



# 12 July 2010 #41 ICC Weekly Update



## 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, initially scheduled to start on 14 July, 2010, has been postponed.

### The commencement of the trial in the case *The Prosecutor v. Jean-Pierre Bemba Gombo* is postponed

On 7 July, 2010, Trial Chamber III of the International Criminal Court (ICC) vacated the commencement date, scheduled on 14 July, of the trial in the case of *The Prosecutor v. Jean-Pierre Bemba Gombo*. Trial Chamber III considered that it is in the interests of justice for the challenge to admissibility of the case raised by the Defence to be resolved by the Appeals Chamber prior to the commencement of the trial.

On 24 June, 2010, Trial Chamber III had dismissed the admissibility and abuse of process challenges, raised by the Defence. The latter filed an appeal against this decision on 28 June, followed by a request for suspensive effect of the appeal on 5 July, 2010. In its order issued on 7 July, Trial Chamber III explained that it would be inappropriate to commence the trial when there is an outstanding issue for determination by the Appeals Chamber as to whether the proceedings should be suspended and pending the outcome of the substantive appeal.



Jean-Pierre Bemba Gombo ©  
ICC-CPI/Ed Oudenaarden

Trial Chamber III convened a status conference on 30 August, 2010, when, *inter alia*, it will hear submissions on re-fixing the trial date.

The Chamber also requested the parties and participants to submit observations on the detention of the accused, in the context of the periodic review of the matter that has to take place at least every 120 days as provided for by rule 118 of the Rules of Procedure and Evidence.

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 two crimes against humanity (murder and rape) and three war crimes (murder, rape and pillaging) allegedly committed on the territory of the Central African Republic during the period approximately between 26 October, 2002 and 15 March, 2003.

After his arrest by the Belgian authorities in accordance with a warrant of arrest issued by the Pre-Trial Chamber of the ICC, he was transferred to the Court on 3 July, 2008. He is currently being detained at the ICC Detention Centre in The Hague.

### Decisions taken between 5 - 9 July, 2010

#### Bemba case

##### **Decision on the Presiding Judge of the Appeals Chamber in the appeal of Mr Jean-Pierre Bemba Gombo against the decision of Trial Chamber III entitled “Decision on the Admissibility and Abuse of Process Challenges”**

Issued by Appeals Chamber on 5 July, 2010

##### **Order on the filing of a response by the Prosecutor to Mr Bemba’s application for suspensive effect**

Issued by Appeals Chamber on 6 July, 2010

##### **Order postponing the commencement of the trial**

Issued by Trial Chamber III on 7 July, 2010

##### **Decision on the Prosecution’s Request to Apply Redactions to Screening Notes (ICC-01/05-01/08-689-Conf-Exp)**

Issued by Trial Chamber III on 9 July, 2010

##### **Decision on the Request of Mr Bemba to Give Suspensive Effect to the Appeal Against the “Decision on the Admissibility and Abuse of Process Challenges”**

Issued by the Appeals Chamber on 9 July, 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.

### Trial Chamber I orders stay of proceedings in the trial of Thomas Lubanga Dyilo

On 8 July, 2010, Trial Chamber I of the International Criminal Court (ICC) ordered to stay the proceedings in the case *The Prosecutor v. Thomas Lubanga Dyilo*, considering that the fair trial of the accused is no longer possible due to non-implementation of the Chamber’s orders by the Prosecution. The judges had ordered the Office of the Prosecutor to confidentially disclose to the Defence the names and other necessary identifying information, of intermediary 143.

Trial Chamber I considered that “in order for the Chamber to ensure that the accused receives a fair trial, it is necessary that its orders, decisions and rulings are respected, unless and until they are overturned on appeal, or suspended by order of the Court”.

Whilst the stay of proceedings is in place, the Chamber will deal with any application for leave to appeal this decision. The Chamber will also entertain submissions regarding the possible application of article 71 of the Rome Statute (sanctions for misconduct before the Court) and submissions on the accused’s detention.



Thomas Lubanga Dyilo © ICC-CPI/Ed Oudenaarden

Thomas Lubanga Dyilo is accused of having committed, as co-perpetrator, the war crimes of enlisting and conscripting of children under the age of 15 years into the Patriotic Forces for the Liberation of Congo (*Forces patriotiques pour la libération du 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 (DRC), between September 2002 and August 2003.

