



23 August 2010 #43 ICC Weekly Update



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 trial in the case of *The Prosecutor v. Germain Katanga and Mathieu Ngudjolo Chui* started on 24 November, 2009.

The Appeals Chamber gives suspensive effect to the appeal against the decision on the release of Thomas Lubanga

On 23 July, 2010, the Appeals Chamber of the International Criminal Court (ICC) granted the suspensive effect to the Prosecution's appeal against Trial Chamber I oral decision to release Thomas Lubanga Dyilo, dated 15 July, 2010. Therefore the accused will remain under custody of the ICC pending the final decision on the appeal.



Thomas Lubanga Dyilo © ICC-CPI/Ed Oudenaarden

Trial Chamber I had ordered the release of the accused following its **decision**, dated 8 July, 2010, imposing an unconditional stay on the proceedings of the case *The Prosecutor v. Thomas Lubanga Dyilo*. According to Trial Chamber I, an accused cannot be held in preventative custody on a speculative basis, namely that at some stage in the future the proceedings may be resurrected. Prosecution filed an **appeal** against this oral decision and submitted an **urgent application for suspensive effect** of the appeal on 16 July, 2010.

Appeals Chamber found that an immediate implementation of the order to release Mr Lubanga Dyilo could render the resumption of the trial impossible, should the Appeals Chamber later find in favour of the Prosecutor's appeals against the decision to stay proceedings and the oral decision to release the accused. In these circumstances, his release could potentially defeat the purpose of these appeals. The Appeals Chamber therefore suspended the implementation of the release of Mr Lubanga Dyilo pending the determination of this appeal.

Thomas Lubanga Dyilo is accused of having committed, as co-perpetrator, war crimes of enlisting and conscripting of children under the age of 15 years into the *Forces patriotiques pour la libération du Congo* (Patriotic Forces for the Liberation of Congo), and using them to participate actively in hostilities in Ituri, a district of the eastern province of the Democratic Republic of the Congo (DRC), between September 2002 and August 2003.

The situation was referred to the Court by the Government of the Democratic Republic of the Congo (DRC) in April 2004. *The Prosecutor v. Thomas Lubanga Dyilo* is one of the cases that arose from the situation in the Democratic Republic of the Congo; others are *The Prosecutor v. Germain Katanga and Mathieu Ngudjolo Chui* and *The Prosecutor v. Bosco Ntaganda*. Bosco Ntaganda remains at large. Investigations are ongoing in the DRC.

Decisions taken between 20 July - 20 August, 2010

Situation in the DRC

Election of the Presiding Judge of Pre-Trial Chamber I

Issued by Pre-Trial Chamber I on 26 July, 2010

Decision on the designation of a Single Judge of Pre-Trial Chamber

Issued by Pre-Trial Chamber I on 26 July, 2010

Order for the submission of observations in response to a request made by the legal representative of VPRS 3 and VPRS 6

Issued by Pre-Trial Chamber I on 16 August, 2010

Lubanga Dyilo case

Decision replacing a judge in the Appeals Chamber

Issued by the Presidency on 20 July, 2010

Decision replacing a judge in the Appeals Chamber

Issued by the Presidency on 20 July, 2010

Decision on the Presiding Judge of the Appeals Chamber in the appeal of the Prosecutor against the oral decision of Trial Chamber I of 15 July 2010 to release Thomas Lubanga Dyilo

Issued by the Appeals Chamber on 20 July, 2010

Order on the filing of a response by Thomas Lubanga Dyilo to the Prosecutor's application for suspensive effect of his appeal against Trial Chamber I's oral decision of 15 July 2010 to release Thomas Lubanga Dyilo

Issued by the Appeals Chamber on 20 July, 2010

Decision on the Presiding Judge of the Appeals Chamber in the appeal of the Prosecutor against the decision of Trial Chamber I entitled "Decision on the Prosecution's Urgent Request for Variation of the Time-Limit to Disclose the Identity of Intermediary 143 or Alternatively to Stay Proceedings Pending Further Consultations with the VWU"

