



30 November 2010 #57 ICC Weekly Update



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.

Journalists in Bangui, Kinshasa and The Hague put questions to parties and participants in the trial of Jean-Pierre Bemba Gombo

On 22 November, at the beginning of the press conference at the seat of the International Criminal Court (ICC) on the commencement of the trial in the case of *The Prosecutor v. Jean-Pierre Bemba Gombo*, the speakers stressed the paramount importance of respecting the rights of the parties and participants in the proceedings before the Court. The Registrar of the Court, Ms Silvana Arbia, stated that “only through a fair trial can the law play its proper role in establishing lasting peace and fighting effectively against impunity for crimes which are [...] of concern to the international community as a whole and which deeply shock the conscience of humanity”.



Ms Silvana Arbia, the ICC Registrar, answering journalists' questions
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From the Court's offices in Bangui, the Central African Republic and Kinshasa, the Democratic Republic of the Congo, local journalists were able to put their questions to the parties and participants in the trial of Mr Bemba via videoconference. The press conference was further enlivened by journalists in the Court's press briefing room at The Hague.

“Jean-Pierre Bemba used an entire army as a weapon to rape, pillage and kill civilians the Central African Republic. Today he is brought to account for deliberately failing to prevent, repress or punish mass atrocities committed by his men in CAR”, stated the Prosecutor of the ICC, Luis Moreno-Ocampo, adding that “in the ICC era, this is the fate of military commanders who allow their troops to carry out such command tactics out of strategic considerations.”

“The victims deserve to receive justice and, especially, to participate in the judicial process”, affirmed Ms Arbia. The legal representatives of the victims highlighted the Court's role in ending impunity and

preventing the recurrence of atrocities. “Never again”, stated Ms Marie-Edith Douzima-Lawson, legal representative of the victims, while Mr Assingambi Zarambaud said that “no matter how long the night, the day is sure to come”. Ms Paolina Massidda, Principal Counsel of the Office of Public Counsel for Victims, which supports the teams representing the victims, stressed that what the victims want is to “break their silence and break the silence of the world on the terrible events they experienced”, which is a “first step towards establishing the truth and gaining access to justice”.

Last to take the floor was Mr Bemba’s Defence team, represented by Mr Nkewbe Liriss, Mr Aimé Kilolo Musamba and Mr Nick Kaufman. It stated that “under Patassé’s presidency, the Central African State freely disposed of the Congolese troops of the MLC administration, who fought under its flag, and was accountable for their acts”.

Jean-Pierre Bemba Gombo is alleged to be criminally responsible for having effectively acted as a military commander within the meaning of article 28(a) of the Rome Statute for crimes against humanity (murder and rape) and war crimes (murder, rape and pillaging) allegedly committed in the territory of the Central African Republic during the period approximately between 26 October, 2002 and 15 March, 2003.



The Prosecutor of the ICC, Luis Moreno-Ocampo, answering journalists’ questions © ICC-CPI/Reuters



Ms Paolina Massidda, Principal Counsel of the Office of Public Counsel for Victims, answering journalists’ questions © ICC-CPI/Reuters



Mr Aimé Kilolo Musamba and Mr Nkewbe Liriss of the Defence team, answering journalists’ questions © ICC-CPI/Reuters

Decisions taken between 22 - 26 November, 2010

Bemba case

Dissenting Opinion of Judge Kuniko Ozaki on the Decision on the admission into evidence of materials contained in the prosecution’s list of evidence

Issued by Trial Chamber III on 23 November, 2010

Partly Dissenting Opinion of Judge Kuniko Ozaki on the Decision on the Unified Protocol on the practices used to prepare and familiarise witnesses for giving testimony at trial

Issued by Trial Chamber III on 24 November, 2010

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 are currently in the custody of the ICC. The suspect Callixte Mbarushimana was arrested on 11 October, 2010, in France. He is currently in the custody of the French authorities, pending their consideration of the ICC Registrar’s request for the surrender of the suspect. 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.

