



OTP Weekly Briefing¹ - July 2009

1. Investigations and Prosecutions:

a. Situation in the [Democratic Republic of the Congo](#) (DRC)

This situation was referred by the DRC in April 2004. The OTP opened its investigation in June 2004, focussing on Ituri where the most serious crimes had been committed by the main armed groups. Four arrest warrants have been issued against [Thomas Lubanga Dyilo](#) and [Bosco Ntaganda](#), leaders of the UPC, and [Germain Katanga](#) and [Mathieu Ngudjolo Chui](#), leaders of FNI and FRPI. The trial of [the Prosecutor v. Thomas Lubanga Dyilo](#) began on 26 January 2009. The trial of [Katanga and Ngudjolo Chui](#), charged with attacking and 'wiping out' the village of Bogoro, is scheduled for later in 2009. [Bosco Ntaganda](#) is at large.

In September 2008, the OTP announced the start of its investigation into alleged crimes in the Kivus.

Case: *The Prosecutor v. Thomas Lubanga Dyilo*

14 July - The Prosecution [concluded the presentation of its case](#). Thomas Lubanga Dyilo is charged with the war crimes of enlisting and conscripting children under the age of 15 and using them to participate actively in hostilities in the DRC. The Prosecution presented all its evidence on the nature of the conflict – international due to the occupation of foreign forces or non international – and the Judges will decide. From 26 January until 14 July 2009, the OTP tendered 119 items of evidence. 30 witnesses gave testimony before the Court, 28 of whom, both former child soldiers and "insiders", were called by the Prosecution and 2 by the Chamber. The Defence is to begin the presentation of its case in October 2009.

102 victims are participating. Their legal representatives requested on 22 May an amendement to the charges to take into account victims's testimonies. On 14 July, the majority of the Trial Chamber ruled in favor of the request, invoking Regulation 55(2) of the Regulations of the Court.

Case: *The Prosecutor v. Germain Katanga and Mathieu Ngudjolo Chui*

31 July - Following Trial Chamber II's Decision that the case is admissible, and the subsequent Appeal by Germain Katanga's Defence, the Prosecutor submitted that the Appeals Chamber uphold the Trial Chamber's finding that the case is admissible.

Kivus investigation

The OTP conducted missions on the ground and in different countries and confirmed information that Bosco Ntaganda, sought by the Court for crimes committed in Ituri, is now involved in commanding attacks in the Kivus where his forces are allegedly committing massive rapes.

b. Situation in [Uganda](#)

This situation was referred by Uganda in January 2004. The OTP opened its investigation in July 2004. Five arrest warrants have been issued against [top leaders of the Lords Resistance Army \(LRA\)](#): Joseph Kony, Vincent Otti (allegedly killed in 2007 on order of Kony), Okot Odhiambo, Raska Lukwiya (killed on 12 August 2006, whose arrest warrant is withdrawn), and Dominic Ongwen. These arrest warrants are outstanding. Over the last 9 months, the LRA conducted more abduction of children in the Central African Republic (CAR) and the DRC, allegedly killed 1,200 and forced the displacement of 200,000.

¹ For the summer period, the briefing will cover one month of activities.

c. Situation in [Darfur, the Sudan](#)

This situation was referred by the UN Security Council in March 2005. The OTP opened its investigation in June 2005. Three arrest warrants and one summons to appear have been issued against [Ahmad Harun and Ali Kushayb](#), [Omar Al Bashir](#), and [Bahar Idriss Abu Garda](#). Three arrest warrants are outstanding. Mr. Abu Garda [voluntarily surrendered to the Court](#) following the issuance of a summons and his initial appearance was on 18 May. He was provisionally released. The confirmation of charges hearing is set for 12 October 2009.

Case: *The Prosecutor v. Omar Hassan Ahmad Al Bashir*

6 July – The Prosecution [appealed](#) the Pre-Trial Chamber I's decision (one judge dissenting) not to retain the charges of genocide in the arrest warrant against President Al Bashir. The Prosecutor argued that the Majority of the Chamber applied an incorrect standard of proof at the arrest warrant stage, requesting a "beyond reasonable doubts" level of evidence.

d. Situation in the [Central African Republic](#) (CAR)

This situation was referred by the Central African Republic in December 2004. The OTP opened its investigations in May 2007. One arrest warrant has been issued against [Jean-Pierre Bemba](#). The [confirmation of charges hearing](#) was held on 12 to 15 January 2009. On 15 June, Pre-Trial Chamber II [partially confirmed the charges](#) and the Prosecutor [applied for leave to appeal](#) the Chamber's decision to decline to confirm certain charges on 22 June. The Office continues to monitor allegations of crimes committed since the end of 2005.

e. Miscellaneous

2. Preliminary Examinations:

a. [Afghanistan](#)

The Office made its analysis public in 2007. It examines alleged crimes within the jurisdiction of the Court by all actors involved. The OTP met outside Afghanistan with Afghan officials and organizations. The OTP sent requests for information to the Government of Afghanistan and has received no answer yet.

b. [Colombia](#)

The Office made its analysis public in 2006. It examines alleged crimes within the jurisdiction of the Court and investigations/proceedings conducted in Colombia against the alleged most serious perpetrators, paramilitary leaders, politicians, guerrilla leaders and military personnel. The Office is also analysing allegations of international support networks supporting armed groups committing crimes in Colombia.

c. [Georgia](#)

The Office made its analysis public on 14 August 2008. The Georgian Minister of Justice visited the OTP. Russia, a State not Party to the Statute, sent 3,817 communications to the OTP. The Prosecutor requested information from the Governments of Russia and Georgia on 27 August 2008. Both the Russian and Georgian authorities responded. The Office conducted a visit to Georgia in November 2008.

d. [Palestine](#)

On 22 January 2009, the Palestinian National Authority lodged a declaration with the Registrar under article 12(3) of the Rome Statute which allows States not party to the Statute to accept the Court's jurisdiction. The OTP is examining all issues related to its jurisdiction, including whether the declaration accepting the exercise of jurisdiction by the Court meets statutory requirements, whether crimes within the Court's jurisdiction have been committed and whether there are national proceedings in relation to alleged crimes.

