uganda, for Bosco Ntaganda in the situation in the Democratic Republic of the Congo, as well as the arrest warrants for Omar Al-Bashir, Ahmad Harun and Ali Kushayb in the situation in Darfur, Sudan, had been outstanding for several years. “I implore States to redouble their efforts to bring the persons in question to justice”, said President Song.

Stressing the important role of the Trust Fund for Victims associated with the ICC, President Song said that the first-ever judicial decisions by the ICC on reparations to victims might be issued in the coming year. He underlined the importance of the Court's involvement with the communities affected by the crimes under its jurisdiction and remarked that the legal assistance provided by the ICC had made it possible for thousands of victims to participate in the court proceedings through their lawyers. He added: “I have personally had the privilege to participate in the ICC's Outreach activities in the Democratic Republic of the Congo and Uganda. I was deeply moved by the victims' struggle to rebuild their lives, and their cries for relief and justice”.

President Song warmly welcomed Grenada, Tunisia, the Philippines, the Maldives and Cape Verde that had joined the Rome Statute this year. He added that the States Parties will take decisions of particular significance at the forthcoming session of the Assembly of States Parties to the Rome Statute in December, electing for the first time since the Court's establishment both a Prosecutor and six new Judges. This will be the opening of a new chapter for the ICC, which will celebrate its 10th anniversary on 1 July 2012.

The ICC President discussed the global efforts to protect human rights and to promote the rule of law and stressed that international peace and security, as well as the prevention and punishment of serious international crimes, are common objectives to both the ICC and the United Nations. “The UN and the international community have recognized that justice is an integral element of conflict resolution”, he declared, adding that for justice to be effective, it must take its own course, without interference and political considerations.

President Song finished by appealing to all UN member states to stand united behind the international efforts to suppress the gravest crimes known to humanity. “The Rome Statute is based on common values of fundamental importance – peace, security and the well-being of the children, men and women of the world. By joining this community, each state adds a brick to a wall that protects future generations from terrible atrocities”, he said.

Earlier this week, President Song met with the UN Secretary-General Ban Ki-moon to thank him for the UN's continued, invaluable support to the ICC and to discuss ways to further develop the cooperation between the two organizations. He will hold a number of bilateral meetings with UN member states before finishing his visit to New York on Friday.

President Song's Speech

Seventh Annual Report of the ICC to the United Nations

A/66/309 - English, Español, Français, Русский, عربي, 中文

Source: Assembly of States Parties

Report of the Search Committee for Prosecutor

Español, عربي



The Committee members, one from each regional group, from left: H.E. Mr Baso Sangqu (African Group), H.E. Mr Joel Hernández, (Group of Latin American and Caribbean States), H.R.H. Prince Zeid Ra'ad Zeid Al-Hussein (Asian Group) (Coordinator), Sir Daniel Bethlehem (Western European and Others Group) and H.E. Mr Miloš Koterec (Eastern European Group) (Deputy Coordinator)

In a special meeting of the Bureau which was open to States Parties, the President of the Assembly of States Parties, Ambassador Christian Wenaweser, introduced the report of the Search Committee for the position of Prosecutor, dated 22 October 2011. The Search Committee submitted a short list containing the names of the individuals from among whom the Assembly could proceed to select the next Prosecutor of the ICC, who would assume the post in mid 2012.

The Search Committee, which had been set up by the Assembly at its ninth session in December 2010, was composed of five members representing each of the regional groups, and had been mandated to facilitate the nomination and election, by consensus, of the next Prosecutor.

The process for selecting the next Prosecutor will continue in the coming weeks in context of the Bureau as the normative framework calls for every effort to be made to elect the Prosecutor by consensus.

The report of the Search Committee is available on the website of the Court at <http://tinyurl.com/ASPSCP>, where additional information about the Search Committee may also be found.

Source: Assembly of States Parties

President of the Assembly visit to The Hague

Español, عربي



As his three-year term of office draws to a close on 12 December 2011, the President of the Assembly of States Parties (“the Assembly”), Ambassador Christian Wenaweser, visited The Hague from 19 to 21 October. Accompanied by the Vice-President of the Assembly and Chair of The Hague Working Group, Ambassador Jorge Lomónaco, and the Chair of the Study Group on Governance, Ambassador Pieter de Savornin-Lohman, President Wenaweser held an informal meeting with 15 of the judges of the Court, to discuss issues of common concern and in particular the work undertaken by the Study Group. He also met with the senior Court officials and members of the diplomatic community, held an open-ended question and answer meeting with Court staff organized by the Staff Council, gave a lecture on the role of the President of the Assembly at the T.M.C. Asser Instituut; and also addressed The Hague based ICC Group of Friends, where he discussed the key challenges for the Assembly at its tenth session and beyond.

Furthermore, he attended a dialogue on the Institutional review of the governance framework of the Assembly, organized by the Embassy of the United Kingdom. The purpose of the dialogue was to allow States Parties to reflect on the institutional infrastructure of the Rome Statute system, in particular their role in governance and management. The sessions of the dialogue, held under Chatham House rules, focused on the format of the Assembly, The Hague Working Group of the Bureau and the Committee on Budget and Finance.

At a press conference, the President gave a briefing on the process leading up to the report of the Search Committee for the position of Prosecutor, which would be released on 25 October and would contain a short-list of individuals submitted for consideration by the Bureau and its Assembly. In this connection he recalled that in the next phase States Parties would seek agreement on a consensus candidate who would be elected by the Assembly in December and assume the post on 16 June 2012. The President also referred to the forthcoming election of six new judges, the discussions concerning the budget for 2012 and the demarche he had undertaken regarding the October visit of an indictee to the territory of a State Party which was under an obligation to execute the respective arrest warrant.



As regards the Libya situation in general, he indicated his understanding that the Court would continue to carry out its mandate as set out in United Nations Security Council resolution 1970 (2011), the expectation being that the Libyan authorities fully cooperate with the ICC in accordance with that resolution.

President Wenaweser also stated that from a rule of law perspective he would have preferred that indictees be captured and put on trial. In relation to the outstanding arrest warrants for Mr Saif Al Islam Gaddafi and Mr Abdullah Al-Senussi, the President expressed his expectation that the Libyan authorities would proceed in accordance with their stated aim of respecting the rule of law so that the indictees could be held fully accountable for their actions through the proper investigations and trials.

Source: Assembly of States Parties

Calendar

OCTOBER 2011						
Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
31						
NOVEMBER 2011						
Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
	1	2 Judge Monageng addresses lawyers during the IBA annual conference in Dubai (United Arab Emirates)	3	4	5	6
7 ICC hosts visit by Judges and the Deputy Registrar of the African Court on Human and Peoples' Rights	8 ICC to host Welcoming Ceremony for the Philippines ICC to host its 21st Diplomatic Briefing	9	10	11	12	13
14 President Song to deliver the keynote speech at the opening of the Law, Justice and Development Week 2011, World Bank, Washington DC (USA)	15 ICC Registrar makes a call to lawyers in Milan (Italy)	16	17	18	19	20
21	22	23	24	25	26	27

The calendar is subject to last minute changes.