



OTP Weekly Briefing

Issue 99

5-13 September

THIS WEEK

- **Prosecutor requests
INTERPOL Red Notice
for Gaddafi**

NEWS

Wanted

GADDAFI, Muammar Mohammed Abu Minyar



Legal Status	
Present family name:	GADDAFI
Forename:	MUAMMAR MOHAMMED ABU MINYAR
Sex:	MALE
Date of birth:	1942 (around 69 years old)
Place of birth:	SIRTE, Libya
Language spoken:	Arabic
Nationality:	Libya

ICC Requests INTERPOL Red Notices in Libya

8 September - Prosecutor Moreno-Ocampo [requested](#) that INTERPOL issue Red Notices to arrest Muammar Gaddafi, Saif Al-Islam Gaddafi and Abdullah Al-Senussi for the alleged crimes against humanity of murder and persecution.

INTERPOL Secretary-General Ronald Noble confirmed the effectiveness of the Red Notices, stating “Prosecutor Moreno-Ocampo’s request for INTERPOL Red Notices will significantly restrict the ability of all three men to cross international borders and is a powerful tool to help in their location and arrest”. He further [confirmed](#) that “as far as INTERPOL’s General Secretariat headquarters is concerned, Muammar Gaddafi is a fugitive whose country of nationality and the ICC want arrested and held accountable for the serious criminal charges that have been brought against him....INTERPOL will cooperate with and assist the ICC and Libyan authorities represented by the Interim Transitional National Council of Libya to apprehend Muammar Gaddafi”.

Prosecutor Moreno-Ocampo [explained](#) his decision to request the notice, stating “Arresting Gaddafi is a matter of time. By requesting an INTERPOL Red Notice the ICC ensures that the arrest warrant for Gaddafi is in the hands of law enforcement around the world”.

The Red Notices have been circulated to all 188 INTERPOL members and INTERPOL is [offering](#) the full support of its Command and Coordination Centre and asking its member countries to take all measures consistent with their national laws to help the ICC locate and apprehend Gaddafi.

States Parties also continued to confirm their commitment to cooperation with the ICC; with UK Foreign Secretary William Hague [stating](#) “if [Muammar Gaddafi] had gone to a country which is a signatory of the ICC of course, we would expect them to hand him over to the ICC”. The head of President Mahamadou Issoufou’s cabinet also confirmed that Niger would respect its Rome Statute obligations in relation to the Libyan arrest warrants, [stating](#) “We are signatories of the Rome Statute, so they know what they are exposed to if they come. Niger is a country of rights but we will also respect our international commitments”.

OTP Activities

OVERVIEW

6 situations under investigation
12 cases in relation to 25 persons
18 arrest warrants – 11 outstanding
3 trials
3 confirmation of charges proceedings
9 preliminary examinations in 4 different continents

I. Preliminary Examinations

Preliminary examinations refer to the analytical process by which the OTP assesses whether there is a reasonable basis to proceed with an investigation in a given situation.

In accordance with Article 15 of the Statute, the OTP proactively gathers and evaluates information from multiple sources, including “communications” from individuals and parties concerned ([phase 1 – initial review](#)). Following a sequential process, and irrespective of the mechanism by which the jurisdiction of the Court is triggered, the Office then applies the same legal criteria laid out in Article 53 of the Statute, namely **temporal/territorial/personal jurisdiction** ([phase 2a](#)), **subject-matter jurisdiction** ([phase 2b](#)), **admissibility**, including complementarity and gravity ([phase 3](#)) and the **interests of justice** ([phase 4](#)).

Currently, the OTP is conducting preliminary examinations into nine situations: [Palestine](#) (phase 2a), [Afghanistan](#), [Honduras](#), [Korea](#) and [Nigeria](#) (phase 2b), [Colombia](#), [Georgia](#) and [Guinea](#) (Phase 3); the Prosecutor has further determined that the opening of an investigation would not be against the interests of justice in [Côte d’Ivoire](#) (phase 4) and is awaiting authorization from Pre-Trial Chamber III to investigate the situation in Côte d’Ivoire.

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

11 communications that may fall under Article 15 were received by the Office in the month of August. 4 of these communications were manifestly outside the jurisdiction of the Court; 6 communications warranted further analysis or were linked to a situation already under analysis. 1 was linked to an ongoing investigation/prosecution. The total number of Article 15 communications received to date is 9,247, of which 4,327 were manifestly outside the jurisdiction of the Court.

