



OTP Weekly Briefing – 15-22 September 2009

**1. Investigations and Prosecutions:**

*a. Situation in the [Democratic Republic of the Congo](#) (DRC)*

This situation was referred by the DRC in April 2004. The OTP opened its investigation in June 2004, focussing on Ituri where the most serious crimes had been committed by the main armed groups. Four arrest warrants have been issued against [Thomas Lubanga Dyilo](#) and [Bosco Ntaganda](#), leaders of the UPC, and [Germain Katanga](#) and [Mathieu Ngudjolo Chui](#), leaders of FNI and FRPI. The trial of *the Prosecutor v. Thomas Lubanga Dyilo* began on 26 January 2009. The trial of [Katanga and Ngudjolo Chui](#), charged with attacking and 'wiping out' the village of Bogoro, is scheduled for 24 November 2009. [Bosco Ntaganda](#) is at large.

In September 2008, the OTP announced the start of its investigation into alleged crimes in the Kivus.

**Case: *The Prosecutor v. Thomas Lubanga Dyilo***

14 September - The Prosecution submitted its Document in Support of Appeal against the Decision, giving notice that the legal characterisation of the facts may be subject to change beyond the facts alleged in the Document containing the Charges ("DCC") issued by the Majority of Trial Chamber I on 14 July 2009. The Prosecution stated that the Decision violates both article 74 of the Statute, and Regulation 55 of the Court which provide that the Judges cannot "*exceed the facts and circumstances described in the charges*". The Decision affects the division of functions between the Prosecutor, who presents charges before the Judges, and the Judges, who decide on those charges. The Prosecution requested that the Appeals Chamber suspend enforcement of the Appealed Decision and reverse it.

**Case: *The Prosecutor v. Germain Katanga and Mathieu Ngudjolo Chui***

17 September - In advance of the 1st October status conference, the Prosecution presented proposals to ensure that the Chamber can conduct the Trial proceedings in an efficient and expeditious way.

**The Kivus investigation**

*b. Situation in [Uganda](#)*

This situation was referred by Uganda in January 2004. The OTP opened its investigation in July 2004. Five arrest warrants have been issued against [top leaders of the Lords Resistance Army \(LRA\)](#): Joseph Kony, Vincent Otti (allegedly killed in 2007 on order of Kony), Okot Odhiambo, Raska Lukwiya (killed on 12 August 2006, whose arrest warrant has been withdrawn), and Dominic Ongwen. These arrest warrants are outstanding. Over the last 18 months, the LRA is reported to have killed more than 1,250, abducted more than 2,000 and displaced close to 300,000 in DRC alone. In addition there have been substantial numbers of killings and abductions in both South Sudan and the Central African Republic.

**Case: *the Prosecutor v. Joseph Kony, Vincent Otti, Okot Odhiambo and Dominic Ongwen***

16 September - The Appeals Chamber dismissed the Defence's appeal against the 10 March 2009 decision of Pre-Trial Chamber II, which found that the case against Joseph Kony *et al.* was admissible under article 19 (1) of the Statute.

*c. Situation in [Darfur, the Sudan](#)*

This situation was referred by the UN Security Council in March 2005. The OTP opened its investigation in June 2005. Three arrest warrants and one summons to appear have been issued against [Ahmad Harun and Ali Kushayb](#), [Omar Al Bashir](#), and [Bahar Idriss Abu Garda](#). Three arrest warrants are outstanding. Mr. Abu Garda [voluntarily appeared](#) before the Court pursuant to a summons. His initial appearance was on 18 May, after which he was allowed to leave the Netherlands. The confirmation of charges hearing is set for 19 October 2009.

**Case: *The Prosecutor v. Omar Hassan Ahmad Al Bashir***

**Case: *The Prosecutor v. Bahr Idriss Abu Garda***

15 September - Pursuant to the Pre-Trial Chamber's [order of 27 August](#), the Prosecution [submitted its observations](#) on 34 applications to participate as victims in the proceedings, and stated that all the applicants had met the criteria to be recognised as victims in the case.

*d. Situation in the [Central African Republic \(CAR\)](#)*

This situation was referred by the Central African Republic in December 2004. The OTP opened its investigations in May 2007. One arrest warrant has been issued against [Jean-Pierre Bemba](#). The [confirmation of charges hearing](#) was held on 12 to 15 January 2009. On 15 June, Pre-Trial Chamber II [partially confirmed the charges](#) and the Prosecutor [applied for leave to appeal](#) the Chamber's decision to decline to confirm certain charges on 22 June. The Office continues to monitor allegations of crimes committed since the end of 2005.

**Case: *The Prosecutor v. Jean-Pierre Bemba Gombo***

18 September - Pre-Trial Chamber II rejected the Prosecutor's Application for Leave to Appeal the Decision on the Charges of the *Prosecutor against Jean-Pierre Bemba Gombo*. The Chamber also ordered the transmission of the record of the proceedings to the Presidency in order for the latter to constitute a Trial Chamber.

