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International
Criminal
Court

ICC-PIDS-WU-92/11_Eng

29 August 2011 #92 ICC Weekly Update



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 and Mathieu Ngudjolo Chui and the suspect 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 16 September 2011.

Lubanga Dyilo Case

Trial Chamber I to deliberate on the case against Thomas Lubanga Dyilo



Thomas Lubanga Dyilo © ICC-CPI/Michael Kooren

The trial in the case *The Prosecutor v. Thomas Lubanga Dyilo*, the first opened by the International Criminal Court (ICC), has entered its final stages following the hearing of closing statements that took place from 25 and 26 August 2011. During the last two days, the Prosecution, the legal representatives of victims and the Defence presented their final arguments. Trial Chamber I, comprising Judge Adrian Fulford (presiding judge), Judge Elizabeth Odio Benito and Judge René Blattmann will deliberate on the proceedings and, within a reasonable period, will pronounce its decision. The Chamber bases its decision only on the applicable law and on evidence submitted and discussed before it at the trial.

Thomas Lubanga Dyilo, a national of the Democratic Republic of the Congo, is accused of having committed, as a co-perpetrator, war crimes of enlisting and conscripting children under the age of 15 years into the *Forces patriotiques pour la libération du Congo* (Patriotic Forces for the Liberation of the Congo) (FPLC), and using them to participate actively in hostilities in Ituri, a district of the eastern province of the Democratic Republic of the Congo, between September 2002 and August 2003. He was surrendered and transferred to the Court on 17 March 2006, upon a warrant of arrest issued by Pre-Trial Chamber I. The trial started on 26 January 2009.

Over the course of 220 hearings, the Chamber heard 36 witnesses called by the Office of the Prosecutor, including 3 experts, 19 witnesses called by the Defence and 3 witnesses called by the legal representatives of the victims participating in the proceedings. The Chamber also called 4 other experts to testify. The Judges ensured the respect of the rights guaranteed by the Rome Statute to each of the parties, including the right to cross-examine the witnesses.

A total of 123 victims, represented by three teams of legal counsel, were authorised to participate in the trial. They have expressed their position on matters heard before the Chamber and were authorised to examine witnesses on specific issues.

The Trial Chamber issued 307 oral decisions, and 624 written decisions. The parties and participants before the Chamber exchanged more than 3,560 filings amounting to more than 53,000 pages.

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

Decisions taken between 22 - 26 August 2011

Interim decision concerning the “REQUETE URGENTE PORTANT RECOURS CONTRE LA DECISION DU GREFFIER SUR LA RADIATION D’UN CONSEIL ET SOLLICITANT UNE SUSPENSION IMMEDIATE DES EFFETS DE CETTE DECISION. (REQUETE PUBLIQUE AVEC 15 ANNEXES CONFIDENTIELLES)”

Issued by the Presidency on 26 August 2011

Katanga and Ngudjolo Chui Case

Decision on the Defence Request to Redact the Identity of the Source of DRC-D03-0001-0707

Issued by Trial Chamber II on 22 August 2011

Decision on the Security Situation of witnesses DRC-D02-P-0236, DRC-D02-P-0228 and DRC-D02-P-0350

Issued by Trial Chamber II on 24 August 2011

Order Inviting the Parties and Participants to Make Observations Regarding a Judicial Site Visit

Issued by Trial Chamber II on 26 August 2011

Decision on the “Urgent Request for Directions” of the Kingdom of the Netherlands of 15 July 2011

Issued by the Appeals Chamber on 26 August 2011

Mbarushimana Case

Decision on the “Defence request for disclosure of information related to the alleged victims of sexual violence”

Issued by Pre-Trial Chamber I on 23 August 2011

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

Decisions taken between 22 - 26 August 2011

Bemba Case

Order Convening a Status Conference

Issued by Trial Chamber III on 25 August 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 in 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.

