



**Cour
Pénale
Internationale**

**International
Criminal
Court**

9 May 2011 #76 ICC Weekly Update



Situation in Libya

On 26 February 2011, the United Nations Security Council decided unanimously to refer the situation in the Libyan Arab Jamahiriya since 15 February 2011 to the ICC Prosecutor. On 3 March 2011, the ICC Prosecutor announced his decision to open an investigation in the situation in Libya, which was assigned by the Presidency to Pre-Trial Chamber I.

The Office of the Prosecutor will request an arrest warrant against three individuals in the first Libya case. Judges will decide.

On 4 May 2011, (ICC) Prosecutor Luis Moreno-Ocampo informed the United Nations Security Council that in a few weeks he will request the judges of the International Criminal Court to issue arrest warrants against three individuals for crimes against humanity committed in Libya since 15 February 2011. In accordance with the evidence, they are the most responsible of the crimes committed. The judges can reject the request, accept it or ask for more evidence.

The situation in Libya was unanimously referred to the Prosecutor of the ICC by the United Nations Security Council under **Resolution 1970** adopted on 26 of February 2011.

According to the evidence collected so far, *"Crimes against humanity have been and continue to be committed in Libya, attacking unarmed civilians including killings and persecutions in many cities across Libya"* said the Prosecutor.

Resolution 1970 affirmed that peace and security and the protection of civilians in Libya required justice. *"Justice is on course today; however, if those who order the crimes are not stopped and arrested murder, persecution, systematic arrests, torture, killings, enforced disappearances and attacks against unarmed civilians will continue unabated"* said the Prosecutor.

Prosecutor Moreno-Ocampo called on States to prepare for arrests should judges decide to issue arrest warrants. *"Now is the time to start planning on how to implement possible arrest warrants"* said the Prosecutor.

In addition, the Office of the Prosecutor will continue investigations on different forms of persecution against civilians in Tripoli and other areas, as well as commissions of rape and the unlawful arrest, mistreatment and killings of sub-Saharan Africans wrongly perceived to be mercenaries.

The Office will also investigate the alleged commission of war crimes in Libya since the end of February, including the use of imprecise weaponry such as cluster munitions, multiple rocket launchers and mortars, and other forms of heavy weaponry, in crowded urban areas.

The International Criminal Court is an independent, permanent court that investigates and prosecutes persons accused of the most serious crimes of international concern, namely genocide, crimes against humanity and war crimes if national authorities with jurisdiction are unwilling or unable to do so genuinely.

The Office of the Prosecutor is currently investigating in six situations: The Democratic Republic of Congo, Northern Uganda, the Darfur region of Sudan, the Central African Republic, Kenya and Libya.

FIRST REPORT OF THE PROSECUTOR OF THE INTERNATIONAL CRIMINAL COURT TO THE UN SECURITY COUNCIL PURSUANT TO UNSCR 1970 (2011)

English, Français, عربي

Statement to the United Nations Security Council on the situation in the Libyan Arab Jamahiriya, pursuant to UNSCR 1970 (2011)

English, Français

Source: Office of the Prosecutor

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 a Trial Chamber. The trial started on 22 November 2010.

Decisions taken between 25 April - 6 May 2011

Bemba Case

Judgment on the appeals of Mr Jean-Pierre Bemba Gombo and the Prosecutor against the decision of Trial Chamber III entitled "Decision on the admission into evidence of materials contained in the prosecution's list of evidence"

Issued by the Appeals Chamber on 3 May 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 25 April - 6 May 2011

Lubanga Dyilo Case

Redacted Decision on the Prosecution's Application to Admit Rebuttal Evidence from Wihess DRC-OTP-WWWW-0005

Issued by Trial Chamber I on 28 April 2011

Katanga and Ngudjolo Chui Case

Version publique expurgée de «Ordonnance relative à la mise en oeuvre de l'article 93-2 du Statut et des règles 191 et 74 du Règlement de procédure et de preuve au profit de témoins de la Défense de Germain Katanga» (ICC-01/04-01/07-2748-Conf)