Decisions taken between 22 - 26 November, 2010

Situation in the DRC

Decision on the Presiding Judge of the Appeals Chamber in relation to the classification of documents in the record of the appeal of the Prosecutor of 14 February 2006 entitled “Prosecutor’s Appeal against Pre-Trial Chamber I’s 10 February 2006 ‘Decision on the Prosecutor’s Application for Warrants of Arrest, Article 58’”

Issued by the Appeals Chamber on 22 November, 2010

Lubanga case

Redacted Decision on the disclosure of information from victims' application forms (a/0225/06, a/0229/06 and a/0270/07)

Issued by Trial Chamber I on 23 November, 2010

Katanga and Ngudjolo Chui case

Décision relative aux modalités de contact entre des victimes représentées et les parties

Issued by Trial Chamber II on 23 November, 2010

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. Mr 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 8 December, 2010.

Decisions taken between 22 - 26 November, 2010

Banda and Jerbo case

Order to the Prosecutor to file a response to the "Defence Application for leave to Appeal the 'Decision on the Defence Application pursuant to article 57(3)(b) of the Statute for an order for the preparation and transmission of a cooperation request to the Government of the Republic of Sudan' of 17 November 2010"

Issued by Pre-Trial Chamber I on 24 November, 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**

The ICC's activities can also be followed through **Twitter**

Events

ICC Registrar hosts seminar on the protection of victims and witnesses

On 24 November, the Registrar of the International Criminal Court (ICC), Ms Silvana Arbia, hosted a seminar at the seat of the Court in The Hague, to address the topic of the protection of victims and witnesses. The seminar was held with the support of the Republic of Finland.

The seminar was attended by representatives of States Parties to the Rome Statute, as well as interested non-State Parties. During the seminar, States Parties and other participants were informed of the systems of protection currently in place at the ICC and before national and international jurisdictions. Seminar participants took the opportunity to discuss topics such as the challenges faced with regard to the protection of victims and witnesses, relocation agreements, and cooperation and complementarity issues.

Discussions

Following the ICC Registrar's opening address, the first session was on "Systems of Protection". This session focused on systems before both international and national jurisdictions. It offered specific details on the ICC's system, procedures used and challenges faced, and how it differs from that of other jurisdictions.

The second session, on "Cooperation with States", started with a discussion on the agreements to relocate witnesses internationally and on practical issues in this regard for both the ICC and receiving countries. Discussions covered the strengthening of national capacity and the handover of witnesses to their countries, with a view to sustainable systems of protection.

ICC President meets with Foreign Minister of the Netherlands

Judge Sang-Hyun Song, President of the International Criminal Court (ICC) met with H. E. Mr. Uri Rosenthal, Foreign Minister of the Netherlands in The Hague on Wednesday, 24 November, 2010.

President Song conveyed to Minister Rosenthal the Court's appreciation for the unique role of the Netherlands as the host country of the ICC and its consistent support to the Court. Minister Rosenthal gave President Song assurances of the continued, strong commitment of the Netherlands to the ICC.

President Song and Minister Rosenthal agreed on the importance of the international community's full support to the ICC as a crucial instrument for ending impunity for the most serious crimes of concern to humanity.

ICC welcomes UK contribution for relocating at-risk persons in Kenya

The International Criminal Court thanks the United Kingdom of Great Britain and Northern Ireland for its generous contribution of £200,000.00 to the Special Fund of the Court on relocations, which was finalised today with the signature of an Understanding between His Excellency, Paul Arkwright, the Ambassador of the United Kingdom of Great Britain and Northern Ireland, to the Kingdom of the Netherlands and the Registrar of the Court, Ms Silvana Arbia.

