



**Cour
Pénale
Internationale**

**International
Criminal
Court**

25 July 2011 #87 ICC Weekly Update



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, Mathieu Ngudjolo Chui and 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 the case *The Prosecutor v. Callixte Mbarushimana* is scheduled to start on 17 August 2011.

Decisions taken between 18 - 22 July 2011

Mbarushimana Case

Decision on the Defence request for leave to appeal the "Decision on the 'Defence request for a permanent stay of proceedings'" (ICC-01/04-01/10-264)

Issued by Pre-Trial Chamber I on 15 July 2011

Decision on Data Retrieved from Faulty and Encrypted Devices and Analysis of Mobile Phones Seized from the Premises of Mr. Mbarushimana

Issued by Pre-Trial Chamber I on 19 July 2011

Decision on the "Defence Request for Reclassification" dated 14 July 2011 and on the request for reclassification of the "Defence Challenge to the Jurisdiction of the Court"

Issued by Pre-Trial Chamber I on 20 July 2011

Decision on "Defence request to postpone implementation of decision: ICC-01/04-01/10-291"

Issued by Pre-Trial Chamber I on 20 July 2011

Order to the Prosecutor requesting observations on the "Defence Challenge to the Jurisdiction of the Court"

Issued by Pre-Trial Chamber I on 20 July 2011

Decision on the "Defence request to exclude the Prosecution's amended document containing the charges and amended list of evidence"

Issued by Pre-Trial Chamber I on 22 July 2011

Situation in the Republic of Kenya

On 31 March 2010, Pre-Trial Chamber II granted the Prosecutor's request to open an investigation *proprio motu* in the situation of Kenya, State Party since 2005. Following summonses to appear issued on 8 March 2011, six Kenyan citizens voluntarily appeared before Pre-Trial Chamber II on 7 and 8 April 2011. Confirmation of charges hearings in the following two cases: *The Prosecutor v. William Samoei Ruto, Henry Kiprono Kosgey and Joshua Arap Sang* and *The Prosecutor v. Francis Kirimi Muthaura, Uhuru Muigai Kenyatta and Mohammed Hussein Ali*, are scheduled for 1 and 21 September 2011, respectively.

Decisions taken between 18 - 22 July 2011

Ruto, Kosgey and Sang Case

Decision on the "Defence's Application for Extension of Time to Submit Properly Justified Proposals for Redactions"

Issued by Pre-Trial Chamber II on 21 July 2011

Order on the filing of observations in relation to the Application on behalf of the Republic of Kenya for Leave to Reply to the "Prosecutions response to the 'Appeal of the Government of Kenya against the Decision on the Application by the Government of Kenya Challenging the Admissibility of the Case Pursuant to Article 19(2)(b) of the Statute'"

Issued by the Appeals Chamber on 21 July 2011

Redacted Decision on the Confidential Redacted Version of the Article 58 Application

Issued by Pre-Trial Chamber II on 22 July 2011

Muthaura, Kenyatta and Ali Case

Decision Requesting the Parties to Submit Information for the Preparation of the Confirmation of Charges Hearing

Issued by Pre-Trial Chamber II on 20 July 2011

Order on the Resubmission of the "Defence Request for Leave to Appeal the Redacted First Decision on the Prosecutor's Requests for Redactions and Other Related Requests"

Issued by Pre-Trial Chamber II on 20 July 2011

Decision with Respect to the Question of Invalidating the Appointment of Counsel to the Defence

Issued by Pre-Trial Chamber II on 20 July 2011

Order on the filing of observations in relation to the Application on behalf of the Republic of Kenya for Leave to Reply to the "Prosecutions response to the 'Appeal of the Government of Kenya against the Decision on the Application by the Government of Kenya Challenging the Admissibility of the Case Pursuant to Article 19(2)(b) of the Statute'"

Issued by the Appeals Chamber on 21 July 2011

Decision on the Confidential Redacted Version of the Article 58 Application

Issued by Pre-Trial Chamber II on 22 July 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 18 - 22 July 2011

Bemba Case

Corrigendum to the Decision on 401 applications by victims to participate in the proceedings and setting a final deadline for the submission of new victims' applications to the Registry

Issued by Trial Chamber III on 21 July 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

Search Committee for the position of ICC Prosecutor: Statement by the President of the Assembly, Ambassador Christian Wenaweser

I wish to express my gratitude to the members of the Search Committee for a Prosecutor of the International Criminal Court for the dedicated and professional work that they have been carrying out on behalf of the Bureau since its establishment earlier this year. I am greatly encouraged by the fact that States, civil society and academia have been cooperating with the Search Committee, which is mandated to elaborate a shortlist of at least three candidates for a decision to be taken by States Parties.