On 30 August 2011, Appeals Chamber to deliver judgments on the Kenyan Government’s appeals regarding its challenges to the admissibility of the cases

On Tuesday, 30 August 2011, at 14:30 (The Hague local time), the Appeals Chamber of the International Criminal Court (ICC) will deliver, in public session, its judgments on the appeals submitted by the Government of Kenya against the decisions of Pre-Trial Chamber II ruling on the challenge to the admissibility in the 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*.

On 30 May 2011, Pre-Trial Chamber II had rejected the applications of the Kenyan Government, dated 31 March 2011, challenging the admissibility of the two cases, invoking the principle of complementarity between the ICC and the national judicial systems. Pre-Trial Chamber II considered that, “in the absence of information which substantiates the Government of Kenya’s challenge that there are ongoing investigations” against the suspects, the cases are admissible. Pre-Trial Chamber II’s decisions are available [here](#) and [here](#).

First and second scheduling order

Further practical information for the media can be found [here](#).

Ruto, Kosgey and Sang Case

Practical information for media on the 1 September 2011 opening of the confirmation of charges hearing in the case *The Prosecutor v. William Samoei Ruto, Henry Kiprono Kosgey and Joshua Arap Sang*

The opening of the confirmation of charges hearing in the case *The Prosecutor v. William Samoei Ruto, Henry Kiprono Kosgey and Joshua Arap Sang* is scheduled to take place on Thursday, 1 September 2011, at 14:30 (The Hague local time). The hearing is scheduled to last until 12 September 2011, and will be before Pre-Trial Chamber II of the International Criminal Court (ICC), which is composed of Judge Ekaterina Trendafilova (presiding judge), Judge Hans-Peter Kaul and Judge Cuno Tarfusser.

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 for a suspect, the Pre-Trial Chamber commits the person to trial before a Trial Chamber, which will conduct the subsequent phase of the proceedings: the trial.

William Samoei Ruto and Henry Kiprono Kosgey are allegedly criminally responsible as indirect co-perpetrators for the crimes against humanity of: murder; forcible transfer of population; and persecution. Joshua Arap Sang has allegedly otherwise contributed to the commission of the above-mentioned crimes against humanity allegedly committed in Kenya in the context of the 2007-2008 post-election violence.

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

Further practical information for the media can be found [here](#).

Decisions taken between 22 - 26 August 2011

Decision on the “Defence Request for Leave to Appeal the ‘Urgent Decision on the ‘Urgent Defence Application for Postponement of the Confirmation Hearing and Extension of Time to Disclose and List Evidence’ (ICC-01/09-01/11-260)”

Issued by Pre-Trial Chamber II on 24 August 2011

Scheduling Order for the Judgment on the appeal of the Republic of Kenya against the decision of Pre-Trial Chamber II entitled “Decision on the Application by the Government of Kenya Challenging the Admissibility of the Case Pursuant to Article 19(2) (b) of the Statute”

Issued by the Appeals Chamber on 25 August 2011

Decision on the Schedule for the Confirmation of Charges Hearing

Issued by Pre-Trial Chamber II on 25 August 2011

Decision Authorizing Video Recording and Photographs at the Confirmation of Charges Hearing

Issued by Pre-Trial Chamber II on 26 August 2011

Muthaura, Kenyatta and Ali Case

Scheduling Order for the Judgment on the appeal of the Republic of Kenya against the decision of Pre-Trial Chamber II entitled “Decision on the Application by the Government of Kenya Challenging the Admissibility of the Case Pursuant to Article 19(2) (b) of the Statute”

Issued by the Appeals Chamber on 25 August 2011

Decision on Victims’ Participation at the Confirmation of Charges Hearing and in the Related Proceedings

Issued by Pre-Trial Chamber II on 26 August 2011

Situation in the Libyan Arab Jamahiriya

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. On 27 June 2011, Pre-Trial Chamber I issued three warrants of arrest respectively for *Muammar Mohammed Abu Minyar Gaddafi, Saif Al-Islam Gaddafi and Abdullah Al-Senussi* for crimes against humanity (murder and persecution) allegedly committed across Libya from 15 until at least 28 February 2011, through the State apparatus and Security Forces.

