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ICC Weekly Update

15 February 2010 #21



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. Bahar 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 crimes. 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. The hearing of confirmation of charges took place from 19 to 30 October 2009.

Abu Garda Case

Pre-Trial Chamber I declines to confirm the charges against Bahar Idriss Abu Garda

On 8 February, 2010, Pre-Trial Chamber I of the International Criminal Court issued a decision declining to confirm the charges in the case of *The Prosecutor v. Bahar Idriss Abu Garda*.



The Chamber was not satisfied that there was sufficient evidence to establish substantial grounds to believe that Bahar Idriss Abu Garda could be held criminally responsible either as a direct or as an indirect co-perpetrator for the commission of the crimes with which he was charged by the Prosecution. Abu Garda was charged with three war crimes, namely violence to life, intentionally directing attacks against personnel, installations, material, units and vehicles involved in a peacekeeping mission, and pillaging, allegedly committed during an attack carried out on 29 September, 2007, against the African Union Mission in Sudan ("AMIS"), a peace-keeping mission stationed at the Haskanita Military Group Site ("MGS Haskanita"), in the locality of Umm Kadada, North Darfur.

The Chamber stressed that the case was of sufficient gravity as the consequences of the attack had affected not only the AMIS personnel and their families, but also the local population as AMIS, involved in a peacekeeping mission, established under the auspices of the African Union, first suspended,



Pre-Trial Chamber I ©ICC-CPI

and finally reduced its activities in the area. The Chamber also found that there were substantial grounds to believe that AMIS personnel and installations, material, units and vehicles stationed at the MGS Haskanita were entitled to protection given to civilians and to civilian objects under the

international law of armed conflicts. The Chamber found, however, that the Prosecution's allegations that Abu Garda participated in the alleged common plan to attack MGS Haskanita were not supported by sufficient evidence.

The Chamber's decision was taken by unanimity, and one judge filed a separate opinion. The decision does not preclude the Prosecution from subsequently requesting the confirmation of the charges against Abu Garda if such request is supported by additional evidence. The Prosecution can also submit a request to Pre-Trial chamber I for leave to appeal the decision on the confirmation of charges.

Case fact sheet

Decisions taken between 8 - 12 February 2010

Public Redacted Version - Decision on the Confirmation of Charges

Issued by the Pre-Trial Chamber I on the 8th February 2010

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. 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 8 - 12 February 2010

Lubanga case

Redacted Decision on the defence request for a witness to give evidence via video-link

Issued by the Trial Chamber I on the 9th February 2010

Katanga and Ngudjolo Chui case

Decision on the "Defence Application for Leave to Appeal the Trial Chamber's *Décision relative à la requête de la Défense de Germain Katanga en illégalité de la détention et en suspension de la procédure*"

Issued by the Trial Chamber II on the 11th February 2010

Situation in the Central African Republic

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 is scheduled to start on 27 April, 2010.

Decisions taken between 8 - 12 February 2010

Bemba Case

Redacted version of "Decision on the Request of the Office of Public Counsel for Victims for Additional Redactions submitted on 30 September 2009." (ICC-01/05-01/08-616-Conf-Exp)

Issued by the Trial Chamber III on the 10th February 2010

Decision on the defence request for an extension to the page limit

Issued by the Trial Chamber III on the 11th February 2010

Decision on the procedures to be adopted for instructing expert witnesses

Issued by the Trial Chamber III on the 12th February 2010

Relevant Links

Courtroom proceedings can be followed on the ICC website: www.icc-cpi.int

You can also consult the **hearings schedule**.

Video summaries can be found at our **Youtube channel**.

Events

ICC President in Laos for an official visit

Judge Sang-Hyun Song, President of the International Criminal Court (ICC), visited the Lao People's Democratic Republic from 11 to 13 February 2010 to participate as the keynote speaker of a conference on the ICC. In addition to his participation in the government-organised conference, the ICC President held official meetings with high representatives of the Lao government.

At the conference, President Song recalled the Lao government's past expressions of interest in joining the Rome Statute of the International Criminal Court.

"Although I can offer encouragement, I recognize that acceding to the Rome Statute is a sovereign decision for the Lao People's Democratic Republic to make. It is my hope, however, that greater understanding of the ICC and its mandate will be constructive in informing the debate. That is the reason I have come. ", President Song said.

Separately, President Song met with the Deputy Prime Minister and Minister of Foreign Affairs, Mr. Thongloun Sisoulith, the Minister of Justice, Mr. Chaleune Yiapaoher as well as with the Vice-Chairman of Law Committee of the Lao National Assembly, Prof. Davone Vangvichith. He briefed these members of the Lao government on recent judicial developments at the Court and discussed with them the core principles of the Rome Statute.

This is one in a series of official visits to Asian non-States Parties that President Song launched last year. The Asia-Pacific is the most underrepresented region in the Assembly of States Parties, with only 14 of 110 members. The President aims to promote understanding of the Court's mandate as a means of redressing this under-representation and encouraging global ratification.



President Song with Deputy Prime Minister and Minister of Foreign Affairs, Mr Thongloun Sisoulith
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Interacting with communities

ICC Outreach Team addresses Congolese women's groups on sexual crimes



Outreach Team holds information session on crimes of sexual violence for representatives of women's groups in Kinshasa ©ICC-CPI

On 11 February, 2010, the Outreach Team held an information session with representatives of women's groups in Kinshasa. The focus of the day was women's rights, and the Field Outreach Coordinator gave a presentation that focused on crimes of sexual violence. The case of Akayesu (a former Rwandese professor found guilty of genocide and crimes against humanity before the International Criminal Tribunal for Rwanda, in 1998) was discussed as it was the first time that an international tribunal considered rape an act of genocide. It was explained that, under the Rome Statute, rape, sexual slavery, enforced prostitution, forced pregnancy and enforced sterilization can all constitute crimes against humanity and war crimes.

Calendar

FEBRUARY 2010						
Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
15	16	17	18	19	20	21

Calendar

FEBRUARY 2010						
Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
22	23	24	25	26	27	28
MARCH 2010						
01	02	03	04	05	06	07
	2010 first bi-annual strategic meeting with NGOs					
08	09	10	11	12	13	14
Future events: 27 April: Trial of Jean-Pierre Bemba Gombo is scheduled to start 31 May – 11 June: First Review Conference of the Rome Statute, Kampala, Uganda.						

The calendar is subject to last minute changes.