Issued by Trial Chamber II on 3 May 2011

Version publique expurgée de « Décision relative à la requête de la Défense de Germain Katanga visant à obtenir la coopération de la République démocratique du Congo en vue de la comparution de témoins détenus » (ICC-01/04-01/07-2640-Conf-Exp)

Issued by Trial Chamber II on 3 May 2011

Version publique expurgée de « Décision relative à la requête de la Défense de Germain Katanga tendant à l'amendement de la décision sur sa requête visant à obtenir la coopération de la République démocratique du Congo en vue de la comparution de témoins détenus » (ICC-01/04-01/07-2660-Conf-Exp)

Issued by Trial Chamber II on 3 May 2011

Ordonnance convoquant une conférence de mise en état (norme 30 du Règlement de la Cour)

Issued by Trial Chamber II on 5 May 2011

Mbarushimana Case

Decision amending the e-Court Protocol

Issued by Pre-Trial Chamber I on 28 April 2011

Decision to Hold Consultations under Rule 114

Issued by Pre-Trial Chamber I on 28 April 2011

Decision setting a time limit for the Defence's observations on the "Prosecution's request for the assessment of the English proficiency of Callixte Mbarishimana"

Issued by Pre-Trial Chamber I on 2 May 2011

Decision on the Defence Requests concerning the implementation of the Chamber's "Second Decision on matters regarding the review of potentially privileged materials" dated 2 May 2011

Issued by Pre-Trial Chamber I on 2 May 2011

Order to NFI to submit a report

Issued by Pre-Trial Chamber I on 5 May 2011

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.

Decisions taken between 25 April - 6 May 2011

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

Issued by Pre-Trial Chamber II on 3 May 2011

Ruto, Kosgey and Sang Case

Decisions taken between 25 April - 6 May 2011

Decision on the "Prosecution's Application for leave to Appeal the 'Decision Setting the Regime for Evidence Disclosure and Other Related Matters' (ICC-01/09-01/11-44)"

Issued by Pre-Trial Chamber II on 2 May 2011

Decision under Regulation 24(5) of the Regulations of the Court on the Motion Submitted on Behalf of the Government of Kenya

Issued by Pre-Trial Chamber II on 2 May 2011

Muthaura, Kenyatta and Ali Case

Decisions taken between 25 April - 6 May 2011

Decision on the "Prosecution's Application for leave to Appeal the 'Decision Setting the Regime for Evidence Disclosure and Other Related Matters' (ICC-01/09-02/11-48)"

Issued by Pre-Trial Chamber II on 2 May 2011

Decision under Regulation 24(5) of the Regulations of the Court on Submitted on Behalf of the Government of Kenya the Motion

Issued by Pre-Trial Chamber II on 2 May 2011

Decision on the Defence "Application for Order to the Prosecutor Regarding Extrajudicial Comments to the Press"

Issued by Pre-Trial Chamber II on 5 May 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

President of Ireland visits the ICC



H.E. Mary McAleese, The President of Ireland (center) and Dr. McAleese (left) meeting the ICC President, Sang-Hyun Song, at the seat of the Court in The Hague © ICC-CPI

On 2 May 2011, the President of Ireland, H.E. Mary McAleese, visited the International Criminal Court (ICC), to meet with the ICC President, Sang-Hyun Song, and other high-level officials of the Court.

President Song thanked President McAleese for Ireland's longstanding support and assistance to the ICC, in particular expressing his appreciation for the generous donations that Ireland has made to the Court's Trust Fund for Victims and the Trust Fund for the Participation of Least Developed Countries. "Ireland has been one of the Court's strongest and most consistent supporters, and I am delighted to have this opportunity to express our thanks to you personally", he said.