18 September - The case of *The Prosecutor v. Jean-Pierre Bemba Gombo* has been referred to the new Trial Chamber. [Trial Chamber III](#) which will be composed of Judge Elizabeth Odio Benito, Judge Joyce Aluoch and Judge Adrian Fulford.

18 September - Pre-Trial Chamber II rejected the Defence's Application to suspend the Proceedings.

*e. Miscellaneous*

**2. Preliminary Examinations:**

*a. Afghanistan*

The Office made its examination public in 2007. It examines alleged crimes within the jurisdiction of the Court by all actors involved. The OTP met outside Afghanistan with Afghan officials and organizations. The OTP sent requests for information to the Government of Afghanistan and has not received an answer yet.

*b. Colombia*

The Office made its examination public in 2006. It examines alleged crimes within the jurisdiction of the Court and investigations/proceedings conducted in Colombia against the alleged most serious perpetrators, paramilitary leaders, politicians, guerrilla leaders and military personnel. The Office is also analysing allegations of international networks supporting armed groups committing crimes in Colombia.

*c. Georgia*

The Office made its examination public on 14 August 2008. The Georgian Minister of Justice visited the OTP. Russia, a State not Party to the Statute, sent 3,817 communications to the OTP. The Prosecutor requested information from the Governments of Russia and Georgia on 27 August 2008. Both the Russian and Georgian authorities responded. The Office conducted a visit to Georgia in November 2008.

*d. [Palestine](#)*

On 22 January 2009, the [Palestinian National Authority lodged a declaration](#) with the Registrar under article 12(3) of the Rome Statute which allows States not party to the Statute to accept the Court's jurisdiction. The OTP is examining all issues related to its jurisdiction, including whether the declaration accepting the exercise of jurisdiction by the Court meets statutory requirements, whether crimes within the Court's jurisdiction have been committed and whether there are national proceedings in relation to alleged crimes.

15 September - The [UN Fact Finding Mission on the Gaza Conflict](#) headed by Justice Richard Goldstone published an [advance version of its Report](#) to be presented to the UN Human Rights Council on 29 September. The Report, referring to the declaration lodged by the Palestinian National Authority under Article 12.3 of the Rome Statute, states that "*accountability for victims and the interests of peace and justice in the region require that the legal determination should be made by the Prosecutor as expeditiously as possible*". It also recommends that the UNSC require Israel to report within six months on investigations and prosecutions; that the UNSC set up a body of independent experts and that if the experts do not report within six months that independent proceedings are taking place the UNSC should refer the situation in Gaza to the ICC Prosecutor.

*e. Côte d'Ivoire*

The Court has jurisdiction over the situation in Côte d'Ivoire by virtue of an Article 12(3) declaration submitted by the Ivorian Government on 1 October 2003. The declaration accepts the jurisdiction of the Court as of 19 September 2002. The most serious crimes, including alleged widespread sexual violence, were committed in 2002-2005. On 17-18 July, high-level representatives of OTP visited Abidjan.

*f. [Kenya](#)*

The Office made its examination public in February 2008. The Prosecutor has received numerous Article 15 communications on the post-election violence. On 3 July 2009, a common statement was issued in The Hague by a [Government delegation from Kenya](#) lead by Justice Minister Kilonzo and the Prosecutor. It stated that in order to prevent a recurrence of violence during the next election cycle, those most responsible for previous post-election violence must be held accountable. Kenyan authorities committed themselves to refer the situation to the Court if efforts to conduct national proceedings fail. On 9 July 2009, the African Union Panel of Eminent African Personalities, chaired by Kofi Annan, announced the submission to the OTP of a sealed envelope containing a list of persons allegedly implicated and supporting materials previously entrusted to Mr. Annan by the Waki Commission on the post-election violence. On 16 July, Prosecutor Moreno-Ocampo received the sealed envelope and 6 boxes containing [documents and supporting materials compiled by the Commission](#). The Prosecutor opened the envelope, examined its content and resealed it. On 14 July, the Prosecutor received two reports from the Kenyan authorities on witness protection measures and on the status of legal proceedings carried out by national authorities.

16 September - During the conference "Fighting Impunity in Peacebuilding Contexts" organized in The Hague by ICTJ in cooperation with the Dutch MFA, the Prosecutor explained how justice efforts have contributed to better managing violence in Northern Uganda and Darfur. In the Kony case, as demonstrated by the ICC case, the LRA leader's only goal was to abduct girls and make them sexual slaves, to abduct boys and use them as soldiers. Joseph Kony used the Juba talks as he used past talks in order to rearm and regroup, keeping hundreds of abductees and kidnapping new victims in the CAR and DRC, even before any arrest operation started. In the Darfur case, the peace process had collapsed by June 2008 with the resignation of the two AU/UN mediators; since the Prosecution's application on 14 July 2008 against President Al Bashir, peace talks have resumed, peacekeepers' deployment is near complete. As to the expulsion of the NGOs by President Al Bashir, it confirmed his criminal intention to destroy the displaced.

