



Cour
Pénale
Internationale

International
Criminal
Court

ICC-PIDS-WU-56/10_Eng

23 November 2010 #56 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.

Appeals Chamber directs Trial Chamber III to conduct a new review of Jean-Pierre Bemba Gombo's detention

On Friday, 19 November, the Appeals Chamber of the International Criminal Court (ICC) directed Trial Chamber III to conduct a new review of the ruling on the detention of Jean-Pierre Bemba Gombo, reversing the Trial Chamber's **decision** of 28 July, 2010. Until and subject to that new review, Mr Bemba will remain in detention.

Presiding Judge Akua Kuenyehia indicated, in the oral summary of the Judgment read in an open session, that the Appeals Chamber, after careful deliberation, unanimously decided to reverse the impugned decision. Under the Rome Statute, Chambers have to review periodically – at least once every 120 days – their ruling on the accused's detention. In the judgment delivered today, the Appeals Chamber holds that, in carrying out the review, Chambers have to assess whether there has been a change in the circumstances supporting the ruling on detention. The Appeals Chamber finds that the review carried out by Trial Chamber III was insufficient because it restricted itself to only assessing the alleged new circumstances which Mr Bemba had presented.



Jean-Pierre Bemba Gombo
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Jean-Pierre Bemba Gombo is allegedly criminally responsible, as a person effectively acting as 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 from approximately 26 October, 2002 to 15 March, 2003. The opening of the trial is started on 22 November, 2010.

Decisions taken between 15 - 19 November, 2010

Bemba case

Order relating to the prosecution's communication of incriminatory evidence (ICC-01/05-01/08-985)
Issued by Trial Chamber III on 12 November, 2010

Decision on the « Requête de la Défense aux fins d'obtenir de la Chambre de Première Instance III des décisions appropriées avant l'ouverture du Procès prévue pour le 22 Novembre 2010 »
Issued by Trial Chamber III on 16 November, 2010

Scheduling Order for the judgment on the appeal of Mr Jean-Pierre Bemba Gombo against the decision of Trial Chamber III of 28 July 2010 entitled "Decision on the review of the detention of Mr Jean-Pierre Bemba Gombo pursuant to Rule 118(2) of the Rules of Procedure and Evidence"
Issued by the Appeals Chamber on 17 November, 2010

Decision on the Unified Protocol on the practices used to prepare familiarise witnesses for giving testimony at trial

Issued by Trial Chamber III on 18 November, 2010

“Decision on 772 applications by victims to participate in the proceedings”

Issued by Trial Chamber III on 18 November, 2010

Second order to consult with the authorities of the Central African Republic

Issued by the Appeals Chamber on 19 November, 2010

Judgment on the appeal of Mr Jean-Pierre Bemba Gombo against the decision of Trial Chamber III of 28 July 2010 entitled “Decision on the review of the detention of Mr Jean-Pierre Bemba Gombo pursuant to Rule 118(2) of the Rules of Procedure and Evidence”

Issued by the Appeals Chamber on 19 November, 2010

Decision on the legal representation of victim applicants at trial

Issued by Trial Chamber III on 19 November, 2010

Decision on the admission into evidence of materials contained in the prosecution’s list of evidence

Issued by Trial Chamber III on 19 November, 2010

Decision on Directions for the Conduct of the Proceedings

Issued by Trial Chamber III on 19 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 15 - 19 November, 2010

Lubanga case

Redacted Decision on the Prosecution third and fourth applications for admission of documents from the “bar table”

Issued by Trial Chamber I on 17 November, 2010

Decision on the defence request for the admission of 422 documents

Issued by Trial Chamber I on 17 November, 2010

Redacted Decision on the « Seconde requête de la Défense aux fins de dépôt de documents »

Issued by Trial Chamber I on 17 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 15 - 19 November, 2010

Banda and Jerbo case

Order to the Prosecutor to file a response to 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”

Issued by Pre-Trial Chamber I on 12 November, 2010

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”

Issued by Pre-Trial Chamber I on 17 November, 2010

Decision on issues related to the hearing on the confirmation of charges

Issued by Pre-Trial Chamber I on 17 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

Press Conference on the opening of the Jean-Pierre Bemba trial on Monday, 22 November

A press conference on the commencement of the trial in the case *The Prosecutor v. Jean-Pierre Bemba Gombo* took place on Monday, 22 November, 2010, at 11:00 a.m., in the Press Briefing room of the International Criminal Court (ICC) in The Hague.

The ICC Registrar, Silvana Arbia, opened the press conference. The ICC Prosecutor, the Counsel for the Defence, and the Legal Representatives of the Victims made short statements, after which journalists who attended the event in The Hague asked questions. Journalists from Bangui (Central African Republic) and Kinshasa (Democratic Republic of the Congo) also participated via videoconference from the ICC field offices in those locations.

Calendar

| NOVEMBER 2010 | | | | | | |
|--|---------|---|----------|--------|----------|--------|
| Monday | Tuesday | Wednesday | Thursday | Friday | Saturday | Sunday |
| 22 | 23 | 24 | 25 | 26 | 27 | 28 |
| Opening of Bemba trial | | Registry hosts ICC Seminar on protection of victims and witnesses | | | | |
| ICC launches Female Counsel Campaign in Dakar, Senegal | | | | | | |
| 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 | | | | | | |
| | | Confirmation of charges hearing in the Banda and Jerbo case scheduled to commence | | | | |

The calendar is subject to last minute changes.