This generous contribution by the United Kingdom is earmarked for relocations of persons at risk in Kenya, where on 31 March, 2010 Pre-Trial Chamber II granted the Prosecution authorisation to open an investigation *proprio motu*. Although earmarking remains the exception, as the Court has the vocation to protect all victims and witnesses in all situations over which it has jurisdiction, this donation constitutes an important gesture towards the victims and witnesses of post-election violence in Kenya, and towards international justice and the common fight against impunity.



His Excellency, Paul Arkwright, the Ambassador of the United Kingdom of Great Britain and Northern Ireland, and the Registrar of the Court, Ms Silvana Arbia, at the seat of the Court in The Hague © ICC-CPI

Before signing the Understanding, the Registrar noted that "by making a substantial donation to the Special Fund, the United Kingdom stands as an example to other States' willingness to support victims and witnesses who are at risk on account of their interaction with the Court". His Excellency the Ambassador stated that "The UK supports the Court's work, with the Kenyan Government, to promote justice for the many victims of the post-election violence. We welcome the Kenyan Government's cooperation with the Court on this case. The UK agrees with the ICC Chief Prosecutor that Kenya, with the Court's assistance, has an opportunity to restore its image and lead the way globally on approaches to the restoration of justice and challenging impunity. This funding underlines the UK's commitment to a successful investigation in Kenya and the importance of protecting those at risk. The Court's witness protection programme should help encourage witnesses to be more confident in contributing to the investigation, assisting the goal of accountability that the victims and others have been campaigning for. We remain concerned about continuing reports of witness intimidation and official interference. Those who attempt to subvert the search for justice should be aware that they also could find themselves accountable for their actions in The Hague."

The purpose of the Special Fund is to assist States Parties that are willing to host witnesses at risk but are not in a position to finance such support, and aims at fostering regional solutions for the relocation of witnesses at risk, thereby reducing the impact of relocations on their life. Using such arrangements, the Court also seeks to galvanize cooperation partners into strengthening national capacity to protect witnesses in such regional states. This new modality developed by the Registry is complementary, and does not replace traditional Framework Agreements on Relocations, which are still very much needed by the Court.



His Excellency, Paul Arkwright, the Ambassador of the United Kingdom of Great Britain and Northern Ireland, and the Registrar of the Court, Ms Silvana Arbia, signing the Understanding © ICC-CPI

Launch of the national “Calling African Female Lawyers” campaign in Senegal

On Monday, 22 November, 2010, the national campaign for Senegal to increase the number of African female lawyers authorised to practice before the International Criminal Court (ICC) was launched in Dakar. The campaign, which is part of a broader, **international six-month campaign** jointly conducted by the ICC and the International Bar Association (IBA), aims to encourage experienced female lawyers from Senegal to play a crucial role at the ICC by representing victims or defendants in proceedings before the Court.

The campaign in Senegal started off with two information sessions: In the morning, a session was organised with the *Judiciary Training Centre [Centre de formation judiciaire]* in Dakar, in which around thirty female magistrates participated; and a second session was held in the afternoon with the Senegalese Bar Association, gathering together forty lawyers.

In both meetings, panel discussions – the first being chaired by the Director of the *Judiciary Training Centre [Centre de formation judiciaire]*, Mamadou Diakhate, and the second by the President of the Bar Association, Alioune Badara Fall – encouraged female lawyers to apply to the ICC List of Counsel, which has been created to ensure that every person implicated in proceedings before the Court receives effective legal representation.

The ICC Deputy Registrar, Didier Preira, stressed that applications from qualified African female lawyers would be given priority throughout the campaign period until the end of 2010. “Achieving equal representation of female counsel is essential for the ICC”, he said, adding that “the right to be assisted by counsel is a core element for both defendants and victims. While any suspect or accused and victim should be able to choose their counsel from a pool of highly qualified lawyers, they should also be able to do so with regard to their own preference for either male or female counsel. This is particularly important as it relates to victims of sensitive crimes such as sexual violence against women and gender crimes”.