President McAleese described the ICC as "one of the most significant achievements in international law since the end of the Second World War" and said that "it is important to send the message that obscene, appalling acts against humanity will not go unpunished". Stressing the importance of the ICC's work for the safety of future generations, she pledged that Ireland would continue to support the Court in any way it can.

Ms McAleese's visit to the ICC highlights Ireland's continuous support to the ICC and the joint efforts deployed in the fight against impunity of the perpetrators of the most serious crimes that affect the international community as a whole.

Photographs of the visit are available [here](#).

ICC's Trust Fund for Victims Launches Expression of Interest Supporting Victim Survivors of Sexual and Gender-Based Violence in the Central African Republic

On 6 May 2011, the Trust Fund for Victims (TFV) at the International Criminal Court (ICC) invites Expressions of Interest (EOI) to support the rehabilitation of victim survivors of sexual and gender-based violence in the Central African Republic (CAR) because it has identified a pressing priority need for assistance to victim survivors of such crimes in the context of the situation in CAR. However, future TFV programmes in the CAR may also address victims of other types of crime. The TFV funds projects that provide physical and psychological rehabilitation and material support to victims of crimes under the jurisdiction of the International Criminal Court (ICC).

On 21 December 2004, the Government of CAR referred the situation to the ICC, which officially opened the Situation in the Central African Republic on 19 January 2005. All parties to the conflict in CAR have been responsible for rapes and other grave forms of sexual violence. Indeed, when the ICC Prosecutor announced the opening of an investigation in the Central African Republic on 22 May 2007, he stated that his preliminary analysis of alleged crimes had revealed a pattern of massive rapes and other acts of sexual violence, appearing to have been a central feature of the conflict. This high reported number of victims of rape has made the CAR situation, the first ICC investigation in which allegations of sexual crimes far outnumber alleged killings. The allegations of sexual crimes were detailed and substantiated, suggesting that the rape of civilians was committed in numbers that could not be ignored under international law.¹ In November 2010, the first trial before the ICC in the situation of the CAR commenced against Jean-Pierre Bemba Gombo accused of crimes against humanity and war crimes, including murder, rape and pillaging.

There were often aggravating aspects of cruelty such as rapes committed by multiple perpetrators, in front of third persons, and sometimes with relatives forced to participate. The violence has mainly affected women and girls, but men have also been targeted for rape, sexual torture, sexual slavery, sexual humiliation, and forced incest.²

1 Background, Situation in the Central African Republic, The Hague, 22 May 2007, ICC-OTP-BN-20070522-220-A_EN, Office of the Prosecutor.

2 Ibid.

Victim survivors of sexual violence often suffer from short-term and long-term consequences with regard to their health, psychological well-being, and social integration. In addition to physical injuries, potential health consequences include post traumatic stress disorder (PTSD), sexually transmitted diseases (including HIV/AIDS), miscarriages, forced pregnancy, and traumatic fistula—debilitating tears in the tissue of the vagina, bladder, and rectum. Years of crisis have left the healthcare system in Central African Republic in shambles. There is one doctor for every 3,000 people, a nurse for every 1,000, and 37 percent of the population have to walk an average 10km to reach the closest health centre.³

The overall goal of the TFFV's programme under its rehabilitation mandate is to provide integrated rehabilitation assistance to victim survivors of SGBV, their families and affected communities so they are able to move from victim-hood to stability as survivors. In doing so, the TFFV takes care to promote women and girls' empowerment and address the specific needs of victim survivors in different age groups – a fundamental requirement of any peace-building process. The TFFV will target interventions in various provinces in the Central African Republic most affected by sexual and gender-based violence, and encourages international non-governmental organisations to integrate local capacity strengthening and to work in partnerships with women grassroots and victim survivor groups as part of the programme. The TFFV's Call for Expression of Interest will stay open for three months from May 6 – August 5, 2011. This is the first of a two-stage process, and each EOI will be reviewed for eligibility and short listing. Those organisations shortlisted will be invited to submit a detailed technical and financial proposal following a TFFV proposal development workshop in Bangui, Central African Republic. Final awards will be dependant on the approval of the TFFV Board of Directors and the ICC Pre-Trial Chamber for the Central African Republic.