ICC Prosecutor talks to Transitional National Council in Libya

On 22 August 2011, the Prosecutor of the International Criminal Court (ICC), Luis Moreno-Ocampo spoke to authorities of the Transitional National Council. The Transitional National Council explained the efforts to stabilize the situation in Tripoli and in all the country establish security and control any attack against the civilian population.

The Prosecutor is committed to support such efforts, by pursuing his mandate to investigate and prosecute cases to contribute to the prevention of the crimes under the jurisdiction of the Court.

Further conversations will define the precise way to move forward, including the possibility to apprehend and surrender to the Court the three individuals alleged to have committed crimes after 17 February 2011, and also to investigate and prosecute them in Libya for crimes committed previously.

"Crimes in Libya were primarily committed against Libyans. The Court issued arrest warrants on 27 of June against three individuals. They are some of the most serious crimes of concern to the international community as a whole. That is why the UN Security Council referred the situation to the International Criminal Court in February 2011."

The Prosecutor is committed to work with Libyan authorities.

For more information:

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Source: Office of the Prosecutor

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

The Netherlands contributes € 250.000 to the Trust Fund for Victims

The Hague – On 23 August 2011, the Netherlands Minister of Foreign Affairs, Dr Uri Rosenthal, announced a voluntary contribution of € 250,000 to the Trust Fund for Victims (TFV).

The announcement was made during a meeting in The Hague with Elisabeth Rehn, Chair of the Board of Directors of the TFV, and Pieter de Baan, Executive Director of the TFV.

According to Minister Rosenthal, the Dutch contribution signals the importance attached to the TFV to be able, next to the International Criminal Court (ICC), to positively contribute to the lives and dignity of victims within the jurisdiction of the ICC. "This contribution reflects the commitment of the Government of The Netherlands to the rights and needs of victims of the most serious crimes."

In 2010, the Netherlands contributed 57,000 US Dollars to the TFV, earmarked for child victims. The new contribution of the Netherlands will be dedicated to the activities of the TFV under its rehabilitation mandate.

Ms Elisabeth Rehn stated her delight at the important contribution of the Netherlands Government to the Trust Fund. She expressed the Board's wish that this continued engagement would develop into a long-standing partnership: "It will be important to grow and nurture the resources of the TFV, as we are reaching out to victims in an increasing number of situations before the Court. Also, we are anticipating the activation of the Trust Fund for Victims' mandate to implement Court-ordered reparations."

Ms Rehn noted the TFV Board's commitment to maintain a significant part of the Trust Fund's resources for its mandate to implement Court-ordered reparations. This will enable the TFV Board to complement reparations awards in case a convicted person has insufficient resources to pay directly for reparations. She emphasized the importance that the TFV Board attaches to the development of strong a collaborative relationship with the ICC.

Over the past four years, the TFV has worked with over 30 local and international partners in northern Uganda and the Democratic Republic of Congo (DRC) to support over 80,000 victims under the jurisdiction of the International Criminal Court (ICC). In early 2012, the TFV will start activities in the Central African Republic, focusing on victims of sexual violence.

The August 2011 TFV activities report can be found [here](#).

Contact: Ms. Gaëlle van der Meerendonk at gaelle.vandermeerendonk@icc-cpi.int

Background : the Trust Fund for Victims (TFV)

The Trust Fund for Victims (TFV) 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.

There are currently six situations before the ICC, in Northern Uganda, Democratic Republic of Congo (DRC), Darfur, Central African Republic (CAR), Kenya and Libya which means that, with your help, the TFV can assist thousands of victims who come under the jurisdiction of the Court.