### Decisions taken between 5 - 9 July, 2010

#### Lubanga case

##### **Redacted Decision on the Prosecution’s Urgent Request for Variation of the Time-Limit to Disclose the Identity of Intermediary 143 or Alternatively to Stay Proceedings Pending Further Consultations with the VWU**

Issued by Trial Chamber I on 8 July, 2010

## Decisions taken between 5 - 9 July, 2010

### Katanga and Ngudjolo Chui case

#### **Scheduling Order for the Judgment on the Appeal of Mr Katanga Against the Decision of Trial Chamber II of 20 November 2009 Entitled "Decision on the Motion of the Defence for Germain Katanga for a Declaration on Unlawful Detention and Stay of Proceedings"**

Issued by the Appeals Chamber on 7 July, 2010

### Situation in Darfur, Sudan

In the situation in Darfur, Sudan, four 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*; *The Prosecutor v. Bahar Idriss Abu Garda*; and *The Prosecutor v. Abdallah Banda Abakaer Nourain* (Banda) and *Saleh Mohammed Jerbo Jamus* (Jerbo). 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. 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.

## Decisions taken between 5 - 9 July, 2010

### Al Bashir case

#### **Decision on 8 Applications for Victims' Participation in the Proceedings**

Issued by Pre-Trial Chamber I on 9 July, 2010

### Harun and Kushayb case

#### **Decision instructing the Registrar to inform the Sudanese authorities about the "Decision informing the United Nations Security Council about the Lack of Cooperation by the Republic of Sudan"**

Issued by Pre-Trial Chamber I on 8 July, 2010

### Relevant Links

**Courtroom proceedings** can be followed on the ICC website: [www.icc-cpi.int](http://www.icc-cpi.int)

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

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

## Events

### President Song ends a two days visit to Addis Ababa, Ethiopia

On Friday, 9 July, 2010, Judge Sang-Hyun Song, President of the International Criminal Court (ICC), ended a two day visit to Addis Ababa, Ethiopia, the headquarters of the African Union. He met with the Chairperson of the African Union Commission, H.E. Dr Jean Ping, who reiterated the African Union's commitment to end impunity, as well as with Heads of European Missions and of the African States Parties to the Rome Statute.

During the meeting Dr Ping and President Song agreed that the African Union and the ICC share the common value of ending impunity and bringing about lasting peace. They also agreed to work to facilitate the establishment of the Liaison Office that would encourage dialogue and exchange of information and would thus be for the mutual benefit of the two institutions.



President Song and H.E. Jean Ping meeting in Addis Ababa © africa-union.org

President Song also conducted a meeting with Ambassadors of the African States Parties to the Rome Statute and another with European Heads of Missions. In both meetings he updated participants on judicial developments at the ICC, briefed them on the outcome of the Kampala Review Conference and discussed developments regarding the establishment of the ICC Liaison Office in Addis Ababa. Views on issues of mutual concern to the ICC and States representatives in Addis Ababa were exchanged during both meetings.

The International Criminal Court is the only permanent international court established with the mission to help put an end to impunity for the perpetrators of the most serious crimes of concern to the international community as a whole, namely the crime of genocide, crimes against humanity and war crimes, and thus to contribute to the prevention of such crimes. African countries have made an immense contribution to the establishment of an independent, impartial and effective ICC. Thirty (30) of the African Union members are currently parties to the Rome Statute.

## Calendar

JULY 2010						
Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
12	13	14	15	16	17	18
					Day of International Criminal Justice	
					Judicial recess (17 July - 8 August)	
19	20	21	22	23	24	25
Judicial recess (17 July - 8 August)						
26	27	28	29	30	31	
AUGUST 2010						
						1
Judicial recess (17 July - 8 August)						
2	3	4	5	6	7	8
Judicial recess (17 July - 8 August)						
9	10	11	12	13	14	15
<b>Future events:</b> 22 November, 2010: Pre-Trial Chamber I has set the date for the beginning of the confirmation of charges hearing in the case of <i>The Prosecutor v. Abdallah Banda Abakaer Nourain (Banda) and Saleh Mohammed Jerbo Jamus (Jerbo)</i>						

The calendar is subject to last minute changes.