Issued by the Appeals Chamber on 20 July, 2010

Order on the filing of a response by Thomas Lubanga Dyilo to the "Prosecution's application for an extension of page limit for its document in support of appeal against Trial Chamber I's decision of 8 July 2010 staying the proceedings for abuse of process"

Issued by the Appeals Chamber on 20 July, 2010

Decision on the Prosecutor's application for an extension of page limit for his document in support of appeal

Issued by the Appeals Chamber on 22 July, 2010

Decision on the Prosecutor's request to give suspensive effect to the appeal against Trial Chamber I's oral decision to release Mr Thomas Lubanga Dyilo

Issued by the Appeals Chamber on 23 July, 2010

Decision on the "Observations de la Défense relatives à l'irrecevabilité du «Prosecution's Document in Support of Appeal against Trial Chamber I's decision of 8 July to stay the proceedings for abuse of process», daté du 26 juillet 2010"

Issued by the Appeals Chamber on 30 July, 2010

Order on the Filing of a Response to Victims Applications for Participation in the Appeal of the Prosecutor against Trial Chamber I's decision of 15 July 2010 to release Thomas Lubanga Dyilo

Issued by the Appeals Chamber on 3 August, 2010

Order on the Filing of a Response to Victims Applications for Participation in the Appeal of the Prosecutor against Trial Chamber I's decision of 15 July 2010 to release Thomas Lubanga Dyilo

Issued by the Appeals Chamber on 3 August, 2010

Order on the Filing of a Clarification to the “Demande de participation en appel contre la décision d’arrêt du procès pour abus de procédure, datée du 08 juillet 2010 (ICC-01/04-01/06-2517-Conf) et contre la décision de mise en liberté de l’accusé, datée du 15 juillet 2010 (ICC-01/04-01/06-T-314)”

Issued by the Appeals Chamber on 3 August, 2010

Order on the Filing of a Response by Mr Lubanga Dyilo to Applications for Victim Participation

Issued by the Appeals Chamber on 13 August, 2010

Decision on the Participation of Victims in the Appeal against Trial Chamber I’s Oral Decision of 15 July 2010 to Release Thomas Lubanga Dyilo

Issued by the Appeals Chamber on 17 August, 2010

Decision on the Participation of Victims in the Appeal against Trial Chamber I’s Decision to Stay the Proceedings

Issued by the Appeals Chamber on 18 August, 2010

Katanga and Ngudjolo Chui case

Judgment on the Appeal of Mr Katanga Against the Decision of Trial Chamber II of 20 November 2009 Entitled “Decision on the Motion of the Defence for Germain Katanga for a Declaration on Unlawful Detention and Stay of Proceedings” Dissenting Opinion

Issued by the Appeals Chamber on 28 July, 2010

Situation in the Central African Republic

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. The trial, initially scheduled to start on 14 July, 2010, has been postponed.

Decisions taken between 20 July - 20 August, 2010

Bemba case

Redacted Decision on the prosecution’s applications for redactions (ICC-01/05-01/08-772-Conf, ICC-01/05-01/08-778-Conf and ICC-01/05-01/08-786-Conf)

Issued by Trial Chamber III on 20 July, 2010

Decision on the Prosecution’s Requests to Lift, Maintain and Apply Redactions to Witness Statements and Related Documents

Issued by Trial Chamber III on 20 July, 2010

Decision on the defence application for corrections to the Document Containing the Charges and for the prosecution to file a Second Amended Document Containing the Charges

Issued by Trial Chamber III on 20 July, 2010

Decision replacing judges in Trial Chamber III

Issued by Trial Chamber III on 20 July, 2010

Order notifying the election of the Presiding Judge in the case against Mr Jean-Pierre Bemba Gombo

Issued by Trial Chamber III on 21 July, 2010

Decision on the review of the detention of Mr Jean-Pierre Bemba Gombo pursuant to Rule 118(2) of the Rules of Procedure and Evidence

Issued by Trial Chamber III on 28 July, 2010

Decision on the Presiding Judge of the Appeals Chamber in the appeal of Jean-Pierre Bemba Gombo against the decision of Trial Chamber III entitled “Decision on the review of the detention of Mr Jean-Pierre Bemba Gombo pursuant to Rule 118 (2) of the Rules of Procedure and Evidence”

