



## OTP Weekly Briefing

**Issue #117  
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2012**

- **Deputy Prosecutor visits  
Côte d'Ivoire and Guinea**

## NEWS

### **Deputy Prosecutor Bensouda leads OTP missions to Côte d'Ivoire and Guinea**

**3-6 April** - Deputy Prosecutor and Prosecutor-Elect Fatou Bensouda led OTP missions to Côte d'Ivoire and to Guinea.

In Côte d'Ivoire, the OTP discussed general cooperation aspects in support of its ongoing investigation in the situation. Deputy Prosecutor Bensouda reiterated the OTP's thanks to the Ivorian Government, to representatives of all parties, as well as to civil society for their support for the work of the Court. The OTP will continue its investigation: it intends to bring the most responsible of the gravest crimes, whatever their political affiliation, before the judges, while taking into account the national judicial system investigating other crimes.



**Deputy Prosecutor Fatou Bensouda with Guinea Justice  
Minister, Christian Sow**

With regard to Guinea, Deputy Prosecutor Bensouda led OTP's sixth mission to Conakry, her third personal one. The purpose of the mission was to follow up on the national investigation carried out by the Guinean authorities into the 28 September 2009 events. The Deputy Prosecutor held meetings with victims and victims' associations, with the panel of judges in charge of the investigation as well the Justice Minister, Christian Sow, and the Guinea President and Head of State, Prof. Alpha Condé. The indictment in February 2012 of a senior military officer, Lt-Col. Tiegboro Camara, for crimes committed in the Conakry stadium on 28 September has marked a significant development, also acknowledged by victims.

In the course of her visit, Deputy Prosecutor Bensouda encouraged the victims to keep trust and patience, the judges to pursue their efforts, and the Guinean Government to provide them with unconditional support. The Guinean authorities committed to facilitate the work of the panel of judges without reservation and in full respect of their independence. The Deputy Prosecutor also liaised with United Nations officials for the purpose of providing international assistance to the Guinean authorities in accordance with the complementarity principle. In her statement to the press, the Deputy Prosecutor insisted that Guinea could become a model for Africa and for the world of a State Party that does not require the ICC to fulfil its Rome Statute obligations to investigate and prosecute the most responsible perpetrators of the most serious crimes.

# OTP Activities

## OVERVIEW

*7 situations under investigation*  
*15 cases in relation to 24 persons*  
*11 outstanding arrest warrants*  
*7 preliminary examinations in 4 different continents*  
*1 verdict*  
**Phases**  
*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 seven situations: [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 of conscripting, enlisting and using children to actively participate in hostilities committed in the Ituri region 2002 – 2003

**Status:** Judgment delivered on 14 March 2012; parties to present views on the procedures and principles on sentence and reparations by 18 April 2012

*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); leave to appeal was granted on 1<sup>st</sup> March

#### **Warrant Pending**

*The Prosecutor v [Bosco Ntaganda](#)* – charged with war crimes of conscripting, enlisting and using children to actively participate in hostilities 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](#).

### 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

*The Prosecutor v [Abdel Raheem Muhammad Hussein](#)* – charged with war crimes and crimes against humanity committed during attacks against the civilian population in Darfur August 2003 – March 2004

**Issued:** 1 March 2012

### 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 has completed the presentation of its case on the 21<sup>st</sup> March 2012.

### 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 (charges were not confirmed against Henri Kosgey, but the OTP will present additional evidence)

*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 (charges were not confirmed against Mohammed Ali, but the OTP will present additional evidence)

### 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)

4 April- Pre Trial Chamber rejects Libya's article 95 request as no admissibility challenges has been made. PTC further orders the surrender of Saif Al-Islam Gaddafi and warns that further failure to surrender could result in a non-compliance finding.

**4 April** - The Pre-Trial Chamber rejected the second postponement request made by the Government of Libya pursuant to article 95. The Chamber recalled that the provision may be invoked only "[w]here there is an admissibility challenge under consideration by the Court pursuant to article 18 or 19: *"The Chamber did not consider it necessary to determine whether article 95 of the Statute applies to surrender requests. The Chamber also recalled Libya's obligation to surrender Mr Gaddafi, clarifying that "any failure on the part of the Government of Libya to comply with its obligations to enforce the warrant of arrest against Mr Gaddafi may warrant that the Court make a finding to this effect."*

**16 April** - The Prosecution filed a response to the Government of Libya's application for leave to appeal the 'Decision Regarding the Second Request by the Government of Libya for Postponement of the Surrender of Saif Al-Islam Gaddafi' of 10 April. The Prosecution indicated it did not oppose Libya's application, noting that *"in the narrow circumstances of the instant*

proceedings, where Libya is a direct party to the order immediately directed against it, from which it seeks leave to appeal, and where the order is related to – indeed, rejects – Libya’s request to suspend Saif Al-Islam’s surrender for an additional few weeks within which it will make an admissibility challenge, the Prosecution agrees that Libya has standing to seek leave to appeal”.

