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ICC Weekly Update

23 September 2009 #2



Situation in the Central African Republic (CAR)

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.

Bemba Case

Constitution of Trial Chamber III in the case of *The Prosecutor v. Jean-Pierre Bemba Gombo*

On 18 September, 2009, the Presidency of the International Criminal Court issued a **decision** constituting Trial Chamber III. According to the decision, Trial Chamber III will be composed of Judge Elizabeth Odio Benito, Judge Joyce Aluoch and Judge Adrian Fulford. The case of *The Prosecutor v. Jean-Pierre Bemba Gombo* has been referred to the new Trial Chamber.

The full record of the proceedings, including the decision confirming the charges in this case, has been transferred to Trial Chamber III.



Jean-Pierre Bemba Gombo at the hearing ©ICC-CPI

Background

Jean-Pierre Bemba was arrested on 24 May 2008, by the Belgian authorities, pursuant to a warrant of arrest delivered by the Pre-Trial Chamber, and was surrendered to the ICC on 3 July, 2008. He is accused of being criminally responsible, for having effectively acted as a military commander, for war crimes (murder, rape and pillaging) and crimes against humanity (murder and rape).

These crimes were allegedly committed during an armed conflict which took place in the Central African Republic from 26 October, 2002 to 15 March, 2003. In the context of this conflict, the MLC forces, led by Mr Bemba, allegedly directed a widespread and systematic attack against the civilian population in particular, in Bangui, Boy-Rabé, Point Kilomètre 12 (PK 12), Point Kilomètre 22 (PK 22) and Mongoumba, that targeted a significant number of civilian victims.

Decisions taken between 14 - 18 September 2009

Decision on the Requests for Withdrawal of Counsel

Issued by Pre-Trial Chamber II on 17 September 2009

Decision on the « Requête aux fins de divulgation des éléments pertinents relatifs à l'admissibilité »

Issued by Pre-Trial Chamber II on 18 September 2009

Decision on Re-classification and Unsealing of Certain Documents and Decisions

Issued by Pre-Trial Chamber II on 18 September 2009

Decision on the Defence's Application to Suspend the Proceedings

Issued by Pre-Trial Chamber II on 18 September 2009

Decision on the Prosecutor's Application for Leave to Appeal the "Decision Pursuant to Article 61(7)(a) and (b) of the Rome Statute on the Charges of the Prosecutor Against Jean-Pierre Bemba Gombo"

Issued by Pre-Trial Chamber II on 18 September 2009

Decision constituting Trial Chamber III and referring to it the case of *The Prosecutor v. Jean-Pierre Bemba Gombo*

Issued by the Presidency on 18 September 2009

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.

Decisions taken between 14 - 18 September 2009

Lubanga Dyilo case

Decision on the Manner of Questioning Witnesses by the Legal Representatives of Victims

Issued by Trial Chamber I on 16 September 2009

Katanga and Ngudjolo Chui case

Décision relative à la situation du témoin 267

Issued by Trial Chamber II on 14 September 2009

Decision on the interpretation of the court proceedings

Issued by Trial Chamber II on 15 September 2009

Scheduling Order for the Judgment on the Appeal of Mr. Germain Katanga against the Oral Decision of Trial Chamber II of 12 June 2009 on the Admissibility of the Case

Issued by the Appeals Chamber on 18 September 2009

Situation in Darfur, Sudan

In the situation in Darfur, Sudan, three 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*; and *The Prosecutor v. Bahr Idriss Abu Garda*. Three warrants of arrest have been issued by Pre-Trial Chamber I for Harun, Kushayb and Al Bashir for crimes against humanity and war crime. 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.

Decisions taken between 14 - 18 September 2009

Al Bashir case

Decision on the Application of 20 July 2009 for Participation under Rule 103 of the Rules of Procedure and Evidence and on the Application of 24 August 2009 for Leave to Reply

Issued by the Appeals Chamber on 18 September 2009

Abu Garda case

Decision Ordering the Parties to Submit their Observations on the 52 Applications for Victims' Participation in the Proceedings

Issued by Pre-Trial Chamber I on 16 September 2009

Decision Convening two Hearings on 23 September 2009

Issued by Pre-Trial Chamber I on 18 September 2009

Situation in Uganda

In this situation, the case *The Prosecutor v. Joseph Kony, Vincent Otti, Okot Odhiambo and Dominic Ongwen* is currently being heard before Pre-Trial Chamber II. In this case, five warrants of arrest have been issued against [the] five top members of the Lords Resistance Army (LRA). Following the confirmation of the death of Mr Lukwiya, the proceedings against him have been terminated. The four remaining suspects are still at large.