Issued by Trial Chamber III on 30 July, 2010

Order on the filing of a response to the application by victims for participation in the appeal against the “Decision on the review of the detention of Mr Jean-Pierre Bemba Gombo pursuant to Rule 118(2) of the Rules of Procedure and Evidence” of Trial Chamber III

Issued by Trial Chamber III on 11 August, 2010

Decision on the Participation of Victims in the Appeal against the “Decision on the review of the detention of Mr Jean-Pierre Bemba Gombo pursuant to Rule 118(2) of the Rules of Procedure and Evidence” of Trial Chamber III

Issued by Trial Chamber III on 18 August, 2010

Situation in Darfur, Sudan

In the situation in Darfur, Sudan, four 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*; *The Prosecutor v. Bahar Idriss Abu Garda*; and *The Prosecutor v. Abdallah Banda Abakaer Nourain* (Banda) and *Saleh Mohammed Jerbo Jamus* (Jerbo). Four warrants of arrest have been issued by Pre-Trial Chamber I for Harun, Kushayb and Al Bashir. 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. After the hearing of confirmation of charges, on 8 February, 2010, Pre-Trial Chamber I declined to confirm the charges. 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 is scheduled for 22 November, 2010.

Decisions taken between 20 July - 20 August, 2010

Election of the Presiding Judge of Pre-Trial Chamber I

Issued by Pre-Trial Chamber I on 26 July, 2010

Decision on the designation of a Single Judge of Pre-Trial Chamber

Issued by Pre-Trial Chamber I on 26 July, 2010

Al Bashir case

Decision on “Notification of Public Statement by the Prosecutor”

Issued by Pre-Trial Chamber I on 6 August, 2010

Banda and Jerbo case

Decision Setting a Time Limit for the Parties’ Replies to 87 Applications for Victims’ Participation in the Proceedings and a Deadline for the Filing of Applications for Participation

Issued by Pre-Trial Chamber I on 27 July, 2010

First Decision on the Prosecutor’s Requests for Redactions

Issued by Pre-Trial Chamber I on 29 July, 2010

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**.

Events

Seychelles ratifies the Rome Statute of the International Criminal Court

On 10 August, 2010, the Republic of Seychelles ratified the Rome Statute of the International Criminal Court. The Statute will enter into force for the Seychelles on 1 November, 2010, bringing the total number of States Parties to the Rome Statute to 112.

The Court welcomes the Seychelles’ decision to join the growing group of states determined to put an end to impunity for the perpetrators of the most serious crimes of concern to the international community as a whole, for the sake of present and future generations.

Saint Lucia becomes the 113th State Party to the Rome Statute of the International Criminal Court

On 18 August, 2010, Saint Lucia deposited the instrument of ratification of the Rome Statute of the International Criminal Court (ICC) with the United Nations Secretary General. The Statute will enter into force for Saint Lucia on 1 November, 2010, bringing the total number of States Parties to the Rome Statute to 113.

The ICC welcomes the Saint Lucia decision and sees it as a new sign of the International community's commitment to put an end to impunity for the perpetrators of the most serious crimes that deeply shock the conscience of humanity.

Interacting with communities

Central African Republic: The CCCPI and ICC celebrate the Day of International Criminal Justice on 17 July, 2010

On 17 July, the Central African Coalition for the International Criminal Court (CCCPI), in partnership with the Public Information and Documentation Section of the International Criminal Court (ICC) Field Office in Bangui, Central African Republic, held a conference/discussion to mark the Day of International Criminal Justice.



From left to right: Fabienne Chassagneux (ICC Outreach Coordinator); Marie-Edith Douzima-Lawson (CCCPI Coordinator); Jean-Sébastien Mboutou (CCCPI General Secretary); Mathias Morouba (Vice-president of the Central African Human Rights Observatory) ©ICC-CPI

Twelve years (1998-2010) on from the adoption of the Rome Statute, the international treaty which established the International Criminal Court, the CCCPI and ICC decided to join together to celebrate this anniversary.

