



26 April 2011 #75 ICC Weekly Update



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 April 2011

Ruto, Kosgey and Sang case

Decision on the "Prosecution's Request for Conditions of Enforcement"

Issued by Pre-Trial Chamber II on 20 April 2011

Muthaura, Kenyatta and Ali case

Decision on the "Prosecution's Request for Conditions of Enforcement"

Issued by Pre-Trial Chamber II on 20 April 2011

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. After the hearing of confirmation of charges, on 8 February 2010, Pre-Trial Chamber I declined to confirm the charges. Mr Abu Garda is not in the custody of the ICC. 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 took place on 8 December 2010. On 7 March 2011, the Pre-Trial Chamber I unanimously decided to confirm the charges of war crimes brought by the ICC's Prosecutor against Mr Banda and Mr Jerbo, and committed them to trial. On 16 March 2011, the ICC Presidency constituted Trial Chamber IV and referred the case to it.

Decisions taken between 18 - 22 April 2011

Banda and Jerbo Case

Order requesting the prosecution to file a response to the defence oral application of 19 April 2011

Issued by Trial Chamber IV on 21 April 2011

Order instructing the Registry to start consultations on the organisation of common legal representation

Issued by Trial Chamber IV on 21 April 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 a Trial Chamber. The trial started on 22 November 2010.

Decisions taken between 18 - 22 April 2011

Bamba case

Scheduling Order for the Judgment on the appeals of Mr Jean-Pierre Bemba Gombo and the Prosecutor against Trial Chamber III's "Decision on the admission into evidence of materials contained in the prosecution's list of evidence"

Issued by the Appeals Chamber on 21 April 2011

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 4 July 2011.

Decisions taken between 18 - 22 April 2011

Mbarushimana Case

Second Decision on matters regarding the review of potentially privileged material

Issued by Pre-Trial Chamber I on 15 April 2011

Decision on the Defence's Application for Leave to Appeal the Decision on Potentially Privileged Material dated 4 March 2011

Issued by Pre-Trial Chamber I on 15 April 2011

Decision on the "Prosecution's request for extension of time limit for redaction applications"

Issued by Pre-Trial Chamber I on 18 April 2011

Decision the Defence Request for Leave to Reply to the Prosecution's Response to the Defence Request for Interim Release

Issued by Pre-Trial Chamber I on 18 April 2011

Decision on the "Defence Request for OPCD Support"

Issued by Pre-Trial Chamber I on 21 April 2011

Decision on the "Prosecution's application for leave to Appeal the 'Decision on issues relating to disclosure' (ICC-01/04-01/10-87)"

Issued by Pre-Trial Chamber I on 21 April 2011

Decision on the "Prosecution's request for variation of time limit for the filing of the "Prosecution's first application for redactions to witness statements pursuant to Rule 81(2) and Rule 81(4)"

Issued by Pre-Trial Chamber I on 21 April 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

President Song meets with Secretary General of the Organization of American States (OAS) to conclude historic Framework Cooperation Arrangement between the ICC and the OAS



Judge Sang-Hyun Song, President of the International Criminal Court meets José Miguel Insulza, OAS Secretary General, in Washington, D.C. to exchange letters for a cooperation arrangement © Patricia Leiva/OAS

The Secretary General of the Organization of American States (OAS), José Miguel Insulza and the President of the International Criminal Court (ICC), Judge Sang-Hyun Song met on Monday, 18 April 2011, at the OAS headquarters in Washington D.C. to sign an Exchange of Letters for the establishment of a Framework Cooperation Arrangement between the ICC and the General Secretariat of the OAS.

Addressing the guests of the signing ceremony convened on this occasion, President Song stated that the “emerging system of international criminal justice can only become fully effective with the strong support of States and the international community as a whole. Regional organisations such as the OAS play a vital role in paving the way toward that goal.” He expressed his appreciation for the various efforts that the OAS has undertaken in support of the Rome Statute system to date, stating that it has been “one of the most consistent and vocal proponents of the ICC”.

In his remarks at the signing ceremony, Secretary General Insulza asserted that the International Criminal Court “represents a landmark in the history of international law, international criminal law, and international humanitarian law, and in the international endeavor to fight impunity against gross violations of human rights.”

