



**Cour
Pénale
Internationale**

**International
Criminal
Court**

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14 November 2011 #103 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 and Mathieu Ngudjolo Chui and the suspect 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 case against Callixte Mbarushimana was held from 16 to 21 September 2011. The decision on the confirmation of charges is pending.

ICC Prosecutor: we are closely monitoring the situation in the Democratic Republic of the Congo

ICC Prosecutor Luis Moreno-Ocampo is monitoring “with the utmost vigilance” the electoral process in the Democratic Republic of the Congo, where investigations have been ongoing since June 2003.

“The use of violence will not be tolerated”, he said. “My Office is gathering and carefully reviewing converging reports of both verbal and physical violence arising out of the electoral campaign for the presidential and parliamentary elections on 28 November”.

The Prosecutor called upon all parties involved in the electoral process not to resort to violence, noting that the ICC has jurisdiction to investigate and prosecute the perpetrators of serious crimes committed either in the Democratic Republic of the Congo or by Congolese nationals since 1 July 2002.

“We are keeping watch to ensure that the process does not lead to acts of violence or attacks against the civilian population. We are paying particular attention to reports of inciting hatred, exclusion and physical violence by various political figures in Kinshasa and across the entire country”, he said from The Hague. “Electoral violence can result in the commission of crimes falling within our jurisdiction. No one should doubt our resolve to prevent crimes or, if need be, prosecute individuals, as we are doing in Kenya and Côte d’Ivoire”.

“As the Congolese Minister of Justice, Mr Luzolo Bambi Lessa, said on Wednesday, my Office is in a position to document any crime within its jurisdiction and, in coordination with domestic courts, will take all necessary action to investigate such crimes”.

The Prosecutor reiterated that persons alleged to have committed serious crimes, such as Bosco Ntaganda, for whom the Court has issued an arrest warrant, must be arrested and put on trial.

“The electoral process should not feed a sense of impunity on the part of those responsible for such crimes. On the contrary, it should strengthen the rule of law and the fight against impunity”.

Source: Office of the Prosecutor

Decisions taken between 7 - 11 November 2011

Lubanga Dyilo Case

Scheduling order for a status conference on the translation of the judgment

Issued Trial Chamber I on 8 November 2011

Mbarushimana Case

Decision on the “Prosecution’s Application to File Additional Authority”

Issued Pre-Trial Chamber I on 8 November 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 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, 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 7 - 11 November 2011

Banda and Jerbo Case

Scheduling Order for the judgment on the appeal of the Prosecutor against the decision of Trial Chamber IV entitled “Decision on the Prosecution’s Request to Invalidate the Appointment of Counsel to the Defence”

Issued the Appeals Chamber on 9 November 2011

Judgment on the appeal of the Prosecutor against the decision of Trial Chamber IV of 30 June 2011 entitled “Decision on the Prosecution’s Request to Invalidate the Appointment of Counsel to the Defence”

Issued the Appeals Chamber on 11 November 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 in 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. The confirmation of charges hearing in the case *The Prosecutor v. William Samoei Ruto, Henry Kiprono Kosgey and Joshua Arap Sang* took place from 1 to 9 September 2011. The confirmation of charges hearing in the case *The Prosecutor v. Francis Kirimi Muthaura, Uhuru Muigai Kenyatta and Mohammed Hussein Ali* took place from 21 September to 5 October 2011. The decisions on the confirmations of charges are pending.

Decisions taken between 7 - 11 November 2011

Muthaura, Kenyatta and Ali case

Scheduling Order for the judgment on the appeal of the Prosecutor against the decision of Pre-Trial Chamber II dated 20 July 2011 entitled “Decision with Respect to the Question of Invalidating the Appointment of Counsel to the Defence”

Issued by the Appeals Chamber on 8 November 2011

Judgment on the appeal of the Prosecutor against the decision of Pre-Trial Chamber II dated 20 July 2011 entitled “Decision with Respect to the Question of Invalidating the Appointment of Counsel to the Defence”

Issued by the Appeals Chamber on 10 November 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

ICC welcomes the Philippines as a new State Party



The Ambassador of the Philippines, H.E. Ms Lourdes G. Morales, receives a special edition of the Rome Statute from ICC President Sang-Hyun Song, in the presence of ASP Vice-President H.E. Mr Jorge Lomónaco, at the seat of the Court ©ICC-CPI

On 8 November 2011, the International Criminal Court (ICC) welcomed the Philippines as a new State Party to the Rome Statute of the ICC in a ceremony held at the seat of the Court in The Hague. The Philippines is the 117th State Party to the Rome Statute and the 2nd country within the Association of Southeast Asian Nations (ASEAN) to ratify the international treaty. The Rome Statute took effect for the Philippines on 1 November 2011.

