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ICC Weekly Update

15 March 2010 #25



Situation in the Central African Republic

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 a Trial Chamber. The trial is scheduled to start on 5 July, 2010.

Bemba Case

Commencement of the trial of Jean-Pierre Bemba postponed until 5 July 2010

On 8 March, 2010, Trial Chamber III of the International Criminal Court decided to postpone the commencement date of the trial in the case of *The Prosecutor v. Jean-Pierre Bemba Gombo* until Monday, 5 July, 2010. On 27 April, 2010, the date on which the trial was initially scheduled to commence, the Chamber will hold a status conference to discuss the admissibility challenge brought by the Defence for Mr Bemba.



Jean-Pierre Bemba in the courtroom ©ICC-CPI/Ed Oudenaarden ANP

The Chamber noted that its consideration of the Defence application and the observations of the other parties and participants should be undertaken in a sensible and achievable calendar, and that it could not be completed prior to the date on which the trial was originally scheduled to commence. It also considered that it is in the interests of justice to rule on the issue of admissibility prior to the commencement of the trial since the Defence argues that the trial should not be held before the Court anyway.

On 25 February, the Defence submitted a challenge to the admissibility of the case on the grounds of respecting the complementarity between the work of the Court and of the authorities in the Central African Republic, the lack of the requisite level of gravity, and an abuse of process in the case against Mr Bemba.

On 8 March, 2010, the Chamber granted the Office of the Prosecutor and the Legal Representatives of the Victims until the 29 March, to submit their observations. The Chamber also requested that a summary of the Defence application be notified to the Central African and Congolese authorities which may submit any observations they may have by 19 April, 2010. The Defence will also have an opportunity to respond to such observations.

The Chamber will issue its decision after considering the written observations and the oral submissions made at the status conference on 27 April, 2010.

Situation in the Democratic Republic of the Congo

In this situation, three cases are being heard before the relevant Chambers: *The Prosecutor v. Thomas Lubanga Dyilo*; *The Prosecutor v. Bosco Ntaganda*; and *The Prosecutor v. Germain Katanga and Mathieu Ngudjolo Chui*. The accused Thomas Lubanga Dyilo, Germain Katanga and Mathieu Ngudjolo Chui 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.

Decisions taken between 8 - 12 March, 2010

Lubanga Case

Decision on the defence observations regarding the right of the legal representatives of victims to question defence witnesses and on the notion of personal interest -and- Decision on the defence application to exclude certain representatives of victims from the Chamber during the non-public evidence of various defence witnesses

Issued by Trial Chamber I on 11 March, 2010

Corrigendum to Redacted Decision on the Prosecution's Request for Non-Disclosure of Information of 19 December 2008, and the Prosecution's Request for Non-Disclosure of Information of 4 February 2009

Issued by Trial Chamber I on 12 March, 2010

Katanga and Ngudjolo Chui Case

Decision replacing judges in the Appeals Chamber

Issued by the Presidency on 8 March, 2010

Decision on the Presiding Judge of the Appeals Chamber in the appeal of Mr Katanga against the "Decision on the Motion of the Defence for Germain Katanga for a Declaration on Unlawful Detention and Stay of Proceedings"

Issued by the Appeals Chamber on 8 March, 2010

Decision on the "Prosecution's Application for Leave to Appeal Oral Rulings on Clarifying Inconsistencies in Prior Statements and Partial Hostility"

Issued by Trial Chamber II on 11 March, 2010

Situation in Darfur, Sudan

In the situation in Darfur, Sudan, three cases are being heard: *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*; and *The Prosecutor v. Bahar Idriss Abu Garda*. Three warrants of arrest have been issued by Pre-Trial Chamber I for Harun, Kushayb and Al Bashir for crimes against humanity and war crimes. The three suspects remain at large. A summons to appear was issued for Abu Garda who appeared voluntarily before the Chamber on 18 May 2009. Abu Garda is not in the custody of the ICC. After the hearing of confirmation of charges, on 8 February, 2010, Pre-Trial Chamber I declined to confirm the charges.

Decisions taken between 8 - 12 March, 2010

Abu Garda Case

Decision on the Defence Application for variation of time limit for filing of application for leave to appeal

Issued by Pre-Trial Chamber I on 8 March, 2010

Decision on extension of page limit for Application for leave to appeal

Issued by Pre-Trial Chamber I on 11 March, 2010

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](#).

Events

ICC Prosecutor is working with the Russian Federation to promote justice for all victims of Georgian conflict - OTP and Russian Federation pledge co-operation at conclusion of Moscow visit

A delegation from the Office of ICC Prosecutor Luis Moreno-Ocampo today wound up a two day programme of meetings with senior Russian officials, confirming its full support for any genuine proceedings on the alleged crimes committed during the armed conflict in South Ossetia, Georgia in August, 2008, including alleged attacks against civilians as well as against forces who were acting as part of a peace keeping mission.



OTP delegation meets with senior officials of the Russian Federation ©ICC-CPI

Federation. It occurred in the context of the preliminary examination into the situation in Georgia, announced by the Prosecutor on 20 August, 2008.

“In the criminal justice system established in Rome, States have the primary responsibility to investigate and prosecute. As in all the situations, we have offered to support in every possible way efforts by the Russian judiciary to do justice for all victims of these crimes” said Prosecutor Moreno-Ocampo. “This is positive complementarity at work”.