Background: The Trust Fund for Victims (TFV)

The Trust Fund for Victims (TFV) at the International Criminal Court (ICC) is the first of its kind in the global movement to end impunity and promote justice. At the end of one of the bloodiest centuries in human history, the international community made a commitment to end impunity, help prevent the gravest crimes known to humanity and bring justice to victims with the adoption of the Rome Statute. In 2002, the Rome Statute came into effect and the Assembly of States Parties established the TFV under article 79 of the Rome Statute, to benefit victims of crimes and their families within the jurisdiction of the International Criminal Court (ICC). These crimes are genocide, crimes against humanity, war crimes – and in the future, crimes of aggression.

The TFV addresses and responds to the physical, psychological, or material needs of the most vulnerable victims. It raises public awareness and mobilizes people, ideas and resources. It funds innovative projects through intermediaries to relieve the suffering of the often forgotten survivors. The TFV works closely with NGOs, community groups, women's grassroots organisations, governments, and UN agencies at local, national, and international levels. By focusing on local ownership and leadership, the TFV empowers victims as main stakeholders in the process of rebuilding their lives.

With the unique roles of implementing both Court-ordered and general assistance to victims of crimes under the ICC's jurisdiction, the Trust Fund for Victims offers key advantages for promoting lasting peace, reconciliation, and wellbeing in war-torn societies. The TFV fulfils two mandates for victims of crimes under jurisdiction of the ICC:

1. **Reparations:** implementing Court-ordered reparations awards against a convicted person when directed by the Court to do so.
2. **General Assistance:** using voluntary contributions from donors to provide victims and their families in situations where the Court is active with physical rehabilitation, material support, and/or psychological rehabilitation.

Currently, the TFV is providing a broad range of support under its second mandate in northern Uganda and the Democratic Republic of Congo – including access to reproductive health services, vocational training, trauma-based counselling, reconciliation workshops, reconstructive surgery and more – to an estimated 75,000 victims of crimes under the ICC's jurisdiction. Most of our projects have incorporated both gender-specific and child-specific interventions to support the special vulnerability of women, girls, and boys.

The expression of interest will stay open for **three months from 6 May – 5 August 2011** and submissions will be due on 5 August 2011 and submitted electronically by email to: Kent.Foster@icc-cpi.int. For more information visit: <http://www.trustfundforvictims.org/> and <http://www.icc-cpi.int/Menus/Go?id=c1e72ebf-be02-4510-9a53-08e9929aa51e&lan=en-GB>.

Source: Trust Fund for Victims

³ World Health Organisation Country Profile – Central African Republic.

Interacting with communities

Judge Daniel David Nsereko Ntanda addresses the legal community and the civil society organisations in Kampala, Uganda



ICC Judge Nsereko Ntanda addressing civil society representatives in Kampala.
From left: Maria Mabinty Kamara, Field Outreach Coordinator for Uganda; ICC Judge Daniel David Nsereko Ntanda, Christopher Mbariza, Faculty of Law at Makerere University; and Joyce Freda Apio, Coordinator, Uganda Coalition for the ICC; Kampala 5 May 2011 © ICC-CPI

On 6 May 2011, Judge Daniel David Nsereko Ntanda, from the Appeals Division of the International Criminal Court (ICC), completed a two-day visit to Kampala, Uganda. During this visit, he addressed the legal community and civil society organisations on the relationship between the ICC and Africa and the possibilities for African legal professionals to join the ICC list of counsel and assistants to counsel authorized to practice before the Court.

On 5 May, the Outreach Unit, in partnership with the Ugandan Coalition for the ICC (UCICC) organised a public lecture on the topic “ICC’s relationship with Africa” for civil society groups with Judge Nsereko Ntanda as guest speaker. The lecture was attended by 65 representatives of civil society groups drawn from Kampala and from the communities affected by crimes

under ICC investigation coming from the Acholi, Teso, Madi and Lango sub-regions of north and northeastern Uganda.