Decisions taken between 14 - 18 September 2009

Kony *et al* case

Judgment on the appeal of the Defence against the "Decision on the admissibility of the case under article 19 (1) of the Statute" of 10 March 2009

Issued by the Appeals Chamber on 16 September 2009

ICC welcomes the Republic of Chile as a new State Party

On 17 September, 2009, the International Criminal Court held a ceremony to welcome the Republic of Chile as the newest State Party to the Rome Statute. The Statute entered into force for Chile on 1 September 2009, bringing the total number of States Parties to the Rome Statute to 109.

In a symbolic act held at the seat of the Court, the President of the Court, Judge Sang-Hyun Song, congratulated the Ambassador of Chile, H.E. Mr Juan Antonio Martabit whilst presenting him with a special edition of the Rome Statute. President Song welcomed the new State Party member: "Even as Chile sifts through its past, by joining the Rome Statute, it has made clear its commitment to a particular vision of a common human future. It is a future of accountability – a future of justice for war crimes, crimes against humanity and genocide", said President Song.

In response to the President and while thanking him for his gift, Ambassador Martabit said, "I would like to emphasise that, although this achievement is the result of the efforts of many sectors of our society, it is most of all due to the personal interest of our President, Ms Michelle Bachelet, who considered the ratification of the Rome Statute a primary goal of her government."



President Sang-Hyun Song, in the presence of Ambassador Lomónaco, presents Ambassador Martabit with a special edition of the Rome Statute ©ICC-CPI

The ceremony was held in the presence of the Vice-President of the Assembly of States Parties and Ambassador of Mexico, H.E. Mr Jorge Lomónaco. The Vice-President of the ICC, Judge Fatoumata Dembele Diarra, the Prosecutor, Mr Luis Moreno Ocampo, the Registrar, Ms Silvana Arbia, and the judges of the Court also attended the ceremony.

Ambassador Lomónaco paid tribute to the Republic of Chile, remarking on the significant accomplishment of such a ratification in light of the history of Latin American countries in the twentieth century: "I wish to express my genuine hope that other countries that have yet to join the Rome Statute family will be inspired by Chile's example and reinforce our common struggle to end impunity".

Whilst this is the first time that the ICC has organised a ceremony for such an event, it is envisaged that future ceremonies will also be held on the occasion of new States joining the ICC.

Relevant links:

[Speech of the President of the ICC, Judge Sang-Hyun Song](#)

[Speech of the Vice-President of the Assembly of States Parties, the Ambassador of Mexico, H.E. Mr Jorge Lomónaco](#)

[Speech of the Ambassador of Chile, H.E. Mr Juan Antonio Martabit](#)

[Video footage of the ceremony](#) | [Photographs of the ceremony](#)

ICC Prosecutor: Kenya can be an example to the world

On 17 and 18 September 2009, the Prosecutor of the International Criminal Court (ICC) Luis Moreno-Ocampo met with representatives of Kenyan civil society organisations (ICPC, KHRC, ICJ-K, ICTJ-K as well as KNCHR) who traveled to The Hague to explain their position on the post-election violence that hit the country in early 2008.



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The Prosecutor emphasized that Kenya would prove an example of how to work together with the international community and the Court to end impunity and prevent future crimes. "Kenya will show how to manage past violence and how to create a peaceful process for the upcoming elections in 2012. Kenya will be an example to the world." In the coming days, the Prosecutor will further be in contact with representatives of the Kenyan Government to discuss the next steps. "We all agree that impunity is not an option," he stressed, "and that to prevent new violence in 2012 it is necessary to prosecute those responsible for the crimes committed during the post election violence."

On 3 July, a high level delegation from Kenya met with the Prosecutor in The Hague to discuss the Kenya situation. The Parties reiterated on that day that primary responsibility for conducting investigations and prosecutions into crimes that may fall within the jurisdiction of the ICC lay with the Kenyan authorities. Should efforts to conduct national proceedings fail, the Government of Kenya committed to referring the situation to the Court in accordance with Article 14 of the Rome Statute.

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.

Open day success: Nearly 500 people visit the ICC

Nearly five-hundred people visited on Sunday, 20 September, the International Criminal Court (ICC) when it opened its doors as part of the celebrations to mark this year's international Day of Peace. In the course of the day, visitors attended briefings provided in different languages on the Court's principles and its current work followed by question and answer sessions. Participants also had the opportunity to interact with ICC officials during guided tours that included a view of Courtroom I from the public gallery and the Court's media centre.

The successful Open Day was prepared as part of the programme of activities organised by the Municipality of The Hague to celebrate the international Day of Peace, intended to draw to the attention of the public the efforts of those who work hard to end conflict and promote peace worldwide.

Visitors to the ICC consisted of men, women and children of different ages and nationalities, including Dutch nationals and members of the international community based in The Hague from Europe, Africa, Asia, North and Latin America, and the Caribbean.

