

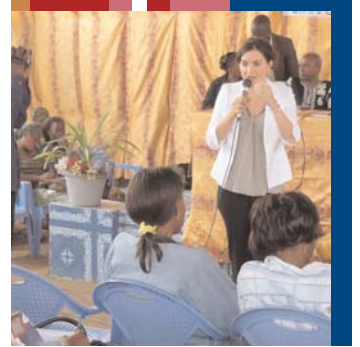


**Cour
Pénale
Internationale**

**International
Criminal
Court**

ICC Weekly Update

12 October 2009 #5



Situation in Darfur, Sudan

In the situation in Darfur, Sudan, three cases are being heard: *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. Bahr Idriss Abu Garda*. Three warrants of arrest have been issued by Pre-Trial Chamber I for Harun, Kushayb and Al Bashir for crimes against humanity and war crime. The three suspects remain at large. A summons to appear was issued for Abu Garda who appeared voluntarily before the Chamber on 18 May 2009. Abu Garda is not in the custody of the ICC.

Abu Garda case

Confirmation of charges hearing 19 October, 2009

The confirmation of charges hearing in the case of *The Prosecutor v. Abu Garda* is scheduled to start on Monday 19 October, 2009, at 09:30 until 16:30. According to the provisional agenda the confirmation hearing sessions are expected to last until 30 October, 2009.

The confirmation hearing is held to ensure that no case goes to trial unless there is sufficient evidence to establish substantial grounds to believe that the person committed the crime with which he has been charged. The suspect has the right to attend the hearing or in his absence be represented by counsel.

On 18 May this year Abu Garda, a member of the Zaghawa tribe of Sudan, appeared for the first time before the Court, in compliance with a summons issued under seal by Pre-Trial Chamber I on 7 May and unsealed on 17 May.



Abu Garda at the hearing ©ICC-CPI

During his initial appearance before the Court he was informed of his rights under the Rome Statute and the crimes which he is alleged to have committed. He is charged with three war crimes (violence to life, in the form of murder, whether committed or attempted; intentionally directing attacks against personnel, installations, materials, units, and vehicles involved in a peacekeeping mission; and pillaging) allegedly committed during an attack carried out on 29 September, 2007, against the African Union Mission in Sudan ("AMIS"), a peace-keeping mission stationed at the Haskanita Military Group Site, in the locality of Umm Kadada, North Darfur. It is alleged that the attackers killed twelve and severely wounded eight soldiers, destroyed communication facilities and other materials and appropriated property belonging to AMIS.

This case is the third in the Darfur situation after the cases of *The Prosecutor v. Ahmad Muhammad Harun ("Ahmad Harun") and Ali Muhammad Ali Abd-Al-Rahman ("Ali Kushayb")*, and *The Prosecutor v. Omar Hassan Ahmad Al Bashir*. The three suspects (Al Bashir, Harun and Kushayb) remain at large.

The Office of the Prosecutor has also submitted an application on 20 November, 2008, for the issuance of warrants of arrest or, alternatively, summonses to appear for two other individuals who allegedly participated in the attack on Haskanita MGS.

Decisions taken between 05 - 09 October 2009

Abu Garda case

Decision on victims' modalities of participation at the Pre-Trial Stage of the Case

Issued by the Pre-Trial Chamber I on the 6th October 2009

Decision on the "Response to Defence Observations on Applications for Victim Participation in the Proceedings"

Issued by the Pre-Trial Chamber I on the 7th October 2009

Decision on the Defence's Application dated 6 October 2009

Issued by the Pre-Trial Chamber I on the 7th October 2009

Decision requesting the Defence to provide information on prospective witness

Issued by the Pre-Trial Chamber I on the 8th October 2009

Decision on the Prosecutor's application for protective measures dated 22 September 2009 (Public redacted Version)

Issued by the Pre-Trial Chamber I on the 9th October 2009

Decision on the Defence's application for protective measures dated 2 October 2009 (Public Redacted Version)

Issued by the Pre-Trial Chamber I on the 9th October 2009

Decision on the 52 Applications for Participation at the Pre-Trial Stage of the Case

Issued by the Pre-Trial Chamber I on the 9th October 2009

Situation in the Democratic Republic of the Congo

In this situation, three cases are being heard before the relevant Chambers: *The Prosecutor v. Thomas Lubanga Dyilo*; *The Prosecutor v. Bosco Ntaganda*; and *The Prosecutor v. Germain Katanga and Mathieu Ngudjolo Chui*. The accused Thomas Lubanga Dyilo, Germain Katanga and Mathieu Ngudjolo Chui 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 commencement of the trial in the case of *The Prosecutor v. Germain Katanga and Mathieu Ngudjolo Chui* is scheduled for 24 November, 2009.