The Office of the Prosecutor (OTP) visit took place 8 -10 March at the invitation of the Russian Federation. It is the first visit of an OTP delegation to the Russian

The programme included notably meetings with senior officials of the Office of the Prosecutor General and the Investigative Committee of the Russian Federation, the Ministries of Defence and Foreign Affairs of the Russian Federation and other key judicial and government actors.

They briefed the OTP on the nature and progress of Russia’s national judicial proceedings relating to crimes allegedly committed during the violence in South Ossetia.

“We highly appreciate the outcome of the meetings with the delegation from the Office of the Prosecutor” said the Director of the Legal Department of the Ministry of Foreign Affairs of the Russian Federation.

“My Office welcomes the openness of the Russian authorities and we thank them for this dialogue” said the Prosecutor.

Russia, a State not Party to the Rome Statute, has to date sent 3, 817 communications to the OTP. Georgia has been a State Party to the Rome Statute since 5 September, 2003. As such the ICC has jurisdiction over war crimes, crimes against humanity or genocide possibly committed in the territory of Georgia or by nationals of Georgia. The Prosecutor requested information from the Governments of Russia and Georgia on 27 August, 2008. Both the Russian and the Georgian authorities responded. The Office conducted a visit to Georgia in November, 2008. A further visit to Georgia is planned in 2010.

Interacting with communities

ICC Outreach Unit joins women in war affected communities in celebrations marking International Women’s Day in Uganda

The Kampala Field Outreach Unit today joined over two hundred women from war-affected communities to celebrate International Women’s Day. The meeting, which took place in the parish of Awal Wal, brought together women from the nearby Soroti district villages of Amoru, Takaramiam, Damasiko and Arubela in the Teso sub-region of north-eastern Uganda.

Among the issues discussed during the meeting were the mandate of the Court and the role of the ICC in relation to sexual and gender-based crimes. ICC Outreach Officials explained that the Rome Statute is the first international treaty to recognise a range of sexual and gender crimes among the most serious crimes under international law. The crimes discussed included rape, sexual slavery, forced marriage, forced pregnancy, forcible prostitution and gender-based persecution.

The chairman of local, 111 council, Mr Julius Tom Ekudo, noted in his opening address that grassroots women, who often suffer the most during conflicts and other related violence, are sometimes forgotten during international celebrations. “The focus is on urban

women, and little or no attention is given to the voiceless women in the villages whose rights are violated every day". He urged the ICC Outreach Unit to continue targeting women in remote settings and provide them with relevant information about the work of the Court.

The women recognised the challenge of executing arrest warrants issued by the ICC judges. They called for greater co-operation from States Parties to the Rome Statute in order to ensure that the suspects were arrested and surrendered to the Court.

At the end of the meeting, the women counsellor for the area, Ms Salome Amongin, thanked the ICC for joining the women of her constituency to celebrate women's day. 'We feel valued by your coming here, which also indicates that our sufferings are recognised by the ICC. I am particularly pleased to learn that ICC law addresses serious crimes against women'.



The Outreach Co-ordinator for Uganda discuss' sexual and gender crimes with women of northeastern Uganda ©ICC-CPI

Central African Republic: International Criminal Court joins forces with women to celebrate "Women's Week"

This week, the International Criminal Court's Outreach Unit took part in two events organised by women's groups to celebrate Women's Week.

The Central African Women's Organisation (OFCA) organised a programme of activities and seminars during the week of 6 to 13 March. The International Criminal Court (ICC) was invited to participate in these events on 10 March. Over 300 women attended.



The Outreach Unit of the ICC participates in "woman's week" organised by the OFCA on 10 March, 2010, in Bangui ©ICC-CPI

This meeting was based around a presentation on the Court's mandate, role, functioning and activities. The progress of the proceedings in the case of *The Prosecutor v. Jean-Pierre Bemba Gombo* was also explained with the support of a film in Sango. This gave Court officials the opportunity to explain to a wide audience the decision taken on 8 March by the judges of Trial Chamber III to postpone the commencement of the trial of Mr Bemba to 5 July 2010. Many women from the OFCA asked questions about how the Court functions and about victims' rights at the Court - rights which had never previously existed at an international criminal court. The

leaders of the association extended a warm invitation to the ICC to return very soon for another meeting at the OFCA.

The ICC held another outreach session on 11 March as part of the national conference of the Union of Sisters of the UFEB (Union of Baptist Churches) held in Bangui from 10 to 13 March. A total of 328 women gathered in the Fou neighbourhood of Bangui to meet the ICC's outreach team. This interactive event began with a host of songs on the themes of peace and justice. The audience was then given a talk in Sango about the Court. This gave the Court's Outreach Unit a further opportunity to explain that the commencement of the trial of Jean-Pierre Bemba had been postponed to 5 July, and to answer any questions. Lastly, the women were given the floor to express their opinions on what they had just heard about the ICC. The session ended as it had begun, with music and celebration.

Calendar

MARCH 2010						
Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
15	16	17	18	19	20	21
22	23	24	25	26	27	28
Eighth session of the Assembly of States Parties in New York (resumption)						
29	30	31				
APRIL 2010						
			01	02	03	04
05	06	07	08	09	10	11
Future events: 31 May – 11 June: First Review Conference of the Rome Statute, Kampala, Uganda.						

The calendar is subject to last minute changes.