For more information visit: <http://www.trustfundforvictims.org/homepage>.

TFV Board of Directors

Ms Elisabeth Rehn (chair) (Finland, representing Western European and Other States),

His Excellency, Bulgaa Altangerel (Mongolia, representing the Asian States),

Ms Betty Kaari Murungi (Kenya, representing African States),

Mr Eduardo Pizarro Leongómez (Colombia, representing the Americas and Caribbean State),

Her Excellency Vaira Vīķe-Freiberga (Latvia, representing Eastern European States)

Source: Trust Fund for Victims

ICC welcomes Grenada as a new State Party



The Ambassador of Grenada, HE Mr Stephen Fletcher, receives a special edition of the Rome Statute from ICC President Sang-Hyun Song, in the presence of ASP Vice-President HE Mr Jorge Lomónaco, at the seat of the Court ©ICC-CPI

On 23 August 2011, the International Criminal Court (ICC) welcomed Grenada as a new State Party to the Rome Statute of the ICC in a ceremony held at the seat of the Court in The Hague.

In a symbolic act, the President of the Court, Judge Sang-Hyun Song, presented the Ambassador of Grenada, HE Mr Stephen Fletcher, with a special edition of the Rome Statute of the ICC.

Commenting that Grenada was continuing “a proud Caribbean tradition of supporting the International Criminal Court”, the ICC President stated: “Each State that joins the ICC sends out a powerful message that it does not tolerate genocide, crimes against humanity or the other atrocious offences listed in the Statute, and it will not provide refuge to those suspected of such crimes”.



HE Mr Jorge Lomónaco, Vice-President of the ASP ©ICC-CPI

The Vice-President of the Assembly of States Parties (ASP) and Ambassador of Mexico, HE Mr Jorge Lomónaco, placed the occasion in Grenada’s historical context: “After 300 years as a colony, an overthrow of the government, an invasion in the mid-eighties and a full restoration of democracy to follow, Grenada has come out as a strong and independent state of the Caribbean Community”. That community, he added, is strongly committed to “combating impunity and bringing justice to victims”.

Referring to the adage that “It is only necessary for good men to do nothing for evil to triumph”, HE Ambassador Fletcher stated: “Today, Grenada is acting to prevent the triumph of evil. Today, Grenada’s action is sending a clear statement to the world, that it does not intend to allow crimes against humanity to escape the global justice system”.

The ceremony was held in the presence of the Registrar, Ms Silvana Arbia, the Deputy Prosecutor, Fatou Bensouda, and several judges of the Court.

The government of Grenada deposited its instrument of accession to the Rome Statute of the International Criminal Court (ICC) to the UN on 19 May 2011. The Rome Statute took effect in Grenada on 1 August 2011, making Grenada the 115th State Party to the Rome Statute.

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, HE Mr Jorge Lomónaco

Speech of the Ambassador of Grenada, H.E. Mr Stephen Fletcher

Video footage of the event is available on YouTube, [here](#).



Judge Sang-Hyun Song, President of the ICC ©ICC-CPI



HE Mr Stephen Fletcher, Ambassador of Grenada ©ICC-CPI

Calendar

AUGUST 2011						
Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
29	30	31				
SEPTEMBER 2011						
Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
			1 Confirmation of charges hearing to commence in the case <i>The Prosecutor v. William Samoei Ruto, Henry Kiprono Kosgey and Joshua Arap Sang</i> (scheduled until 12 September)	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16 Confirmation of charges hearing to commence in the case <i>The Prosecutor v. Callixte Mbarushimana</i> (scheduled until 20 September)	17	18 Open Day: ICC opens its doors on The Hague International Day
19	20	21 Confirmation of charges hearing to commence in the case <i>The Prosecutor v. Francis Kirihi Muthaura, Uhuru Muigai Kenyatta and Mohammed Hussein Ali</i> (scheduled until 11 October)	22	23	24	25

The calendar is subject to last minute changes.