



**Cour
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**International
Criminal
Court**

ICC-PIDS-WU-110/11_Eng

9 January 2012 #110 ICC Weekly Update

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 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. On 16 December 2011, Pre-Trial Chamber I declined to confirm the charges against Mr Mbarushimana. He was released on 23 December 2011.

Katanga and Ngudjolo Chui Case

Closing statements in the trial against Germain Katanga and Mathieu Ngudjolo Chui scheduled to start on 15 May 2012

Trial Chamber II of the International Criminal Court (ICC) has set the timetable for the closing written submissions in the case *The Prosecutor v. Germain Katanga and Mathieu Ngudjolo Chui*, and conveyed the parties and participants to present their closing oral statements in a public hearing that will start on 15 May 2012. The timetable takes into account the time required for the translation of the final submissions.

According to the Chamber's order issued on 4 January 2012 the Prosecution and the Legal Representation of Victims shall file their written closing submissions no later than 20 February 2012. The two teams of the Defence have been given until 26 March 2012 to reply to such submissions. The final submissions shall address the contextual elements of crimes against humanity and war crimes, the facts which form the basis of the alleged crimes together with the criminal responsibility of the accused.

As indicated in the Trial Chamber's order setting the timetable, the parties and participants should be prepared at the closing hearings to entertain questions from Trial Chamber II composed of Judges Bruno Cotte (presiding), Fatoumata Dembele Diarra and Christine Van den Wyngaert, when their closing statements are delivered orally.

Germain Katanga and Mathieu Ngudjolo Chui, Congolese nationals, are charged with three counts of crimes against humanity and seven counts of war crimes allegedly committed in the context of an armed conflict in Ituri which began in Djugu territory and in the town of Mongbwalu, and in particular during the joint attack by combatants allegedly led by Mathieu Ngudjolo Chui and Germain Katanga on Bogoro village on 24 February, 2003, which was part of a widespread attack and was allegedly directed not only against a military camp located in that village, but also against the civilian population of the village. The trial started on 24 November 2009.

Further information on this case is available [here](#).

Decisions taken between 26 December 2011 - 6 January 2012

Version publique expurgée de « Ordonnance déterminant les modalités de présentation des conclusions écrites et orales (norme 54 du Règlement de la Cour) » (ICC-01/04-01/07-3218-Conf)

Issued by Trial Chamber II on 4 January 2012

Version publique expurgée de « Décision relative à trois requêtes tendant à la production d'éléments de preuve supplémentaires et à un accord en matière de preuve » (ICC-01/04-01/07-3217-Conf)

Issued by Trial Chamber II on 4 January 2012

Mbarushimana Case

Decision on the “Requête de la Défense en interprétation ou en demande de délai prolongé de réponse à un éventuel appel interlocutoire du Procureur contre la décision infirmant les charges (ICC-01/04-01/10-465-RED)”

Issued by Pre-Trial Chamber I on 27 December 2011

Situation in Darfur, Sudan

There are four cases in the situation in Darfur, Sudan: *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*; *The Prosecutor v. Bahar Idriss Abu Garda*; and *The Prosecutor v. Abdallah Banda Abakaer Nourain and Saleh Mohammed Jerbo Jamus*. Four warrants of arrest have been issued by Pre-Trial Chamber I for Messrs Harun, Kushayb and Al Bashir. The three suspects remain at large. A summons to appear was issued for Mr Abu Garda who appeared voluntarily before the Chamber on 18 May 2009. After the hearing of confirmation of charges, on February 2010, Pre-Trial Chamber I declined to confirm the charges. Mr Abu Garda is not in the custody of the ICC. Two other summonses to appear were issued against Mr Banda and Mr Jerbo who appeared voluntarily on 17 June 2010; the confirmation of charges hearing took place on 8 December 2010. On 7 March 2011, Pre-Trial Chamber I unanimously decided to confirm the charges of war crimes brought by the ICC’s Prosecutor against Mr Banda and Mr Jerbo, and committed them to trial. On 16 March 2011, the ICC Presidency constituted Trial Chamber IV and referred the case to it.

