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Court

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24 October 2011 #100 ICC Weekly Update

Situation in Darfur, Sudan

There are four cases in the situation in Darfur, Sudan: *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*. Four warrants of arrest have been issued by Pre-Trial Chamber I for Messrs Harun, Kushayb and Al Bashir. The three suspects remain at large. A summons to appear was issued for Mr Abu Garda who appeared voluntarily before the Chamber on 18 May 2009. After the hearing of confirmation of charges, on February 2010, Pre-Trial Chamber I declined to confirm the charges. Mr Abu Garda is not in the custody of the ICC. 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 took place on 8 December 2010. On 7 March 2011, Pre-Trial Chamber I unanimously decided to confirm the charges of war crimes brought by the ICC's Prosecutor against Mr Banda and Mr Jerbo, and committed them to trial. On 16 March 2011, the ICC Presidency constituted Trial Chamber IV and referred the case to it.

Al Bashir Case

Pre-Trial Chamber I requests observations from Malawi on the enforcement of warrants of arrest against Omar Al Bashir

On 19 October 2011, Pre-Trial Chamber I of the International Criminal Court (ICC) issued a decision requesting the Republic of Malawi to submit, no later than 11 November 2011, any observations with regard to the alleged failure by the Republic of Malawi to comply with the cooperation requests issued by the Court for the arrest and surrender of the Sudanese President, Omar Hassan Ahmad Al Bashir.

The Chamber was seized on an ICC Registry's report indicating that various media had reported that Omar Al Bashir had visited the Republic of Malawi on 14 October 2011, and highlighting the Registrar had sent a note verbale, that remained unanswered, to the Embassy of the Republic of Malawi in Brussels on 13 October 2011, reminding the Republic of Malawi of its legal obligations as a State Party to the Rome Statute and asking for its cooperation for the arrest and surrender of Mr Al Bashir "in the event that the latter would enter Malawi's territory".

The Chamber also noted article 87(7) of the Statute providing that "[w]here a State Party fails to comply with a request to cooperate by the Court contrary to the provisions of this Statute [...] the Court may make a finding to that effect and refer the matter to the Assembly of States Parties or, where the Security Council referred the matter to the Court, to the Security Council".

On 27 August 2010 and on 12 May 2011, Pre-Trial Chamber I had issued three decisions informing the Security Council of the United Nations and the Assembly of States Parties to the Rome Statute about Omar Al Bashir's visits to the Republic of Kenya, the Republic of Chad and to Djibouti, 'in order for them to take any measure they may deem appropriate'. On 25 October 2010 and on 1 December 2010, the Judges had also issued two decisions requesting the Republic of Kenya and the Central African Republic to inform the Chamber about any problem which would impede or prevent the arrest and surrender of Omar Al Bashir in the event that he visits these countries.

On 4 March, 2009, Pre-Trial Chamber I issued a first warrant of arrest against Mr Al Bashir, considering that there were reasonable grounds to believe that the suspect was criminally responsible for five counts of crimes against humanity and two counts of war crimes. A second warrant of arrest was issued against Mr Al Bashir on 12 July, 2010, for three counts of genocide.

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

Decisions taken between 17 - 21 October 2011

Decision requesting observations about Omar Al-Bashir's recent visit to Malawi

Issued Pre-Trial Chamber I on 19 October 2011

Banda and Jerbo Case

Decisions taken between 17 - 21 October 2011

Decision on the Registry Report on six applications to participate in the proceedings

Issued Trial Chamber IV on 17 October 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 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 case against Callixte Mbarushimana was held from 16 to 21 September 2011. The decision on the confirmation of charges is pending.

Decisions taken between 17 - 21 October 2011

Katanga and Ngudjolo Chui Case

Decision on the Bar Table Motion of the Defence of Germain Katanga

Issued Trial Chamber II on 21 October 2011

Décision relative aux demandes de reprise d'instance formées par les proches des victimes décédées a/0025/08 et a/0311/09

Issued Trial Chamber II on 21 October 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 17 - 21 October 2011

Bemba Case

Decision on "Application for leave to reply to the Office of the Prosecutor's response of 10 October 2011 to the document in support of the Defence appeal"

Issued the Appeals Chamber on 17 October 2011

Situation in the Republic of Côte d'Ivoire

Côte d'Ivoire, which is not party to the Rome Statute, **had accepted the jurisdiction** of the ICC on 18 April 2003; more recently, and on both 14 December 2010 and 3 May 2011, the Presidency of Côte d'Ivoire **reconfirmed the country's acceptance** of this jurisdiction. On 3 October 2011, the Pre-Trial Chamber authorised the Prosecutor to open an investigation into the situation in Côte d'Ivoire since 28 November 2010.

Decisions taken between 17 - 21 October 2011

Decision on Prosecution's request for reclassification of Annexes 1 to 1089 of the Registry's Report on Victims' Representations

Issued Pre-Trial Chamber III on 17 October 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

Retreat on the future of the ICC



Triesenberg, Liechtenstein

From 16 to 18 October 2011, a group of three dozen senior policy-makers participated in a retreat on the future of the International Criminal Court organized in Triesenberg, by the Government of Liechtenstein with the support of the Liechtenstein Institute on Self-Determination at Princeton University.