Decisions taken between 05 - 09 October 2009

Lubanga Dyilo Case

Decision on the Presiding Judge in the appeals against the "Decision giving notice to the parties and participants that the legal characterisation of the facts may be subject to change in accordance with Regulation 55(2) of the Regulations of the Court"

Issued by the Appeals Chamber on the 6th October 2009

Decision issuing a corrigendum to the "Decision on disclosure issues, responsibilities for protective measures and other procedural matters" of 24 April 2008

Issued by the Trial Chamber I on the 6th October 2009

Order on the filing of a response to victims' applications for participation in the appeals against the "Decision giving notice to the parties and participants that the legal characterisation of the facts may be subject to change in accordance with Regulation 55(2) of the Regulations of the Court"

Issued by the Appeals Chamber on the 9th October 2009

Katanga and Ngudjolo Chui case

Décision aux fins de recueillir les observations des participants sur la détention de Mathieu Ngudjolo (Règle 118-2)

Issued by the Trial Chamber II on the 05th October 2009

Decision on the disclosure of evidentiary material relating to the Prosecutor's site visit to Bogoro on 28,29 and 31 March 2009 (ICC-01/04-01/07-1305,1345,1360,1401,1412 and 1456)

Issued by the Trial Chamber II on the 7th October 2009

CORRIGENDUM - Decision on the disclosure of evidentiary material relating to the Prosecutor's site visit to Bogoro on 28,29 and 31 March 2009 (ICC-01/04-01/07-1305,1345,1360,1401,1412 and 1456)

Issued by the Trial Chamber II on the 9th October 2009

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 at our [Youtube channel](#).

ICC held biannual strategy meeting with NGOs

From 6 to 9 October, the ICC hosted the second biannual strategic meeting with NGOs. Nearly 40 members of the civil society, representing 20 organisations, including both international NGOs and local NGOs from situation related countries, had the opportunity to discuss relevant issues on the ICC agenda with Court officials from the four organs as well as with representatives of the Assembly of the States Parties (ASP).

The meeting is part of a combined effort of both the Court and the NGOs to strengthen an open dialogue policy and maintain mutual support and understanding.

Opening the meeting, ICC President, Judge Sang-Hyun Song, acknowledged the “long partnership of the Court with the NGO community in working to realise the Rome Statute system”. “Importantly, NGOs also provide constructive criticism. It is never entirely pleasant to be criticised, and the Court may not always agree with such criticism. But I very much appreciate independent views from organisations and individuals who share the Court’s deep commitment to the goals and values enshrined in the Rome Statute. Your support – and your tough love too – have made this a better institution” President Song added.



International and local NGOs attended the Biannual Strategic Meeting with ICC ©ICC-CPI

Thursday 8 and Friday 9 were devoted to consultation with the Registry, which stressed the constructive role its relationship with the NGOs has had on the development of sound policies on a whole range of issues within its competence. NGOs, on their part, acknowledged the Registry’s crucial role in the proper functioning of the Court, although this is not always visible to the public. The strategic meeting went on to discuss, *inter alia*, victims’ effective participation in the proceedings, the development of a strategy for their protection, the plan to reinforce and expand Outreach activities in situation related countries as well as the improvement of field operations; and the conclusions of the Report of the Committee on Budget and Finance. Finally the participants discussed the Conference of Revision of the Rome Statute, due to take place in Kampala, Uganda, in May next year.

Interacting with communities

Outreach Team in Kinshasa (DRC) carries out activity with women's groups as part of the women's Outreach programme

The Outreach Unit continues to strengthen and expand its network in Kinshasa. This week, an activity was held with some 250 representatives of women's organisations. One objective of this information session was to show these women that the Rome Statute, in establishing rape and sexual slavery as a serious crimes, protects women. Several women's associations in Kinshasa have made the fight against sexual violence a key point of their programs and, thanks to their lobbying efforts, have contributed to the passage of a law on sexual violence in DRC.

Outreach Team targets the Youth of Kinshasa

Last week, 150 members of a youth group from one of Kinshasa's neighbourhoods were informed of the role and mandate of the Court, as well as recent developments before the Court. This information session was conducted as part of a strategy aimed at targeting the youth in order to prevent misinformation about the ICC and establish a dialogue with them.



Outreach Team holds information and discussion session with women's organisations in Kinshasa ©ICC-CPI

Calendar

OCTOBER 2009						
Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
12	13	14	15	16	17	18
1 st Vice President Diarra continues visit to Cameroon and Congo-Brazzaville						
			President Song meets the EU Development and humanitarian aid Commissioner, Karel De Gucht, and addresses the Parliamentarians for Global Action (PGA) Conference on ICC in Brussels.			
19	20	21	22	23	24	25
Confirmation of charges hearing in Abu Garda case						
26	27	28	29	30	31	
Confirmation of charges hearing in Abu Garda case						
President Song address the UN Meeting of Legal Advisers in NY			President Song presents ICC Report to the UN General Assembly			
NOVEMBER 2009						
Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
						01
02	03	04	05	06	07	08
09	10	11	12	13	14	15
Future events: 18 - 26 Nov: ASP in The Hague 24 Nov: Trial of Germain Katanga and Mathieu Ngudjolo Chui case commences / ASP						

The calendar is subject to last minute changes.