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Court



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. Bahr 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.

Abu Garda case

The hearing on the confirmation of charges in the Abu Garda case ended on 30 October, 2009

On 30 October, 2009, the hearing on the confirmation of charges, in the case *The Prosecutor v. Bahr Idriss Abu Garda*, came to an end. During the nine day hearing, the Office of the Prosecutor and the Defence were able to present their evidence and witness' to the three judges of Pre-Trial Chamber I. The representatives of the victims also had the opportunity to present their observations. In 60 days time, the judges will decide whether or not there is sufficient evidence to establish substantial grounds to believe that the suspect committed each of the crimes charged.



The courtroom during the hearing © ICC-CPI

Abu Garda is suspected of three charges of war crimes allegedly committed during the attack against the African Union peacekeeping mission on the military base of Haskanita, North-Darfur, on 29 September, 2007.

The confirmation hearing started on 19 October, 2009. After the opening statements by the Prosecution, the Defence and the Legal Representatives of the 78 victims authorised to participate, the Prosecution presented its evidence. Three witnesses called by the Prosecution testified and were cross-examined by the Defence. The Defence also called a witness who testified in a close session. The Legal Representatives of the Victims were authorised by the judges to ask the witness' questions related to the victims' interests. The Defence discussed the Prosecution's evidence and presented its own evidence.

The closing statements were made on 29 and 30 October, during which the four Legal Representatives of the Victims, Ms Hélène Cisse, Mr Akin Akinbote, Mr Brahima Kone and Colonel Frank Adaka mentioned that no reparation could ever compensate the pain of widows, orphans and survivors of the attack. "Victims will always be victims, but to see that justice is being done will give them some comfort," Mr Akinbote said.

During the closing statement, the Prosecution reiterated that Abu Garda had control over the rebel forces and the crimes committed by them. That the attack which took place on 29 September 2007 is not challenged. That it took place in the context of an armed conflict is not challenged. That 12 peacekeepers died, others were injured and the camp pillaged is not challenged.

ICC Weekly Update

02 November 2009 #8

The Prosecution concluded that the Military Group Site (MGS) Haskanita had protected status when it was attacked; that the personnel and property at MGS Haskanita were entitled to the protection accorded to civilians on 29 September 2007. This, the Prosecution argued, is established by their evidence, and the Defence have presented no evidence to contradict it.

Karim Khan, Defence Counsel for Mr Abu Garda, stated that his client is not responsible for the attack against the Haskanita base, on 29 September, 2009, and that the Haskanita base of the African Union mission had lost at the time of the attack its protected status under international law.

Within 60 days from the date the confirmation hearing ends with the submission of the written observations of the parties and participants, no later than 30 November, 2009, Pre-Trial Chamber I will deliver its decision. The Chamber, constituted of Presiding Judge Sylvia Steiner, Judge Sanji Mmasenono Monageng and Judge Cuno Tarfusser, may:

- confirm those charges in relation to which it has determined that there is sufficient evidence. In that event, the case will go to trial before a Trial-Chamber;
- decline to confirm those charges in relation to which it has determined that there is insufficient evidence and adjourn the proceedings against Abu Garda;
- adjourn the hearing and request the Prosecutor to provide further evidence or conduct further investigations;
- adjourn the hearing and request the Prosecutor to amend any charge for which the evidence submitted appears to establish that crime other than the crime charged was committed.

Both parties can apply before the Pre-Trial Chamber for leave to appeal the decision on the confirmation of charges.

Links to case-related background information:

- **Case-related information** on the suspect, counts, alleged crimes, and key judicial developments
- **Schedule** of the confirmation of charges hearing
- **Questions and Answers** related to the case
- **Courtroom layout** for the confirmation of charges hearing
- **Statement of the Registrar** (Déclaration du Greffier) during the Press Conference on 16 October, 2009
- **Audiovisual programmes** on the Abu Garda case

Links to general information about the Court:

- **Current situations and cases before the Court**
- **Understanding the ICC – Sudan**

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 commencement of the trial in the case of *The Prosecutor v. Germain Katanga and Mathieu Ngudjolo Chui* is scheduled for 24 November, 2009.

Decisions taken between 26 - 30 October 2009

Lubanga Dyilo case

Order issuing public and confidential redacted annex to the Decision on the applications by 2 victims to participate in the proceedings of 10 September 2009

Issued by the Trial Chamber I on the 27th October 2009

Katanga and Ngudjolo Chui case

Décision invitant le Procureur et la Défense à présenter leurs observations sur certaines demandes de participation de victimes (règle 89-1 du Règlement de procédure et de preuve)

Issued by the Trial Chamber II on the 28th October 2009

Version publique expurgée de « la Décision relative à la levée, au maintien et au prononcé de mesures d'expurgation » du 22 Octobre 2009 (ICC-01/04-01/07-1551-Conf-Exp)

Issued by the Trial Chamber II on the 28th October 2009

Situation in the Central African Republic (CAR)

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.