Marie-Edith Douzima-Lawson, CCCPI Coordinator, opened the conference by emphasising the importance of the Day of International Criminal Justice to all of the Coalition's member associations. Jean-Sébastien Mboutou, CCCPI General Secretary, then introduced the Coalition, which consists of ten organisations: the Association of Female Lawyers of the Central African Republic (AFJC); the Association of Christians for the Abolition of Torture and the Death Penalty (ACAT-RCA); the Episcopal Justice and Peace Commission (CEJP); the Inter-African Committee for Combating Harmful Practices against Women and Children (CIAF-Centrafrique); the Central African Human

Rights League (LCDH); *Lead Centrafrique*; the Human Rights and Humanitarian Action Movement (MDDH); the Central African Human Rights Observatory (OCDH); the Dynamic Network of the Central African Republic and the Union of Journalists of the Central African Republic (UJCA).

The Outreach Unit of the International Criminal Court then spoke about the Court, with particular emphasis on the provisions of the Rome Statute as adopted 12 years ago. The Unit also reflected on how far the Court had come since 1998 and on current situations and cases before this permanent, forward-looking judicial institution. The conference was also an opportunity for the outreach teams to discuss developments in the case of *The Prosecutor v. Jean-Pierre Bemba Gombo*, and to explain the reasons for the recent further postponement of the opening of the trial. The explanations were welcomed by participants.

Marie-Edith Douzima-Lawson (CCCPI Coordinator), Jean-Sébastien Mboutou (CCCPI General Secretary), Mathias Morouba (Vice-president of the Central African Human Rights Observatory) and Fabienne Chassagneux (Outreach Coordinator, the International Criminal Court) responded to the audience's questions and concerns. On 19 July, 2010, Bangui newspaper *Le Quotidien* reported that: "[TRANSLATION] The clarity and level of detail of the presentations were of the high standard expected of legal practitioners. Public opinion has been exasperated by the repeated postponement of the Jean-Pierre Bemba trial ... Happily, the clarification provided (...) dispelled any fears that the ICC is subject to political manipulation. It is for journalists (...) to convey the legal reasons for these postponements to the public".

Before the CCCPI brought the event to a close, participants strongly encouraged the speakers to repeat this initiative on the occasion of the next Day of International Criminal Justice, 17 July, 2011.

The ICC marks the Day of International Criminal Justice with affected communities in northern Uganda

Consistent with the Court's outreach strategy to expand its reach to the most affected communities, the International Criminal Court's (ICC) Field Outreach Unit marked the Day of International Criminal Justice with the war affected communities of Lukodi village in the Gulu district of the Acholi sub-region, northern Uganda.

Over 180 members of the community consisting largely of women, youths and children's groups gathered to commemorate the special day on 17 July.



Lukodi women group making a play performance ©ICC-CPI

In 2004, over 60 Lukodi residents were reportedly killed at the centre of the village by Lord's Resistance Army (LRA) rebels. The residents of the entire village fled to live in an internally displaced people's camp (IDP) for safety. After more than six years of living in camps, they decided to return to their village to start a new life.

The interactive event was embodied by an ICC presentation, speeches by representatives of community-based organisations, cultural and drama performances enacted by members of the affected community, and concluded with a question and answer session. The Field Outreach Unit made a presentation on the mandate and activities of the ICC in Uganda and as a follow-up, provided feedback on the concluded Review Conference of the Rome Statute in Kampala.

Local council authorities, women and youth leaders of Lukodi village gave tribute to the Court for bringing the activities of the ICC closer to residents. The LC 11 Chairman of Lukodi, Mr Kakanyero addressed the crowd stating, "The ICC is with us and has never forgotten us since we left our village. In addition to giving us information about the Court, you also facilitated the visit of the President of the ICC to meet with us in May. As we mark this day, we call on the States Parties to the Rome Statute and the international community to arrest the LRA suspects so that justice would be done" he noted.