17 September - The Prosecutor met with Kenyan Minister of Lands James Orengo. The Minister emphasized the need to fight impunity for post-election violence in Kenya in order to prevent a recurrence of violence in 2012. The Prosecutor confirmed his invitation to Justice Minister Kilonzo to visit the Hague again at the end of the month.



18 September - The [Prosecutor met with representatives of Kenyan civil society](#) (ICPC, KHRC, ICJ-K, ICTJ-K as well as KNCHR) in The Hague. He emphasized that Kenya can prove an example of how to work together with the international community and the Court to prevent future crimes.

*g. Statistics on [Article 15 Communications](#) and other preliminary examination activities* .....



15 September - In his Keynote address at the [Research Conference "The ICC and Complementarity: From Theory to Practice"](#), The Hague, the Prosecutor described how, following the [Report of the ASP Bureau on Cooperation of 19 October 2007](#), the OTP had consolidated its approach to positive complementarity, including by developing its network of law enforcement agencies ("LEN"); by providing to national authorities information that have been obtained in the course of its investigations, subject to the security of witnesses and the judiciary.

**3. Cooperation – Galvanizing Efforts to Arrest:**

13 September - Sudan Media Centre website reported that President Omar Al Bashir will not lead the Sudanese delegation to the UN General Assembly in New York.

14 September - The Prosecutor visited the World Bank in Washington; a Memorandum of understanding between OTP and the World Bank is being finalized.

17 September - The Prosecutor met with the Ambassador of China in The Hague Mr. Zhang Jun to update him on the situations and cases.

18 September - Norwegian Ambassador in The Hague, Mrs. Eva Bugge, introduced to the Prosecutor the new Minister Counselor for legal affairs, Irvin Høyland, who has been mandated to enhance support of Norway to the ICC.

22 September - Sudan Media Centre website reported that President Omar Al Bashir will not lead the Sudanese delegation to the second Africa-South America summit that will take place on 26-27 September in Venezuela.

**4. Coming Events:**

- 22 September - Prosecutor’s meeting with the Prime Minister of Liechtenstein, Mr. Klaus Tschuetscher, New York
- 23 September - Prosecutor’s Keynote address, [Global Creative Leadership Forum](#), in the presence of WTO Director-General Pascal Lamy, IMF Managing Director Dominique Strauss-Kahn, and former US Secretary of Homeland Security Michael Chertoff, New York

- 23 September - Prosecutor's meeting with Javier Solana, High Representative for the Common Foreign and Security Policy of the European Union, New York
- September 2009 - Continuing consultations and publication of the Report of AU High Level Panel on Darfur
- 6 October - Trial Chamber I: Start of the Defence case in [The Prosecutor v. Lubanga Dyilo](#)
- 6-7 October - OTP-NGO bi-annual roundtable, The Hague
- 9 October - The Vice-President for Integrity of the World Bank, Mr. Leonard McCarthy, will visit the Court and meet with the Prosecutor to sign the Memorandum of Understanding
- 15-16 October - Visit of a delegation of the Arab league secretariat to the OTP, in the context of our analysis activities, The Hague
- 19 October - Pre-Trial Chamber I: Confirmation of charges hearing in [The Prosecutor v. Abu Garda](#)
- 26-27 October - Prosecutor's visit to Ecuador in the context of preliminary examination activities in the region
- 28 October - Prosecutor receives award in recognition of his work in human rights, Faculty of Law, Universidad Complutense, Madrid
- 30 October - Consultations on the draft Prosecutorial Strategy for 2009-2012 with States, The Hague
- 9-10 November - Prosecutor's participation in symposium "The ICC that Africa Wants", Cape Town
- 11-13 November - Prosecutor's visit to Rwanda on the occasion of the International Prosecutors' colloquium
- 18-26 November - [Eighth Session of the Assembly of States Parties](#), The Hague
- 20-22 November - Prosecutor's participation in the World Economic Forum's Summit on the Global Agenda 2009, Dubai
- 24 November - Trial Chamber II: Start of the Trial of [The Prosecutor v. Germain Katanga and Mathieu Ngudjolo](#)
- December - Prosecutor's report to the UNSC on the Darfur situation pursuant to UNSCR 1593 (2005)

\* This document reflects the views of the Office of the Prosecutor of the ICC. For more information, contact Mrs. Olivia Swaak-Goldman, International Cooperation Adviser in the Office of the Prosecutor, at [Olivia.Swaak-Goldman@icc-cpi.int](mailto:Olivia.Swaak-Goldman@icc-cpi.int)