Ms Silvana Arbia, the ICC Registrar, explained that, "The Court has subscribed to the initiative of the Municipality of The Hague because it attaches great importance to enhancing public understanding of its mandate and work. Engaging Dutch and international communities is a way to increase awareness of and respect for the rule of law. The successful outcome of this event shows the importance of bringing the Court closer to the people".

Other international organisations taking part in the days' event included the Peace Palace, the International Criminal Tribunal for the former Yugoslavia (ICTY), the Organisation for the Prohibition of Chemical Weapons (OPCW), and the European Patent Office (EPO) who also opened their doors. More than fifteen Hague-based international organisations and non-governmental organisations (NGOs), such as Europol, Eurojust, the Hague Academic Coalition (HAC), the Organisation of the North Atlantic Treaty (NATO), C3 Agency (NC3A), the Special Tribunal for Lebanon, and the Special Court for Sierra Leone also gave information during an 'information market' at the Spui Theatre. An additional ten NGOs based in The Hague also informed visitors about their work.

The international Day of Peace was established by a United Nations resolution in 1982. It is an annual day when individuals, communities, nations and governments worldwide highlight the efforts of those who have worked hard to end conflict and promote peace.



Members of the public visiting the ICC view Courtroom I from the public gallery ©ICC-CPI

Interacting with communities

Inhabitants of Mahagi, Aru and Mongbwalu in Ituri receive information on the development of the various cases before the ICC

From 13 to 26 August, the ICC's outreach team based in Bunia, Democratic Republic of the Congo conducted an outreach mission in Ituri, visiting Mahagi and Aru Territories, which are 180 and 340 km respectively from Bunia, the district's capital, and the city of Mongbwalu, 80 km from Bunia.

The mission is part of the mechanisms set up by the Public Information and Documentation Section (PIDS) of the International Criminal Court to provide the public in the Ituri District with regular information about the latest developments at the Court.

In addition to its partnership with local radio stations, the Outreach Unit regularly tours the various territories in Ituri to provide people affected by the atrocities with information about how the Court works and how the various cases before it are progressing.

During this mission, the team held public meetings with various audiences: local NGOs and women's groups, members of radio listeners' clubs, students, police officers and the general public.

The participants at the meetings (estimated at around 750 people) received information about the development of the cases related to the situations in the Democratic Republic of the Congo (DRC) and the Central African Republic before the ICC. A particular focus was placed on the cases which directly concern the people of Ituri, namely *The Prosecutor v. Thomas Lubanga* and *The Prosecutor v. Germain Katanga & Mathieu Ngudjolo Chui*.



Listening club members and traditional musicians at an outreach meeting in Mahagi (Ituri, DRC), on 14 September, 2009. ©ICC-CPI

The ICC delegation responded to the villagers' questions and explained certain key developments. Many questions concerned the end of the first part of Thomas Lubanga's trial - which was devoted to the presentation of the Office of the Prosecutor's evidence and lasted around six months (from 26 January to 14 July 2009) - and the presentation of the Defence's case, which is due to commence in October.

Another forthcoming event to catch the attention of the locals was the commencement of the trial of Germain Katanga and Mathieu Ngudjolo Chui, scheduled for 24 November. In addition, the ICC representatives explained to participants the significance of the challenge to

admissibility submitted by Germain Katanga's defence.

Lastly, the decision granting interim release to Jean-Pierre Bemba was also on the agenda. Although it concerns the situation in the Central African Republic, the case of *The Prosecutor v. Jean-Pierre Bemba* also interests many Iturians - not only because Jean-Pierre Bemba is Congolese, but also because the decision was the first of its kind from the ICC, and raised many questions.

In fact, all of the participants were keen to find out the outcome of the ongoing Lubanga trial and said that they would like the Outreach Unit to come to them as often as possible.

Outreach Team in Kinshasa launches a training programme for journalists

On 16 and 17 September, together with the Journalists for Human Rights NGO, PIDS held the first session in its new programme aimed at training local journalists on human rights issues and the ICC. The session was divided into 3 parts: 1) an overview of international human rights, 2) a presentation on the International Criminal Court, and 3) techniques of journalism, including a practical exercise. A follow-up session will be held on 25 September, followed by regular monthly training sessions.

Outreach Team in Bunia holds an information campaign on the question of the interim release of Jean-Pierre Bemba

During the week of 14 September, the Outreach Team in Bunia held an information campaign in 12 districts of Bunia to explain the recent decisions in the Bemba case. They explained that the decision on interim release has not been implemented for procedural reasons. The fact that the Prosecutor had asked the Appeals Chamber to grant suspensive effect to his appeal against the decision granting interim release to Mr Bemba, and the Appeals Chamber's subsequent grant of this request, raised many questions for the population. The Outreach Team organised this information campaign in order to prevent speculation and rumours by people who do not want to see Mr Bemba granted interim release.

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 at our [Youtube channel](#).