Banda and Jerbo Case

13 January 2012: Deadline for applying to participate in the trial proceedings as a victim before the Court in the case *The Prosecutor v. Abdallah Banda Abakaer Nourain and Saleh Mohammed Jerbo Jamus*

In accordance with a 17 October 2011 decision by Trial Chamber IV of the International Criminal Court (ICC), those who wish to apply to participate in trial proceedings as a victim before the Court in the case *The Prosecutor v. Abdallah Banda Abakaer Nourain and Saleh Mohammed Jerbo Jamus* must submit their applications to the ICC’s Victims Participation and Reparations Section (VPRS) by 13 January 2012. Application forms are available on the ICC website, at www.icc-cpi.int, and can be sent via e-mail to vpapplications@icc-cpi.int or via fax to +31 (0)70 515 91 00.

The proceedings concern the crimes allegedly committed during the attack led by Abdallah Banda and Saleh Jerbo and other commanders that was directed against the compound of the African Union Mission in Sudan (AMIS), the Haskanita Military Group Site in Darfur on the evening of 29 September 2007.

Victims who are admitted to participate in the proceedings before the ICC have the possibility to present their views and concerns through a lawyer.

To this date, 89 victims have been accepted by the Trial Chamber as participants in the proceedings of the case. Among these victims are members of the AMIS peace-keeping mission who survived the attack, as well as family members of those who died or were wounded in the attack and, as a result, have suffered personal harm. Common legal representatives have been appointed to represent all the victims who will be participating during the trial.

The criteria for participation in this case are the following:

- being an individual or an organisation
- having suffered harm
- the harm suffered occurred in result of one of the crimes confirmed against Abdallah Banda Abakaer Nourain and Saleh Mohammed Jerbo Jamus.

Individuals or organisations interested in participating should send the following documents to VPRS:

- a completed and signed application form, and
- a copy of a document which proves the identity of the person submitting the form
- additionally, if the harm suffered arises from the death or injury of a family member: a proof of identity of that person as well as a proof of relationship between the applicant and this person

Further details on the participation of victims in the proceedings and how to complete the application form can be found [here](#).

Background

On 7 March 2011, Pre-Trial Chamber I unanimously decided to confirm the charges of war crimes brought by the ICC's Prosecutor against Abdallah Banda Abakaer Nourain and Saleh Mohammed Jerbo Jamus. Pre-Trial Chamber I found substantial grounds to believe that Abdallah Banda and Saleh Jerbo are criminally responsible as co-perpetrators for three war crimes:

- violence to life and attempted violence to life;
- intentionally directing attacks against personnel, installations, material, units and vehicles involved in a peacekeeping mission; and
- pillaging.

These crimes were allegedly committed during an attack led by Abdallah Banda and Saleh Jerbo and other commanders and directed against the compound of the African Union Mission in Sudan at Haskanita on the evening of 29 September 2007. The Chamber found substantial grounds to believe that the attack was directed to personnel, installations, material, units and vehicles involved in a peacekeeping mission in accordance with the Charter of the United Nations which were entitled to the protection afforded to civilians and civilian objects.

The situation in Darfur was referred to the ICC by United Nations Security Council resolution 1593 on 31 March 2005, under article 13(b) of the Rome Statute.

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 26 December 2011 - 6 January 2012

Bemba Case

Decision shortening time for observations on the «Requête de Mise en liberté provisoire de M. Jean-Pierre Bemba Gombo»

Issued by Trial Chamber III on 12 December 2011

Order granting leave to reply

Issued by Trial Chamber III on 15 December 2011

Public redacted version of the 19 December 2011 Decision on the «Requête de Mise en liberté provisoire de M. Jean-Pierre Bemba Gombo»

Issued by Trial Chamber III on 3 January 2012

Order on the classification of documents

Issued by Trial Chamber III on 5 January 2012

Order regarding the reclassification of documents

Issued by Trial Chamber III on 5 January 2012

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**

Calendar

January 2012						
Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
9	10	11	12	13	14	15
16	17	18	19 ICC to host Welcoming Ceremony for Cape Verde	20	21	22
23	24	25	26	27	28	29
30	31					

The calendar is subject to last minute changes.