The participants at the retreat, which was held under Chatham House rules, considered the major political challenges to be faced by the Court and its Assembly of States Parties in the coming years: main challenges for the Assembly; implementation of the Rome Statute and Cooperation with the Court's requests; role of the Court in the international system; and promoting the universality of the Rome Statute.

In his welcoming remarks to the participants, H.S.H. Hereditary Prince Alois von und zu Liechtenstein stressed that the Principality's commitment to support

the Rome Statute system, evidenced in particular by the key role played by Ambassador Christian Wenaweser over several years, would continue unabated; he further recalled the importance for small States and those without armed forces of relying on the rule of law, of which the Court was a vital component.

The Foreign Minister of Liechtenstein, H.E. Aurelia Frick, noted that in addition to challenges there were recent developments, such as the Arab Spring, which offered opportunities that could be seized, such as expanding the number of States Parties. She highlighted that steadfast support for the Rome Statute system would continue to be needed, including at the political level; in this connection she called for the establishment of a ministerial network of support for the Court.

Participants in the retreat included current and former representatives of the Assembly, delegates, elected and senior officials of the Court, representatives of the United Nations system, academia and civil society.

The President of the Assembly, Ambassador Christian Wenaweser, highlighted the value of the informal exchange of views on issues that will weigh heavily on the Rome Statute system as it enters a period of dynamic changes in the coming year, with the election of a new Prosecutor and six judges in the midst of the conclusion of the Court's first trials.

The outcome of the retreat would be reflected in a forthcoming informal summary which would be available on the website of the Court (<http://www.icc-cpi.int>), under the section of the Assembly.

Source: Assembly of States Parties

La CPI participe à un séminaire sur la Justice et l'Etat de droit à l'Assemblée nationale de la République centrafricaine, organisé par l'Action Mondiale des Parlementaires

English version will be available on the ICC website



Fabienne Chassagneux, coordinatrice de la sensibilisation de la Cour pénale internationale en RCA, lors de son allocution face aux députés à l'Assemblée nationale, Bangui, le 14 octobre 2011 © ICC-CPI

Les 13 et 14 octobre 2011, l'Unité de la sensibilisation de la Cour pénale internationale (CPI) a participé à un séminaire de consultations sur la Justice et l'Etat de droit, qui s'est tenu au sein de l'hémicycle de l'Assemblée nationale à Bangui, en République centrafricaine (RCA). Ce séminaire a été organisé par l'association Action Mondiale des Parlementaires (*Parliamentarians for Global Action – PGA*) et a rassemblé 85 députés centrafricains, ainsi que six parlementaires du Mali, des Pays-Bas, de la République démocratique du Congo, de la Tanzanie et du Tchad.

S.E. Hon. Célestin Leroy Gaombalet, président de l'Assemblée nationale, a accueilli les participants et leur a souhaité la bienvenue. Des délégations de l'Union européenne et de la Commission onusienne de Consolidation de la Paix, ainsi que d'autres acteurs concernés comme la représentante de l'Union africaine à Bangui et la Représentante spéciale du Secrétaire général et Chef du Bureau intégré de l'ONU étaient également présents.

Lors de différents ateliers, les participants ont eu l'occasion de débattre sur un certain nombre de thématiques parmi lesquelles l'intégration de l'Etat de droit dans la coopération au développement et l'utilisation du « processus de la CPI » comme catalyseur pour les réformes du droit, la contribution parlementaire à la mise en œuvre effective du Statut de Rome, le rôle des parlementaires dans la promotion de l'effet dissuasif du système du Statut de Rome et son impact sur la paix, la démocratie et les droits de l'Homme.

L'Unité de la sensibilisation de la CPI, après avoir remercié l'Action Mondiale des Parlementaires, a rappelé, dans sa présentation, les principes directeurs du Statut de Rome et le chemin parcouru par la Cour depuis l'entrée en vigueur de ce traité international. Elle a aussi présenté l'activité de la Cour pénale internationale concernant la République centrafricaine, notamment en rapport avec l'affaire Le Procureur c. Jean-Pierre Bemba Gombo et les activités de sensibilisation des populations affectées. Les députés ont par la suite souligné l'importance de ce travail de sensibilisation mené appelant à ce qu'il soit davantage renforcé, à différents niveaux, afin que le Statut de Rome soit mieux connu de l'ensemble de la population.

Pour plus d'informations concernant ce séminaire, veuillez cliquer [ici](#).

Calendar

OCTOBER 2011						
Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
24 President Song to deliver lecture on "Cooperation, complementarity and universality - three key challenges of the Rome Statute system of international justice" at Hofstra University, School of Law in Hempstead, New York (USA)	25	26 President Song to present the ICC's annual report to the United Nations General Assembly in New York (USA)	27	28	29	30
31						
NOVEMBER 2011						
Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
	1	2 Judge Monageng addresses lawyers during the IBA annual conference in Dubai (United Arab Emirates)	3	4	5	6
7 ICC hosts visit by Judges and the Deputy Registrar of the African Court on Human and Peoples' Rights	8 ICC hosts welcoming ceremony for the Philippines, new State Party to the Rome Statute	9	10	11	12	13
14	15	16	17	18	19	20

The calendar is subject to last minute changes.