Hélène Cisse, a female Senegalese lawyer on the ICC List of Counsel, who is representing victims before the ICC in several cases, stated that “African female lawyers have a crucial role to play: they should participate in the construction of international criminal law in order to reinforce the fight against impunity for perpetrators of the most serious crimes, in particular rapes, that constitute war crimes and crimes against humanity”.

Each event concluded with a session of questions and answers, during which the participants engaged in lively discussions.

The “Calling African Female Lawyers” campaign was internationally launched on 12 May, 2010 at the Court’s headquarters in The Hague. To date, women counsel are still under-represented on the ICC List of Counsel, representing only 19 percent of the 350 counsel on the list. In particular, the ICC recognises the need to increase the number of women counsel from African countries. Of the 116 African counsel on the list, only 16 of them are women.



Left to right: Abdoul Aziz Mbaye, Associate Legal Officer, Counsel Support Section of the ICC; Mamadou Diakhate, Director of the Judicial training Centre; Didier Preira, Deputy Registrar of the ICC; Hélène Cisse, Counsel before the ICC; Caroline Maurel, Associate Outreach Officer of the ICC © ICC-CPI



Left to right: Caroline Maurel, Associate Outreach Officer of the ICC ; Didier Preira, Deputy Registrar of the ICC; Alioune Badara Fall, President of the Senegalese Bar Association; Hélène Cisse, Counsel before the ICC ; Abdoul Aziz Mbaye, Assistant Legal Officer, Counsel Support Section of the ICC © ICC-CPI

First phase of the ICC’s “Calling African Female Lawyers” campaign a success

The first phase of the campaign to increase the number of female lawyers authorised to represent defendants or victims at the ICC concluded the week of 26 November with an event held in Brussels, Belgium. The campaign, launched in association with the International Bar Association (IBA), focused this year on African countries.

Commenting on the findings of the initial assessment of the campaign's impact, ICC Registrar Silvana Arbia said that "the results achieved have been beyond our initial expectations. Overall, more than 1,000 lawyers were engaged in the course of 17 events held in 16 countries". Special events were held this year in the following European and African countries: The Netherlands, Uganda, the United Kingdom, the Central African Republic, France, South Africa, Mali, Kenya, the Democratic Republic of the Congo, Nigeria, Tanzania, Ghana, Canada, Botswana, Senegal and Belgium.

Whenever possible, ICC Judges and senior officers were key speakers during the sessions. The events were organised in partnership with local bar associations and civil society organisations. Legal communities received general information on the Court, the Court's basic legal texts, the ICC Code of Professional Conduct for Counsel, as well as detailed information on how to become a member of the ICC List of Counsel and the List of Assistants to Counsel.

The event in Brussels was held in association with *Avocats sans Frontières* (Lawyers without Borders) and CCBE (Council of Bars and Law Societies of Europe/*Conseil des barreaux européens*). A **video** of the Registrar presenting the campaign was screened, followed by various statements highlighting the experience of lawyers practicing before the Court. There was then a questions and answers session.

Electronic copies of the information package for this campaign can be downloaded from the campaign website at <http://www.femalecounsel.icc-cpi.info/>.

Interacting with communities

Central African Republic: The ICC organises a screening in Bangui of the first two days of the trial of Jean-Pierre Bemba Gombo

The Field Outreach Unit of the International Criminal Court (ICC) screened the first two days of the trial of Jean-Pierre Bemba Gombo in Bangui, capital of the Central African Republic. The two-day viewing was held in the large hall of the CPJ (Protestant Youth Centre) in a working-class neighbourhood in the north of the capital.

The screening for the general public was publicised by announcements in the CAR media. In the days running up to the event, the press and radio stations conveyed the invitation to the local population to go to the CPJ and see the first images from the courtroom in The Hague. The broadcast was streamed from the ICC website with a 30-minute delay.