President Song and Secretary-General Insulza agreed to further develop the working relationship between the two organisations, recalling that the struggle against impunity for the most serious crimes of concern to humanity is integral to the global efforts for peace, justice and the rule of law.

The Framework Cooperation Arrangement, which is concluded in accordance with Article 87(6) of the Rome Statute, foresees that the ICC and the General Secretariat of the OAS will cooperate in matters of common interest such as: promotion and dissemination of international criminal law, including the principles, values and provisions of the Rome Statute of the ICC; exchange of information and documents; and reciprocal invitations to conferences and meetings.

The Exchange of Letters and the Framework Cooperation Arrangement will be published in due course in the Official Journal of the ICC on the Court’s website.

President Song’s remarks at the signing ceremony are available [here](#) (in English).
A gallery of photos from the signing ceremony is available [on the OAS website](#).

OTP Statement on Electoral Violence in Nigeria

Statement: 21.04.2011

The Office of the Prosecutor is closely following on the situation in Nigeria and is concerned with the outbreak of violence surrounding the National Assembly and Presidential elections of April 2011. The Office is mindful that the upcoming governorship elections on 26 April 2011 could lead to further violence.

In the context of its on-going preliminary examination activities, the Office will seek to establish whether the recent violence may have been planned and organized and whether crimes falling within the Court's jurisdiction may have been committed.

The Office of the Prosecutor therefore, urges Nigerians to avoid engaging in acts of violence and further urges the Nigerian government to ensure, on its part, that it contains the on-going violence and forestalls its future re-occurrence, while taking into account its obligation to prevent impunity under the Rome Statute.

The Office of the Prosecutor welcomes Nigeria's political leaders' call on their supporters to show restraint and avoid unrest. In accordance with the complementarity principle, the Office will, in the first place, support national investigations into the violence and its perpetrators.

Source: Office of the Prosecutor

Interacting with communities

Seminars on the International Criminal Court in DRC universities continue



Students attending seminars on the ICC in Bukavu (February 2011 archives) © ICC-CPI

For the second consecutive year, and following those held in the universities of Goma and Bukavu in January and February 2011 respectively, the Outreach Unit held seminars on the International Criminal Court (ICC) at Lubumbashi University from 9 to 12 April and Kisangani University from 15 to 16 April 2011.

Over two hundred first and second year undergraduate students of law attended the seminars on the ICC which consisted of: a general introduction; key features of the ICC in relation to criminal law, criminal procedure and the Court's structure and jurisdiction; and international cooperation between the Court and States. Use of the Court's jurisprudence in practical exercises

to reinforce the theory was particularly popular with the students, enabling them to analyse judicial practice in terms of the law applicable before the Court.

The seminars sparked lively debates on subjects such as the role of the United Nations Security Council, the issue of head of State immunity, the tension between state sovereignty and the ICC, victims' rights and the ICC's work in Africa. Discussions also focussed on judicial developments in the cases before the Court.

Congolese students' ever-increasing interest in the ICC is apparent from the number of final year dissertations and theses on the Court, despite the difficulties they experience in accessing information. To overcome these obstacles, the ICC Outreach Unit has started to provide the relevant materials to the law faculties of partner universities in the provinces. In Kinshasa, information is more readily available at a small library, provided free of charge by the Court, and which includes over fifty legal volumes, enabling Outreach Unit staff to regularly assist students with their research.

In July, to mark the Day of International Criminal Justice, the ICC's Outreach Unit in the DRC will organise an inter-university moot court competition in partnership with the universities.

Calendar

APRIL 2011						
Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
25	26	27	28	29	30	
Court recess						
MAY 2011						
Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
						1
2	3	4 ICC Prosecutor to brief the UN Security Council on the situation in Libya, New York (United States of America)	5	6	7	8
9 United Nations High Commissioner for Human Rights, H.E. Navi Pillay, to visit the ICC	10	11	12 President Song and 2 nd Vice-President, Judge Kaul to participate in International Symposium "Beyond Kampala: The ICC, the Crime of Aggression and the Future of the Court" in Oxford (United Kingdom)	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

The calendar is subject to last minute changes.