The mandate of the Search Committee is technical in nature and an expression of the willingness of States Parties to conduct a thorough and ultimately consensual process, without prejudice to the role of States Parties under the Rome Statute. I am confident that this mechanism will yield results of the highest quality and thus enable States Parties to find a consensual agreement on the next Prosecutor of the International Criminal Court, in accordance with the relevant provisions of the Rome Statute and the relevant decisions



of the Assembly of States Parties. In particular, I welcome the fact that States have shown their respect for this process by refraining from submitting formal nominations and from formal campaign activities and have much rather engaged directly with the Search Committee and communicated expressions of interest directly to the members of Committee.

I call on all those who take an interest in this decision of the highest importance to continue their constructive engagement with the Committee, which will continue to accept submissions and expressions of interest until 9 September 2011.

Interested candidates or those wishing to recommend the names of qualified individuals are requested to contact the Search Committee through the Secretariat of the Assembly of States Parties:

Secretariat of the Assembly of States Parties
International Criminal Court
Maanweg 174, 2516 AB The Hague
The Netherlands
Fax: +31 70 515 8376
Email: rene.holbach@icc-cpi.int

For additional information on the Search Committee see:
<http://www.icc-cpi.int/Menus/ASP/Elections/Prosecutor/>

Source: Assembly of States Parties

Closing of the African Union-ICC seminar on the technical aspects of the Rome Statute and the practice of the International Criminal Court, in Addis Ababa



Lyn Parker, Chef de Cabinet of the ICC President, Ben Kioko, legal counsel to the AU and Phakiso Mochochoko, Director of the Jurisdiction, Complementarity and Cooperation Division of the Office of the Prosecutor of the ICC, at the opening of the seminar © African Union

On 18 and 19 July 2011, in Addis Ababa (Ethiopia), more than 50 people representing 15 African States participated in a “seminar on the technical aspects of the Rome Statute and the practice of the International Criminal Court”. This seminar, held at the African Union (AU) headquarters, was jointly organized by the AU and the International Criminal Court (ICC). It sought to improve the participants’ knowledge of the ICC’s work and to generate a practical, objective and constructive understanding of the ICC. As highlighted by Mr Ben Kioko, legal counsel for the African Union Commission, at the opening ceremony, “the AU and ICC share a mandate to fight impunity for the serious crimes of international concern”.

The seminar was an opportunity for ICC officials to engage directly in a dialogue with the participants on, inter alia, the role of the ICC within the international justice system dedicated to the fight against impunity and the role of Africa in the establishment of the Rome Statute system. Presentations on the ICC’s structure and governing principles, including complementarity, were followed by a candid discussion about the relationship between regional and international organizations as well as the relationship between peace and justice.

The seminar took place following the meetings in Addis Ababa between African Union Commission Chairperson, H.E. Mr Jean Ping; President of the Assembly of States Parties to the Rome Statute, H.E. Mr Christian Wenaweser; and ICC President, Judge Sang-Hyun Song, in January and February 2011 respectively. It was conducted with the support of the International Organisation of La Francophonie together with the support of the governments of Austria and Ireland.

Interacting with communities

The ICC and its partners in Uganda conclude a series of activities in Gulu district marking International Criminal Justice Day

From 12 to 17 July, the International Criminal Court (ICC), in partnership with Avocats Sans Frontières (ASF), Justice and Reconciliation Project (JRP), the Uganda Coalition on the International Criminal Court (UCICC) and International Center for Transitional Justice (ICTJ) held a series of activities leading up to International Criminal Justice Day. This day, which commemorates the adoption of the Rome Statute, the ICC's founding treaty, is an opportunity for all those committed to the fight against impunity to voice their support for this emerging system of international justice.



Celebrations of the 17 July in Gulu © ICC-CPI

The day was celebrated in the northern Uganda district of Gulu, Acholi sub-region, in solidarity with communities that were most affected by the 20 year Lord's Resistance Army (LRA) insurgency through a number of public events.

Stakeholders participated in a community dialogue with the theme: *"The Evolution of the International Criminal Justice, a nexus between the International Criminal Court and the International Crimes Division of the High Court of Uganda"*. This session, held in Gulu on 12 July, brought together over one hundred participants including local and international NGOs, community leaders, women's groups, persons with disabilities, researchers, the media, teachers and development partners. The subsequent presentations and discussions helped to clarify the distinct roles of the ICC and those of the International Crimes Division of the High Court of Uganda, underscoring that both institutions were created with a determination to end impunity. Discussants further stressed the need for continued support of both institutions in light of the complementary nature of their work.



Celebrations of the 17 July in Gulu © ICC-CPI

take its cause where crimes have been committed irrespective of who may have committed them". She further noted that "justice requires that the suffering of victims is effectively and meaningfully redressed" through reparation, compensation and rehabilitation as a way of restoring what the victim had lost.

ICC Outreach school club members enacted a role play that presented key parties and participants present at a real ICC hearing. The role play emphasised the protection of witnesses and victims, legal representation for the accused person and victims and other fair trial rights.

Outreach staff participated in several live radio programmes both in Kampala and in Gulu to inform various audiences about the significant strides the ICC has made over the past thirteen years in addressing impunity.