Audience following the opening of the Bemba trial in Bangui, the CAR ©ICC-CPI

Over 1450 visitors were registered at the CPJ during the two days (738 on the first day and 721 on the second). Many journalists also attended – not only those based in the capital, but also others from the rest of the country – the Outreach Unit having made a particular effort to secure their attendance. In addition, many victims' organisations, women's associations and human rights advocates took up the Outreach Unit's invitation to attend the event.

Despite some technical issues during the first hour of the trial, on 22 November, 2010, the men and women of the CAR were able to follow the opening statements of the Office of the Prosecutor, the legal representatives of the victims, the Office of Public Counsel for Victims and the Defence team. On 23 November, the participants watched in deafening silence the first part of the testimony by the first witness called by the Office of the Prosecutor.

This two-day screening was a unique opportunity for the people of Bangui and the surrounding areas to familiarise themselves with the judicial proceedings before the International Criminal Court. The audience was particularly interested in the principles governing a fair trial and gained a better understanding of the protective measures available to Court witnesses.

Having watched all of the screenings over the two days, many participants asked the Outreach Unit to continue the broadcasts so that they could follow the hearings over subsequent days. The Outreach Unit wrapped up the event by presenting the communication strategy it had



Audience following the opening of the Bemba trial in Bangui, the CAR ©ICC-CPI

designed so that the people of the CAR can continue to follow the Jean-Pierre Bemba Gombo trial: weekly video summaries called “In the Courtroom” will be produced by the Court to keep the public updated on judicial developments in the Bemba trial. They will be broadcast both by the public television station and radio stations in Bangui and the rest of the country: those present in the CPJ were provided with the programme schedule. Lastly, the Outreach Unit emphasised that regular large-scale public meetings would be organised by the Court, not only in Bangui but also elsewhere in the country (Bimbo, Mongoumba, Damara, Sibut, Bossembele, Bossangoa, Bozoum), to screen audiovisual summaries of the trial of Jean-Pierre Bemba Gombo in the affected communities.

Democratic Republic of the Congo: The ICC organised screenings of the first two days of the trial of Jean-Pierre Bemba Gombo in Bunia and in Kinshasa

To coincide with the commencement of the trial in the case of *The Prosecutor v. Jean-Pierre Bemba Gombo* on 22 November, 2010, the Outreach Unit of the International Criminal Court (ICC) launched a campaign in Kinshasa and Bunia, Democratic Republic of the Congo (DRC), to provide the Congolese public with information about the trial.

Around 60 journalists followed the press conference, held at the seat of the Court in The Hague, via videoconference from the ICC office in Kinshasa. The journalists were able to directly put questions to the parties and participants in the trial of Mr Bemba.

Furthermore, the national TV station (RTNC) broadcast the first two days of the trial live, which was relayed to other Congolese TV channels, allowing a large majority of the Congolese to follow the hearing. At the same time in Bunia, Ituri province, around 80 people, including journalists as well as religious and local leaders who were invited by the outreach team, also gathered to watch the broadcast.

At the close of the two first days of the trial, the Outreach Unit took part in a number of interactive radio and TV programmes, in French and in Lingala, in particular the TV show called “Debate of the week” on Télé 7. During the whole day, the audience was informed of that special TV program on the trial of Mr Bemba and of their option to send questions via SMS. The TV show was broadcast live at 8:30 p.m. and re-broadcast several times.

Weekly audiovisual summaries of the trial will continue to be broadcast on Congolese media as well as used during information meetings held in Kinshasa and in other regions of the country, on a regular basis.

Calendar

NOVEMBER 2010						
Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
29	30					
DECEMBER 2010						
Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
		1	2	3	4	5
6	7	8	9	10	11	12
Assembly of States Parties holds its ninth session in New York						
Judge Fulford gives presentation in New York	ICC launches Outreach Report in New York	Confirmation of charges hearing in the Banda and Jerbo case scheduled to commence				
		Prosecutor discusses the OTP's policy paper on preliminary examinations in New York	Prosecutor briefs the UN Security Council on Darfur, in New York			
13	14	15	16	17	18	19

The calendar is subject to last minute changes.