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Court

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11 April 2011 #73 ICC Weekly Update



Situation in the Republic of Kenya

On 31 March 2010, Pre-Trial Chamber II granted the Prosecutor's request to open an investigation *proprio motu* in the situation of Kenya, State party since 2005. Following summonses to appear issued on 8 March 2011, six Kenyan citizens voluntarily appeared before Pre-Trial Chamber II on 7 and 8 April 2011. Confirmation of charges hearings in the following two cases: *The Prosecutor v. William Samoei Ruto, Henry Kiprono Kosgey and Joshua Arap Sang* and *The Prosecutor v. Francis Kirimi Muthaura, Uhuru Muigai Kenyatta and Mohammed Hussein Ali*, are scheduled for 1 and 21 September 2011, respectively.

Pre-Trial Chamber II receives application from Kenyan government

4 April 2011

The Judges of Pre-Trial Chamber II have received the *Application on behalf of the Government of the Republic of Kenya pursuant to Article 19 of the ICC Statute* and are currently in the process of reviewing the application.

The Rome Statute and the Rules of Procedure and Evidence do not provide for any specific time-limit during which the Judges should make a decision regarding this application, and the ongoing judicial proceedings will not stop.

For all filings related to the case *The Prosecutor v. William Samoei Ruto, Henry Kiprono Kosgey and Joshua Arap Sang*, please click [here](#).

For all filings related to the case *The Prosecutor v. Francis Kirimi Muthaura, Uhuru Muigai Kenyatta and Mohammed Hussein Ali*, please click [here](#).

Ruto, Kosgey and Sang case

Confirmation of charges hearing in the case of *The Prosecutor v. William Samoei Ruto, Henry Kiprono Kosgey and Joshua Arap Sang* scheduled to start on 1 September 2011



William Samoei Ruto, Henry Kiprono Kosgey and Joshua Arap Sang at the 7 April 2011 initial hearing at the ICC
© ICC-CPI/ANP/Lex van Lieshout

On 7 April 2011, Pre-Trial Chamber II of the International Criminal Court (ICC) set the date of the beginning of the confirmation of charges hearing in the case of *The Prosecutor v. William Samoei Ruto, Henry Kiprono Kosgey and Joshua Arap Sang* for 1 September 2011.

This decision was announced at the initial appearance of William Samoei Ruto, Henry Kiprono Kosgey and Joshua Arap Sang before the ICC. During this hearing, in the presence of the Prosecutor and the suspects, assisted by their Defence teams, Pre-Trial Chamber II verified the identity of the suspects and ensured that they were clearly informed of the crimes which they are alleged to have committed and of their rights under the Rome Statute of the ICC.

A confirmation of charges hearing is held to determine whether there is sufficient evidence to establish substantial grounds to believe that each suspect committed each of the crimes being charged. If the charges are confirmed, the Pre-Trial Chamber commits the person to trial before a Trial Chamber, which will conduct the subsequent phase of the proceedings: the trial.

During the hearing, the Presiding Judge also stressed that: “It came to the knowledge of the Chamber by way of following some articles in the Kenyan newspapers that there are some movements towards retriggering the violence in the country by way of using some dangerous speeches. I would like to remind the suspects - and I’m not referring to anyone in particular but this is a general point to be made to all the suspects - that such type of action could be perceived as a sort of inducement which may constitute the breach of one of the conditions set out in the summonses to appear, namely, to continue committing crimes within the jurisdiction of the Court. Accordingly, this might prompt the Chamber to replace the summonses to appear with warrants of arrest (...)”.

For further information and updates on this case, click [here](#).

Photographs of the 7 April 2011 initial hearing at the ICC are now available [here](#).

Decisions taken between 4 - 8 April 2011

Decision on the Conduct of the Proceedings Following the Application of the Government of Kenya Pursuant to Article 19 of the Rome Statute

Issued by Pre-Trial Chamber II on 4 April 2011

Decision on Joshua Arap Sang’s Request for Extension of Time Limit

Issued by Pre-Trial Chamber II on 4 April 2011

Decision Establishing Modalities to be Observed When Complying with Summons Conditions

Issued by Pre-Trial Chamber II on 5 April 2011

Second Decision on the Motion of Legal Representative of Victim Applicants to Participate in Initial Appearance Proceedings and Article 19 Admissibility Proceedings

Issued by Pre-Trial Chamber II on 6 April 2011

Decision on Joshua Arap Sang’s Request for Translation and Interpretation into Kalenjin

Issued by Pre-Trial Chamber II on 6 April 2011

Decision Setting the Regime for Evidence Disclosure and Other Related Matters

Issued by Pre-Trial Chamber II on 6 April 2011

Order under Regulation 24(1) of the Regulations of the Court

Issued by Pre-Trial Chamber II on 8 April 2011

Muthaura, Kenyatta and Ali case

Confirmation of charges hearing in the case of *The Prosecutor v. Francis Kirimi Muthaura, Uhuru Muigai Kenyatta and Mohammed Hussein Ali* scheduled to start on 21 September 2011

On 8 April 2011, Pre-Trial Chamber II of the International Criminal Court (ICC) set the date of the beginning of the confirmation of charges hearing in the case of *The Prosecutor v. Francis Kirimi Muthaura, Uhuru Muigai Kenyatta and Mohammed Hussein Ali* for 21 September 2011.