In a symbolic act, the President of the Court, Judge Sang-Hyun Song, presented the Ambassador of the Philippines, H.E. Ms Lourdes G. Morales, with a special edition of the Rome Statute of the ICC.

Recalling that Manila was his first stop during an official trip to Southeast Asia last March to raise awareness about the ICC and to facilitate discussions about ratification of the Rome Statute in the region, the ICC President expressed his delight in now welcoming the Philippines into the ICC family. "I sincerely hope that the historic step taken by your country will encourage other Southeast Asian nations to follow the example of the Philippines", he said.

The Vice-President of the Assembly of States Parties (ASP) and Ambassador of Mexico, H.E. Mr Jorge Lomónaco, stated that, by ratifying the Rome Statute, the Philippines "confirmed its strong commitment to international criminal justice and the protection of human rights, as well as its unreserved support for the pursuit of international peace and security and an effective international criminal justice system".

In response, H.E. Ambassador Morales stated: "On behalf of the Philippine Government, I wish to express our appreciation to the members of the Court, as well as to all States Parties, for their hard work, devotion and dedication in bringing the ICC to where it is now. An expanding and dynamic institution, supported by 119 States Parties and counting, aiming at putting an end to impunity of the perpetrators of the most heinous crimes, serving justice effectively and efficiently, and championing the rights and welfare of victims".

The ceremony was held in the presence of H.E. Ambassador Tiina Intelmann of Estonia, the ICC Registrar, Ms Silvana Arbia, and several judges of the Court.

[Speech of the President of the ICC, Judge Sang-Hyun Song](#)

[Speech of the Vice-President of the Assembly of States Parties, the Ambassador of Mexico, H.E. Mr Jorge Lomónaco](#)

[Speech of the Ambassador of the Philippines, H.E. Ms Lourdes G. Morales](#)

A video summary of the event is available on YouTube, [here](#).

ICC hosts visit by Judges and the Acting Registrar of the African Court on Human and Peoples' Rights



Visit by representatives of the African Court on Human and Peoples' Rights. From left to right: Judges Elsie N. Thompson, Daniel David Ntanda Nsereko, Akua Kuenyehia, Sanji Mmasenono Monageng, Augustino Ramadhani, Sang-Hyun Song, Joyce Aluoch, and Sylvain Oré, Acting Registrar Dr Robert Wundeh Eno, and Judge Duncan Tambala © ICC-CPI

On 7 November 2011, five representatives of the African Court on Human and Peoples' Rights, visited the headquarters of the International Criminal Court (ICC) in The Hague. The delegation was composed of Judges Augustino Ramadhani, Duncan Tambala, Elsie N. Thompson and Sylvain Oré, as well as the Acting Registrar, Dr Robert Wundeh Eno. The ICC President, Judge Sang-Hyun Song, welcomed the visitors and briefed them on the ICC's judicial functioning and current activities, highlighting similarities as well as differences between the two courts.

During their visit, the members of the African Court on Human and Peoples' Rights also exchanged views with four ICC Judges from the African Group of States parties to the Rome Statute, Judges Akua Kuenyehia, Daniel David Ntanda Nsereko, Joyce Aluoch and Sanji Mmasenono Monageng. The delegation furthermore met with the ICC's Deputy Prosecutor, Ms Fatou Bensouda, and the Deputy Registrar, Mr Didier Preira.

Calendar

NOVEMBER 2011						
Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
14 President Song to deliver the keynote speech at the opening of the Law, Justice and Development Week 2011, World Bank, Washington DC (USA)	15 ICC Registrar to call on lawyers in Milan (Italy)	16 Mr Henry Bellingham MP, Parliamentary Under Secretary of State at the Foreign and Commonwealth Office (UK), to visit the ICC	17 Mr Mathias, Assistant Secretary-General of the Office of Legal Affairs United Nations, to visit the ICC	18 The Registry to explain the Registry's role and activities to the legal community in Abidjan, Côte d'Ivoire	19	20
21	22	23	24	25	26	27
28	29	30				
DECEMBER 2011						
Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
			1	2	3	4
5	6	7	8	9	10	11

The calendar is subject to last minute changes.