The International Criminal Court celebrates the Day of International Criminal Justice in Bunia, Democratic Republic of the Congo

The Outreach Unit of the International Criminal Court (ICC), in conjunction with the *Réseau d'Animation pour la Paix et l'Information du Développement* [Network for the Promotion of Peace and Development Information] (RAPID), a group of journalists from Ituri, eastern DRC, held an information session for journalists on the Day of International Criminal Justice, Saturday 17 July, 2010. In addition to journalists from Bunia, the District's capital, journalists from neighbouring towns such as Mambassa and Kasenyi were present. Representatives of human rights NGOs also took part. A total of some twenty participants attended.



Celebration of the Day of International Criminal Justice in Bunia ©ICC-CPI

of International Criminal Justice", "The Structure of the Military Court System" and "The Structure of the Civil Court System".

Since the ICC's jurisdiction is complementary to that of national courts, familiarity with those courts is vital in the fight against impunity for international crimes. In the Democratic Republic of the Congo, it is the military courts that currently have jurisdiction over international crimes. Judge Innocent Mayembe, President of the Bunia Garrison Court and Ndes Anzim, Public Prosecutor at the Bunia *Tribunal de Grande Instance*, spoke to the journalists on three topics: "The History

The ICC's representative also informed participants about the latest developments in the various ongoing cases, with particular emphasis on the case against Thomas Lubanga Dyilo. In relation to this case, numerous questions were asked about the time limits for the appeals judges to rule on appeals and on the future course of the proceedings. Lastly, the Coordinator of the national Coalition for the ICC (CCPI) introduced his organisation.

ICC Dialogue with Sudanese Diasporas in Zurich, Switzerland

In order to foster greater awareness of the court's mandate and mode of operations amongst Sudanese Diasporas living in Europe, the Outreach Unit held an interactive session in Zurich, Switzerland, on 14 August. The dialogue between ICC officials and 50 individuals was facilitated by the *Darfurian Lawyers Group*.

This effort is part of the overall strategic plan for outreach for the situation in Darfur that aims to disseminate accurate information about the Court and to engage the Sudanese affected communities in a dialogue with the ICC, including individuals that have been forced to live outside Sudan. The Outreach Unit's strategy seeks to promote greater understanding of the ICC judicial process and cases before the Court by these communities.



ICC staff members answering questions that were raised by the audience during the Outreach session ©ICC-CPI

The session included a general presentation of the stages of the judicial process, elements of a fair trial, mandate and policies of the Office of the Prosecutor, and the victims' rights to participate in the proceedings before the Court, and to have their interests and concerns heard in the courtroom through a legal counsel, as well as to request reparations once trials are concluded if the accused person is convicted. Presentations were followed

by discussions.

Many of the participants said that this was the first time that they have received information directly from Court's officials and praised the Outreach Unit for bringing the ICC closer to them. Questions asked focused on the Rome Statute legal provisions to enforce Court's decisions such as warrants of arrest.

The Sudan Diaspora Outreach Programme for 2010 has targeted Darfurian communities living in The Netherlands, Belgium, France, the United Kingdom, Italy, Germany and Switzerland. Sudanese refugees in eastern Chad have also been engaged.

Background

The situation in Darfur was referred to the International Criminal Court by the United Nations Security Council's resolution 1593, on 31 March, 2005. In this situation, four 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*; *The Prosecutor v. Bahar Idriss Abu Garda* and *The Prosecutor v. Abdallah Banda Abakaer Nourain and Saleh Mohammed Jerbo Jamus*.

The ICC has been established to help end impunity for the most serious crimes of concern to the international community, namely genocide, crimes against humanity and war crimes committed after entry into force of the Rome Statute (1 July, 2002), as well as the crime of aggression, once the conditions under which the Court can exercise its jurisdiction have been fulfilled. Being a Court of last resort it only acts if national authorities with jurisdiction are unwilling or unable to do so genuinely.

Calendar

AUGUST 2010						
Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
23	24	25	26	27	28	29
30	31					
SEPTEMBER 2010						
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			
Future events: 22 November, 2010: Pre-Trial Chamber I has set the date for the beginning of the confirmation of charges hearing in the case of <i>The Prosecutor v. Abdallah Banda Abakaer Nourain (Banda) and Saleh Mohammed Jerbo Jamus (Jerbo)</i>						

The calendar is subject to last minute changes.