In his presentation, Judge Nsereko Ntanda stressed that the ICC is not targeting African states, nor is it a Western imposition on the African continent and its peoples, as perceived by some actors; the ICC is an institution created by an international treaty, the Rome Statute, to which states in the exercise of their national sovereignty join freely and voluntarily. Currently, 31 African States are parties to the Rome Statute. The judge maintained that Africa needs the ICC and declared that the “Rome Statute is an organic or living law, which can be used expansively to advance the interests of humanity”. Concluding his lecture, the ICC judge stated that, “the Rome Statute is a big step forward in enhancing the role international law in that it criminalizes conduct that flagrantly violates basic human rights and constitutes the most serious crimes known to humanity – aggression, genocide, crimes against humanity and war crimes”. He underlined that, “to be effective, the Court needs the support and cooperation of states: to refer situations to the Court, to assist the surrender of suspects to the Court; and to facilitate the attendance of witnesses”. Judge Nsereko Ntanda also urged members of the civil society to continue playing their vital role in helping the Court through advocacy and the rendering of expert advice to States Parties and other sections of the Court.

The Coordinator of the UCICC, Ms Joyce Freda Apio, expressed her appreciation to the Court for facilitating the judge’s visit. She called on the Court to explore a more robust mechanism to facilitate interaction between elected court officials and key stakeholders as a way of countering the misperception regarding the Court’s relationship with Africa. Following the lecture, several questions, concerns and comments were raised mainly on the issues of victims’ reparations, the scope of investigation, enforcement of ICC arrest warrants and witness protection.

During the course of his visit, the judge addressed, on 6 May, 350 members of the legal community during the Annual General Meeting of the Ugandan Law Society. Over 100 of the attendees were female lawyers who are practicing in various Ugandan Courts. Judge Nsereko Ntanda noted that few African female lawyers are currently admitted on the ICC List of Counsel and Assistants to Counsel authorised to represent either victims or defendants who appear before the Court. He took the opportunity to encourage female lawyers to take advantage of the campaign Calling African Female Lawyers, which was launched last year in June during the Review Conference.

Mr Sam Sasan Shoamanesh from the Counsel Support Section, created within the ICC Registry, participated in the meeting and gave an overview of the application process for admission on the List of Counsel and Assistants to Counsel maintained by the Registrar. He also explained the international experience, training and other benefits lawyers will acquire, as well as the ICC Legal Aid Programme.

Speaking on behalf of the legal community, the President of the Uganda Law Society, Mr Bruce Kyerere, thanked the ICC for following up on the Calling African Female Lawyers Campaign that started last year. He also called on the lawyers present to take advantage of the ongoing campaign to sign up to the ICC List of Counsel, which will empower them to gain relevant international experience.

The situation in Uganda was referred to the Court by that State Party on 29 January 2004. The Prosecutor opened an investigation into the situation on 29 July 2004. Five warrants of arrest have been issued against top members of the Lords Resistance Army (LRA) for crimes against humanity and war crimes committed in Uganda since July 2002. Following the confirmed death of Raska Lukwiya, the proceedings against him have been terminated. The four remaining suspects are still at large.

Calendar

MAY 2011						
Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
9 United Nations High Commissioner for Human Rights, H.E. Navi Pillay, to visit the ICC	10	11	12 President Song and 2 nd Vice-President, Judge Kaul to participate in International Symposium "Beyond Kampala: The ICC, the Crime of Aggression and the Future of the Court" in Oxford (United Kingdom)	13	14	15
16 President Song to address a CARICOM seminar on the Rome Statute of the ICC in Port of Spain, Trinidad and Tobago	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					
JUNE 2011						
Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
		1	2	3	4	5
6	7	8	9	10	11	12

The calendar is subject to last minute changes.