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

##### Warrant executed

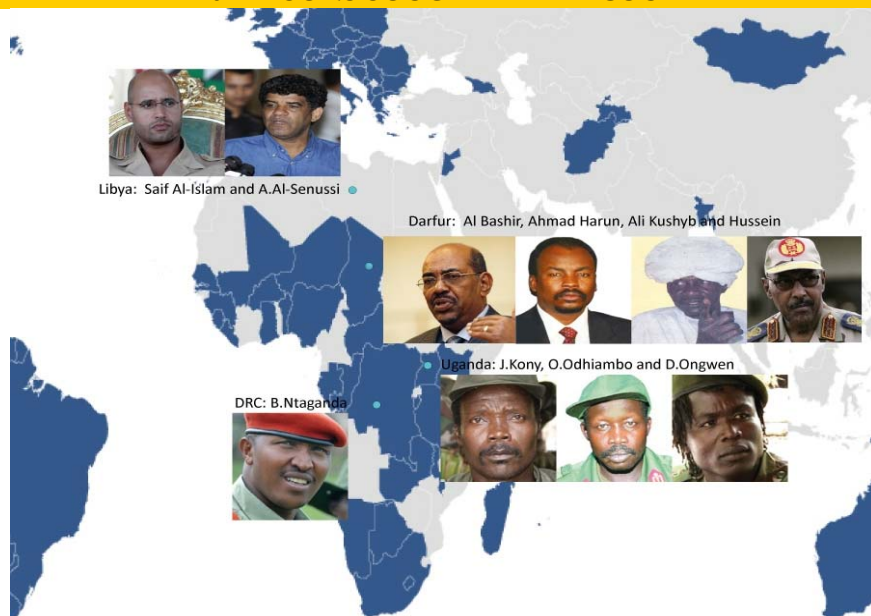
The [Prosecutor v Laurent Gbagbo](#) – charged with war crimes and crimes against humanity committed after the November 2010 Ivorian elections.

**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

#### 10 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**

**12 April** - The UN reportedly [intensified](#) military patrols in the areas affected by the LRA rebels in bid to arrest leader Joseph Kony and his indicted commanders. The UN, through its peacekeeping missions in the region, is working with the AU, and various national armies and agencies in the region. A UN statement said: “with all these parties on board there is a real chance of finding a solution and ending the extensive fear and human suffering caused by the LRA for a quarter of century.”

*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**

*The Prosecutor v Abdel Raheem Muhammad Hussein (more information [here](#))*

**Current location: Khartoum, Sudan**

## IV. Other Co-operation

**10-13 April** - Deputy Prosecutor and Prosecutor-Elect Bensouda gave keynote addresses on the synergies between the Court, peace and security, at the invitation of the Netherlands Society for International Affairs in The Hague; on the relation between the Court and Africa, at the invitation of Albany Law School in New York; and on complementarity and the preventive impact of the Court at the invitation of Boston University's Center for Finance, Law and Policy.

## V. Upcoming Events

April						
16	17 <i>Deputy Prosecutor holds bilateral meetings, Bern</i>	18	19	20	21 <i>Deputy Prosecutor attend ceremony to receive the Great Ife alumni Award, Banjul</i>	22
23 <i>Eighteenth Session Committee Budget and Finance (CBF)</i>	24 <i>Eighteenth Session CBF</i>	25 <i>Eighteenth Session CBF</i>	26 <i>Eighteenth Session CBF</i>	27 <i>Eighteenth Session CBF</i>	28	29
30						

May						
	1	2	3	4	5	6
7	8	9	10	11 <i>Deputy Prosecutor speaks at Warwick University about The Future Role of ICC , Warwick</i>	12	13
14	15	16	18	19	20	21
22	23 <i>Deputy Prosecutor attends a conference on Africa and the ICC organised by Open Society Initiative for Southern Africa (OSISA) and OpenForum, Cape Town</i>	24 <i>Deputy Prosecutor attends a conference on Africa and the ICC organised by Open Society Initiative for Southern Africa (OSISA) and OpenForum, Cape Town</i>	25	26	27	28
29	30	31				

## VI. Other Information

\* 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](mailto:Olivia.Swaak-Goldman@icc-cpi.int)