Decisions taken between 26 - 30 October 2009

Bemba Case

Order granting the Prosecution's Application for Extension of the Page Limit of its Summary of Presentation of Evidence

Issued by the Trial Chamber III on the 29th October 2009

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 at our [Youtube channel](#).

Events

ICC President, Judge Sang-Hyun Song, addresses United Nations General Assembly

The President of the International Criminal Court (ICC), Judge Sang-Hyun Song presented on 29 October the annual report of the ICC to the United Nations (UN) General Assembly in New York.

President Song provided an overview of recent developments at the Court and spoke about the priorities of his presidency as they relate to the work of the United Nations. Emphasising the need to respect the Court's judicial independence, President Song stated, "The hallmark of the Court is its independent, judicial nature. Once a situation comes before the Court, justice follows its course. At the same time, this judicial institution operates within a political world. It depends on States and others not just for co-operation, but also to respect, to protect and to enhance its judicial independence." President Song expressed the Court's appreciation for all of the efforts of the United Nations to advance the development of international criminal justice, and he called on States, international organisations and civil society to continue to work with the Court and the United Nations to further enhance this system.

The ICC is an independent, international judicial institution with jurisdiction over individuals accused of the most serious crimes of international concern: genocide, crimes against humanity and war crimes. It is independent from the UN. A relationship between the two institutions was established through an agreement concluded in 2004. In accordance with this agreement, the Court submits an annual report on its activities to the UN.



President Song addresses the UN General Assembly ©ICC-CPI

29.10.2009 - Judge Sang-Hyun Song, the President of the International Criminal Court's address to the United Nations General Assembly

Interacting with communities

Training and information session on the ICC for civil and military magistrates in DRC

The 29 and 30 October, the Outreach Team in Kinshasa, as part of the Legal Community Outreach Programme, held a training and information session on the ICC with civil and military magistrates. The objectives of this session were to train the participants on the application of the Rome Statute, to reinforce their capacity to work with the ICC, and to prepare them for the opening of the trial of Germain Katanga and Mathieu Ngudjolo Chui.



Outreach team holding a training session on the ICC for civil and military magistrates in Kinshasa on the 29 and 30 October ©ICC-CPI

The Outreach Unit of the ICC strengthen its partnership with local journalists and members of listening clubs of Ituri (DRC)

The Outreach Team based in Ituri (Eastern District of the Democratic Republic of the Congo) strengthened its existing partnership with journalists and members of the listening clubs of Ituri, through a two-day training and capacity building session held on the 21 and 22 October 2009.

Journalists are key local partners of the International Criminal Court (ICC) for their capacity to relay information and are being trained and informed on a regular basis by the Outreach team in the Field. As for the listening clubs, these are facilities in which influential members of society (such as local leaders, teachers, students, etc.) gather together to listen to radio programs on the ICC and to discuss it. It is fundamental that journalists from community radio as well as members of listening clubs from all over Ituri (including from the most remote parts of the District of Ituri) are well trained in order to accurately inform the population of Ituri on the ICC and its activities.



Training session for journalists and representatives of listening clubs held in Bunia on 22 October 2009 ©ICC-CPI

The aim of this session was, on one hand, to remind the participants of techniques and strategies in treating and disseminating information on the ICC, that is sensitive by nature, and avoiding misinformation; and on the other hand, to provide information to them on the activities of the Court.

During these two days, 35 people including 15 journalists and 20 members of listening clubs from the 5 territories of the District of Ituri were informed on the mandate and work of the ICC as well as on judicial developments from the Court.

At the end of the training session, attendees promised to use the new techniques learned in order to accurately inform the population of Ituri on the ICC and its activities. They will also relay what they learned to their respective communities.

Calendar

NOVEMBER 2009						
Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
						01
02	03	04	05	06	07	08
09	10	11	12	13	14	15
16	17	18	19	20	21	22
		18-26 Nov: Eighth Session of the Assembly of the State Parties (ASP), in The Hague				
23	24	25	26	27	28	29
18-26 Nov: Eighth Session of the Assembly of the State Parties (ASP), in The Hague						
	Trial of Germain Katanga and Mathieu Ngudjolo case is scheduled to start/ ASP					
30						
Future events: 12 Dec – 02 Jan: Judicial recess						

The calendar is subject to last minute changes.