13 September - The Center for Constitutional Rights (CCR) representing the Survivors Network of those Abused by Priests contacted the OTP and presented its follow-up communication (the first one had been submitted in May 2011) on alleged crimes against humanity committed by Vatican officials, including rape, sexual violence, and torture. The communication claims that Vatican officials have tolerated and enabled the systematic and widespread concealing of rape and child sex crimes throughout the world. Together with the complaint, the CCR submitted more than 20,000 pages of supporting materials.

II. Investigations and Prosecutions

1. Situation in the [Democratic Republic of the Congo](#) (DRC) – Referred: April 2004 Investigation Opened: June 2004

Trials

The Prosecutor v [Thomas Lubanga Dyilo](#) – charged with war crimes against children committed in the Ituri region 2002 – 2003

Status: Trial finished on 26 August 2011, pending judgment

The Prosecutor v [Germain Katanga and Mathieu Ngudjolo Chui](#) – charged with war crimes and crimes against humanity committed during the attack of the village of Bogoro in the Ituri region on 24 February 2003

Status: Defence case presentation ongoing

Confirmation of Charges Hearing

The Prosecutor v [Callixte Mbarushimana](#) – charged with war crimes and crimes against humanity, including massive sexual violence, committed in the North and South Kivus 2009 – 2010

Status: Confirmation of Charges Hearing scheduled for 16 September 2011

Warrant Pending

The Prosecutor v [Bosco Ntaganda](#) – charged with war crimes against children committed in the Ituri region 2002-2003

Issued: 22 August 2006

12 September - The Prosecutor filed [observations](#) on the need for a Judicial Site Visit in the case of *The Prosecutor v Germain Katanga and Mathieu Ngudjolo Chui*, submitting that a Judicial Site Visit to the Bogoro area of the DRC was unnecessary at this stage as the evidence tendered by the Prosecution regarding the geography of the area was “substantial, clear and uncontested.” The Prosecution further submitted that the defences advanced thus far by the Accused “do not appear to contest the evidence regarding the geography and, in particular, that portion of the testimony of witnesses that addresses their descriptions of the area where the Bogoro attack occurred.” The Prosecution also suggested that security concerns would be substantial and outweighed any need for a site visit at this time.

2. Situation in [Uganda](#) – Referred: January 2004 Investigation opened: July 2004

Warrants Pending:

The Prosecutor v Joseph Kony et al. – charged with war crimes and crimes against humanity committed during LRA’s insurgency activities in Northern Uganda 2002 – 2004

Issued: 8 July 2005

3. Situation in [Darfur, the Sudan](#) – Referred: March 2005 Investigation opened: June 2005

Trial

The Prosecutor v Abdallah Banda Abakaer Nourain and Saleh Mohammed Jerbo Jamus – charged with war crimes committed during an attack against the Haskanita AU peacekeeping base in North Darfur on 29 September 2007

Status: Charges confirmed, trial date to be set

Prosecution to present additional evidence

The Prosecutor v Bahar Idriss Abu Garda – charged with war crimes committed during an attack against the Haskanita AU peacekeeping base in North Darfur on 29 September 2007

Warrants Pending:

The Prosecutor v Omar Al Bashir – charged with war crimes, crimes against humanity and genocide committed as part of the counter-insurgency campaign in Darfur 2003 – 2008 (at least)

Issued: 4 March 2009 & 12 July 2010

The Prosecutor v Ali Kushayb and *Ahmad Harun* – charged with war crimes and crimes against humanity committed during the attacks against the civilian population in Darfur August 2003 – March 2004

Issued: 27 February 2007

4. Situation in the [Central African Republic \(CAR\)](#) – Referred: January 2005 Investigation opened: May 2007

Trial:

The Prosecutor v Jean-Pierre Bemba Gombo – charged with war crimes and crimes against humanity, including a massive rape campaign, committed in CAR between 26 October 2002 – 15 March 2003

Status: Prosecution case presentation ongoing

5. Situation in [Kenya](#) – OTP request to start investigation: November 2009 Investigation opened: March 2010

Confirmation of Charges Hearing:

The Prosecutor v William Samoei Ruto, Henry Kiprono Kosgey and Joshua Arap Sang – charged with crimes against humanity committed during the post-electoral violence in Kenya 30 December 2007 – end January 2008

Status: Hearing held from 1 to 9 September 2011

The Prosecutor v Francis Kirimi Muthaura, Uhuru Muigai Kenyatta and Mohammed Hussein Ali – charged with crimes against humanity committed during the post-electoral violence in Kenya 24 – 31 January 2008

Status: Hearing is scheduled to begin 21 September 2011

6. Situation in [Libya](#) – Referred: February 2011 Investigation opened: March 2011

Warrants Pending:

The Prosecutor v Muammar Abu Minya Gaddafi, Saif Al Islam Gaddafi and Abdullah Al Sanousi – charged with crimes against humanity committed during attacks on the civilian population by the Libyan Security Forces 15 February – at least 28 February 2011

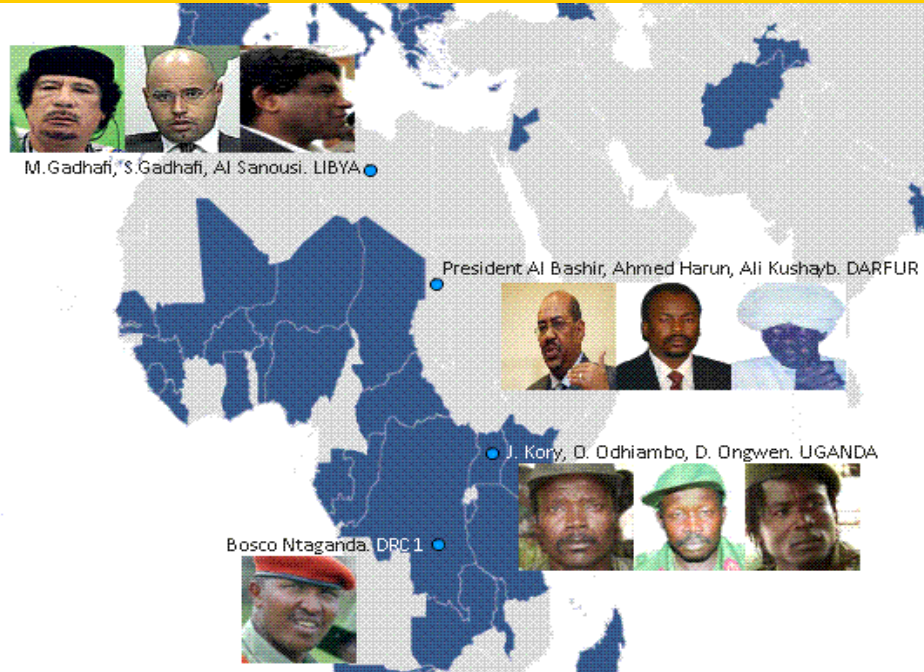
Issued: 27 June 2011

7. Situation in [Côte d'Ivoire](#) – OTP request to start investigation: June 2011

Status: June 2011 – the Prosecution filed a request with Pre-Trial Chamber III for authorisation to open investigations into the situation in Côte d'Ivoire since 28 November 2010

III. Arrests - Cooperation

10 PERSONS SOUGHT BY THE COURT



The Prosecutor v Bosco Ntaganda (more information [here](#))

Current location: DRC, in and around Goma

The Prosecutor v Joseph Kony et al (more information [here](#))

Current location: variously, at different times, in the border area between DRC, CAR and South Sudan

The Prosecutor v Muammar Gaddafi, Saif Al-Islam Gaddafi and Abdullah Al-Senussi (more information [here](#))

Current location: Libya

The Prosecutor v Ahmed Harun and Ali Kushayb (more information [here](#))

**Current location: South Kordofan, Sudan (A. Harun)
Sudan (A. Kushayb)**

The Prosecutor v Omar Hassan Ahmad Al Bashir (more information [here](#))

Current location: Khartoum, Sudan

IV. Other Co-operation

9 September - Prosecutor Moreno-Ocampo briefed the EU Political and Security Committee, consisting of the 27 EU Ambassadors, on the current activities of the Office, including providing updates on Libya, Kenya, Côte D'Ivoire, Palestine and Educational Projects undertaken to maximize the impact of the completion of the first trial of the ICC (*The Prosecutor v [Thomas Lubanga Dyilo](#)*).

V. Upcoming Events

September						
Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
			1 Confirmation of Charges Hearing for Kenya 1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16 Confirmation of Charges Hearing for DRC3	17	18
19 Deputy Prosecutor Addresses 2011 Blouin Creative leadership Summit, New York	20	21 Confirmation of Charges Hearing for Kenya 2	22 Deputy Prosecutor receives World Peace Through Law Aware, Washington Uni. School of Law, St Louis	23	24	25
26	27	28	29	30		
October						
					1	2
3	4	5 OTP-NGO Roundtable	6 OTP-NGO Roundtable	7	8	9
10	11	12	13	14	15	16
17 Prosecutor participates in Retreat on ICC with ASP President, Liechtenstein	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

VII. Other Information

* 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