- On 4-5 July, high-level representatives of OTP met in Cairo, Egypt, with Arab League's representatives to discuss the report of the Independent Fact Finding Committee on Gaza.

e. Côte d'Ivoire

The Court has jurisdiction over the situation in Côte d'Ivoire by virtue of an Article 12(3) declaration submitted by the Ivorian Government on 1 October 2003. The declaration accepts the jurisdiction of the Court as of 19 September 2002. The most serious crimes, including alleged widespread sexual violence, were committed in 2002-2005.

- On 17-18 July, high-level representatives of OTP visited Abidjan and attended a seminar on international justice organized by the Ivorian Coalition for the ICC in partnership with UN Operations in Côte d'Ivoire. The seminar, attended by a wide range of civil society, international and Ivorian officials, provided an opportunity to discuss ways to seek accountability for the most serious crimes committed since July 2002 in Côte d'Ivoire.

f. [Kenya](#)

The Office has made its analysis public in February 2008. The Prosecutor has received numerous Article 15 communications on the post-election violence.

- On 3 July, a common statement was issued in The Hague by a [Government delegation from Kenya](#) led by Justice Minister Kilonzo and the Prosecutor. It stated that in order to prevent a recurrence of violence during the next election cycle, those most responsible for previous post-election violence must be held accountable. Should efforts to conduct national proceedings fail, Kenyan authorities committed themselves to refer the situation to the Court. On 14 July, the Prosecutor received two reports from the Kenyan Attorney General Amos Wako on witness protection measures and on the status of legal proceedings carried out by national authorities.
- On 9 July, the African Union Panel of Eminent African Personalities, chaired by Kofi Annan, announced its submission to the OTP of a sealed envelope containing a list of persons allegedly implicated and supporting materials previously entrusted to Mr. Annan by the Waki Commission on the post-election violence. On 16 July, Prosecutor Moreno-Ocampo received the sealed envelope and 6 boxes containing [documents and supporting materials compiled by the Commission](#). The Prosecutor opened the sealed envelope, examined its contents and resealed the envelope. The Office will continue the collection of information.

g. Statistics on [Article 15 Communications](#) and other preliminary examination activities

- 8,245 communications have been received by the Office to date. 73 communications were received in the month of July.

3. Cooperation – Galvanizing Efforts to Arrest:

- On 8 July, the Court issued a press release recalling the fifth anniversary of the issuance of the arrest warrants of the top LRA leaders.



- On 6-7 July, the [Prosecutor met in Addis Ababa, Ethiopia](#) with the African Union High Level Panel on Darfur, chaired by former President Thabo Mbeki, whose mandate is to examine the situation in Darfur and how the issues of accountability, combating impunity, reconciliation and healing can be addressed. The Prosecutor briefed the Panel on his cases in Darfur. The Prosecutor also met with representatives of State Parties and of the Organisation Internationale de la Francophonie.



➤ On 8-10 July, the Prosecutor [travelled to the DRC](#), where he met with local leaders, victim representatives and civil society in **Bunia** and the **Ituri district**. The Prosecutor said the visit “... is all about understanding the needs of victims and learning how I can best use my prosecutorial mandate to help affected communities rebuild their lives”.

- On 10 July, Uganda issued a [statement](#) reaffirming its commitment to ICC obligations including on arrests.
- On 12-13 July, the Prosecutor met in **Kampala, Uganda** with President Museveni and Senior Ministers. The Prosecutor emphasised the importance of continued efforts by governments of the region, and of international support, to achieve the arrest and surrender of LRA leaders subject to ICC warrants. In the context of the outstanding ICC warrant against Sudanese President Al Bashir, the Prosecutor recalled State Parties’ legal obligation to implement ICC warrants should a person subject to a warrant travel to their territory.
- On 20 July, Chad issued a [statement](#) reaffirming its commitment to ICC obligations including on arrests.
- On 29 July, South Africa issued a [statement](#) reaffirming its commitment to ICC obligations including on arrests.
- A July 2009 [WorldPublicOpinion.org poll](#) of seven majority-Muslim and African nations found that public opinion in four nations supports the arrest warrant against President Al Bashir.

4. Coming Events:

- 1 September - Visit of South African lawyers to the OTP on jurisdiction issues in the context of the preliminary examination of the situation in Palestine, The Hague
- 10 September - Presentation of OTP’s 2009-2012 draft Prosecutorial Strategy at the [Consultative Conference on International Criminal Justice](#), New York
- 15 September - Prosecutor’s Keynote address, [Research Conference “The ICC and Complementarity: From Theory to Practice”](#), The Hague
- 16 September - Prosecutor’s Presentation, International Conference on Fighting Impunity in Peacebuilding Contexts, The Hague
- September 2009 - Publication of the UN Fact Finding Mission Report on the Gaza Conflict
- September 2009 - Continuing consultations and publication of the Report of AU High Level Panel on Darfur
- October - Trial Chamber I: Start of the Defence case in [The Prosecutor v. Lubanga Dyilo](#)
- 6-7 October - OTP-NGO bi-annual roundtable, The Hague
- 12 October - Pre Trial Chamber I: Confirmation of charges hearing in [The Prosecutor v. Abu Garda](#)

* 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