A marching procession led by a brass band was one of the highlights of the commemoration. The event, held on 17 July, was attended by civil society organisations that are working with affected communities, representatives from victims communities of Lukodi, Pagak and Tingkidi; local and international NGOs, students, teachers, local and religious leaders and the media.

In her keynote address to an audience of hundreds, Madam Emilia Kinyera, Resident District Commission of Gulu, remarked that "justice should

ICC reaches out to the Sudanese diaspora in Dublin, Ireland



Outreach session: ICC officials answering questions from Sudanese living in exile in Ireland © ICC-CPI

On 16 July 2011, 50 representatives of the Sudanese diaspora living in exile in Ireland participated in an interactive session organised by the Outreach Unit. The session's aim was to promote greater understanding of the Court's mandate and provide official information about the judicial developments in the cases before the Court in connection with the situation in Darfur. The meeting also marked the occasion of 17 July: International Criminal Justice Day that commemorates the 13th anniversary of the Rome Statute, the founding treaty of the International Criminal Court.

This outreach session was facilitated by the *Darfur Solidarity Group* in Ireland. The participants, several of whom travelled long distances from rural areas to attend the event in Dublin, showed great interest in the role of the ICC and its impact on Sudan, as well as the judicial developments in the three cases currently before the Court.

At the request of the participants, Court officials gave a general presentation on the Court's proceedings, its various stages, elements of a fair trial, the rights of victims to participate in proceedings, through legal counsel, in order to have their interests and concerns heard, as well as to request reparations in the event a guilty verdict is rendered. The mandate and policies of the Office of the Prosecutor were also discussed. Question and answer sessions followed the presentations. Questions asked during the discussion focused on the Rome Statute legal provisions to enforce Court's decisions such as warrants of arrest.

None of the participants has had a direct contact with representatives of the ICC prior to this meeting. *Darfur Solidarity Group* showed gratitude to the Outreach Unit on behalf of the attendees for bringing the ICC closer to them.

This session with Sudanese diaspora in Ireland is part of the overall strategic plan for outreach for the situation in Darfur. It aims to disseminate accurate information about the Court and to engage the affected Sudanese communities in a dialogue with the ICC, including those individuals that have been forced to live outside Sudan.

The Darfur Diaspora Outreach Programme for 2011 targets Sudanese communities living in The Netherlands, France, Ireland, the United Kingdom, Qatar, Egypt and the USA. The Programme has also engaged Sudanese refugees in eastern Chad.

Background

The situation in Darfur was referred to the International Criminal Court by United Nations Security Council resolution 1593 on 31 March, 2005, under article 13(b) of the Rome Statute. Today, three cases are heard before Pre-Trial Chamber I, *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. Abdallah Banda Abakaer Nourain and Saleh Mohammed Jerbo Jamus*.

The suspects (Harun and Kushayb, and Al Bashir) in the first two cases remain at large. On 7 March 2011, Pre-Trial Chamber I unanimously decided to confirm the charges of war crimes brought by the ICC's Prosecutor against Abdallah Banda and Saleh Jerbo and committed them to trial. On 16 March 2011, the ICC Presidency constituted Trial Chamber IV and referred the case to it.

The ICC organised the first seminar for the designated authorities on judicial cooperation with the Court



Representatives of the designated authorities on judicial cooperation with the Court discussing with ICC staff member Esteban Peralta Losilla during the seminar © ICC-CPI

From 13 to 14 July, the Registry of the International Criminal Court (ICC) organised a seminar at the seat of the Court for representatives of the designated authorities for judicial cooperation with the ICC from five countries. The seminar aimed at exchanging views on judicial cooperation matters as well as on complementarity issues. It offered the occasion to discuss various theoretical and practical aspects of cooperation within the framework of the Rome Statute and its supplementary legal instruments.

Seven representatives of the Central African Republic, the Republic of Chad (with regard to the situation in Darfur, Sudan), the Democratic Republic of the Congo, the Republic of Kenya and the Republic of Uganda participated in the seminar. During this seminar, organised with the financial support of the European Commission, the delegates met with the First Vice-President of the

Court, Judge Fatoumata Dembele Diarra, and with members of the Office of the Prosecutor, the Registry as well as the Office of Public Counsel for the Defence, the Office of Public Counsel for Victims and the Trust Fund for Victims.

Calendar

JULY 2011						
Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
25 ICC Judge Aluoch to address students and speak at a Female Counsel Campaign event in Kisumu, Kenya	26 ICC Judge Aluoch to address students in Nairobi, Kenya	27	28 ICC Judge Aluoch to speak at a Female Counsel Campaign event in Kigali, Rwanda	29 ICC Judge Aluoch to address students in Kigali, Rwanda	30	31
Court Recess						
AUGUST 2011						
Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
1	2	3	4	5	6	7
Court Recess						
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28

The calendar is subject to last minute changes.

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