This date was announced at the initial appearance of Francis Kirimi Muthaura, Uhuru Muigai Kenyatta and Mohammed Hussein Ali before the ICC. During this hearing, in the presence of the Prosecutor and the suspects, assisted by their Defence teams, Pre-Trial Chamber II verified the identity of the suspects and ensured that they were clearly informed of the crimes which they are alleged to have committed and of their rights under the Rome Statute of the ICC.



Francis Kiriimi Muthaura, Uhuru Muigai Kenyatta and Mohammed Hussein Ali at the 8 April 2011 initial hearing at the ICC © ICC-CPI/AP/Bas Czerwinski

A confirmation of charges hearing is held to determine whether there is sufficient evidence to establish substantial grounds to believe that each suspect committed each of the crimes charged. If the charges are confirmed, the Pre-Trial Chamber commits the person for trial before a Trial Chamber, which will conduct the subsequent phase of the proceedings: the trial.

During the hearing, the Presiding Judge also stressed that: "It came to the knowledge of the Chamber through following some articles in the Kenyan

newspapers that there are movements towards retriggering the violence in Kenya, by way of delivering dangerous speeches. I would like to remind the suspects - and note that I am not referring to anyone in particular. This is a general point to be made to *all* the suspects - such action could be perceived as a breach of one of the conditions clearly set out in the summonses to appear namely, to continue committing crimes within the jurisdiction of this Court. Accordingly, this might prompt the Chamber to replace the summonses to appear with warrants of arrest. However, the Judges would not prefer to resort to such a drastic measure and would rather (and we assume the suspects endorse this view) continue carrying out the proceedings smoothly and respecting the liberty of the three suspects".

For further information and updates on this case, click [here](#).

Photographs available of the 8 April 2011 initial hearing at the ICC are now available [here](#).

Decisions taken between 4 - 8 April 2011

Decision on Variation of Summons Conditions

Issued by Pre-Trial Chamber II on 4 April 2011

Decision on the Conduct of the Proceedings Following the Application of the Government of Kenya Pursuant to Article 19 of the Rome Statute

Issued by Pre-Trial Chamber II on 4 April 2011

Decision on the "Defence Request for Authorisation for Four Defence Team Members to Attend the Initial Appearance"

Issued by Pre-Trial Chamber II on 6 April 2011

Decision Setting the Regime for Evidence Disclosure and Other Related Matters

Issued by Pre-Trial Chamber II on 6 April 2011

Decision on the Prosecutor's Request for Extension of Page Limit

Issued by Pre-Trial Chamber II on 7 April 2011

Order under Regulation 24(1) of the Regulations of the Court

Issued by Pre-Trial Chamber II on 8 April 2011

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, Mathieu Ngudjolo Chui and Callixte Mbarushimana 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. The confirmation of charges hearing in the case *The Prosecutor v. Callixte Mbarushimana* is scheduled to start on 4 July 2011.

Decisions taken between 4 - 8 April 2011

Lubanga Dyilo case

Redacted Decision on the "Cinquième requête de la Défense aux fins de dépôt de documents"

Issued by Trial Chamber I on 6 April 2011

Katanga and Ngudjolo Chui Case

Décision relative à la demande d'autorisation par le Queen's University Belfast Human Rights Centre en vue de soutenir en tant qu'amicus curiae des observations sur la définition des crimes d'esclavage sexuel

Issued by Pre-Trial Chamber I on 7 April 2011

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**

Events

Belgian Minister of Justice visits the ICC



H.E. Mr Stefaan de Clerck, Minister of Justice of Belgium meeting with Judge Sang-Hyun Song, ICC President, at the seat of the Court in The Hague © ICC-CPI

On 5 April 2011, H.E. Mr Stefaan de Clerck, Minister of Justice of Belgium, met with Judge Sang-Hyun Song, President of the International Criminal Court (ICC), at the seat of the Court in The Hague.

President Song warmly welcomed Minister De Clerck and conveyed the ICC's appreciation for Belgium's consistent cooperation and support for the Court, including its conclusion last year of an agreement with the ICC on the enforcement of sentences. The President underlined the importance of cooperation of this kind for the success of the Court's work.

Minister De Clerck confirmed the importance which Belgium attaches to the role of the ICC in combating impunity and ensuring respect for the international rule of law, and his country's continuing commitment to working closely with the ICC.

Calendar

APRIL 2011						
Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
11	12	13	14	15	16	17
ASP's Committee on Budget and Finance to hold its 16 th session at the Court						
Deputy Prosecutor to participate in the Expert meeting on complementarities between international refugee law, international criminal law, and international human rights law, organised by ICTR and UNHCR, Arusha (United Republic of Tanzania)			ICC President Song to deliver speech on future global challenges at the World Foresight Forum Plenary Session in The Hague	Final round of the Moot Court ICC Trial Competition (English version) at the seat of the Court		
18	19	20	21	22	23	24
25	26	27	28	29	30	
MAY 2011						
Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
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2	3	4	5	6	7	8

The calendar is subject to last minute changes.