



6 December 2010 #58
ICC Weekly Update



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. Mr Abu Garda is not in the custody of the ICC. After the hearing of confirmation of charges, on 8 February 2010, Pre-Trial Chamber I declined to confirm the charges. 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 is scheduled for 8 December 2010.

The ICC hearing on the confirmation of charges against Abdallah Banda and Saleh Jerbo is scheduled to be held on 8 December, in the absence of the suspects

On 8 December 2010, Pre-Trial Chamber I of the International Criminal Court (ICC) is scheduled to hold a hearing on the confirmation of charges in the case of *The Prosecutor v. Abdallah Banda Abakaer Nourain and Saleh Mohammed Jerbo Jamus* in an open session, at 14:30.

The hearing will be held in the absence of the suspects Mr Jerbo and Mr Banda who, on 4 and 15 November 2010, respectively, waived their rights to be present at the confirmation hearing, in accordance with article 61 of the Rome Statute, the treaty founding the ICC.



Banda and Jerbo © ICC-CPI/ Toussaint Kluiters

On 17 June 2010, the suspects appeared voluntarily before the Court in compliance with the summonses to appear issued by the Chamber. They are allegedly responsible for 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. These war crimes were allegedly committed during an attack carried out on 29 September 2007, against the African Union Mission in Sudan (AMIS), a peacekeeping mission stationed at the Haskanita Military Group Site, in the locality of Umm Kadada, North Darfur. It is alleged that the attackers killed 12 and severely wounded 8 soldiers, destroyed communications facilities and other materials and appropriated property belonging to the AMIS.

The confirmation of charges hearing is a public hearing during which the Pre-Trial Chamber will decide whether or not to confirm all or any of the charges brought against the suspects by the Prosecutor. Within a maximum of 60 days after the confirmation of charges proceedings are closed, Pre-Trial Chamber I will determine whether or not there is sufficient evidence to establish substantial grounds to believe that Mr Banda and Mr Jerbo committed the alleged crimes. If the Chamber determines that there is sufficient evidence in this regard, the case will go to the trial phase.

Further information and audiovisual material regarding the hearing is available [here](#).

Pre-Trial Chamber I requests the cooperation of the Central African Republic to execute the warrants of arrest of Omar Al Bashir

On 1 December 2010, Pre-Trial Chamber I of the International Criminal Court (ICC) requested the Central African Republic to take all necessary measures to arrest Omar Al Bashir and transfer him to the Court, in the event and at the moment that he arrives in the country's territory.

Reacting to information of a possible visit of the suspect to the Central African Republic today, the Chamber noted that, as a State Party to the Rome Statute since the 3 October 2001, the Central African Republic has the obligation to execute the warrants of arrest of Mr Al Bashir and requested the Central African Republic to inform the Chamber immediately about any problem which would impede or prevent the arrest and surrender of Mr Al Bashir in the event that he visits the country.

On 4 March 2009, Pre-Trial Chamber I issued a first warrant of arrest against Mr Al Bashir, considering that there are reasonable grounds to believe that the suspect is criminally responsible for five counts of crimes against humanity and two counts of war crimes. A second warrant of arrest was issued against Mr Al Bashir on 12 July 2010, for three counts of genocide.

On 27 August 2010, Pre-Trial Chamber I issued two decisions informing the United Nations Security Council and the Assembly of States Parties to the Rome Statute about Mr Al Bashir's visits to the Republic of Kenya and the Republic of Chad, "in order for them to take any measure they may deem appropriate". Pre-Trial Chamber I had also requested observations from the Republic of Kenya on the enforcement of warrants of arrest against Mr Al Bashir on 25 October 2010, in the event he visits the country.



Omar Al Bashir ©UN Photo / Stuart Price

Demande de coopération et d'informations adressée à la République Centrafricaine

Decisions taken between 29 November - 3 December 2010

Al Bashir case

Demande de coopération et d'informations adressée à la République Centrafricaine

Issued by Pre-Trial Chamber I on 1 December 2010

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 29 November - 3 December 2010

Bemba case

Order on the reclassification of documents

Issued by the Appeals Chamber on 3 December 2010

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 are currently in the custody of the ICC. The suspect Callixte Mbarushimana was arrested on 11 October 2010, in France. He is currently in the custody of the French authorities, pending their consideration of the ICC Registrar's request for the surrender of the suspect. 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.

Decisions taken between 29 November - 3 December 2010

Situation in the DRC

Order relating to the reclassification of documents

Issued by the Appeals Chamber on 29 November 2010

Lubanga case

Redacted Decision on the Prosecution's Requests for Non-Disclosure of Information in Witness-Related Documents

Issued by Trial Chamber I on 3 December 2010

Katanga and Ngudjolo Chui case

Ordonnance portant calendrier de la comparution des témoins a/0381/09, a/0018/09, a/0191/08 et pan/0363/09 et de l'ouverture de la cause de la Défense de Germain Katanga

Issued by Trial Chamber II on 1 December 2010

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 Registrar hosted a seminar on protection of victims and witnesses



The ICC Registrar speaking before seminar participants in the seminar on the protection of victims and witnesses © ICC-CPI

On 24 November 2010, the Registrar of the International Criminal Court (ICC), Ms Silvana Arbia, hosted a seminar at the seat of the Court in The Hague to discuss the protection of victims and witnesses.

The seminar, sponsored by the Republic of Finland, was organised around four themes:

- the system of protection before international jurisdictions;
- the system of protection before national jurisdictions;
- relocation agreements; and
- strengthening national capacity and the handover of witnesses.

Each theme was discussed by a panel moderated by a facilitator. The panels were composed of protection experts from the ICC Registry and Office of the Prosecutor, the International Criminal Tribunal for the former Yugoslavia (ICTY), the Special Tribunal for Lebanon (STL), and the International Criminal Tribunal for Rwanda (ICTR), as well as experts from national jurisdictions (Italy, the United Kingdom of Great Britain and Northern Ireland (UK), the Netherlands, and Belgium), and from international organisations such as the United Nations High Commissioner for Refugees (UNHCR), the United Nations Office on Drugs and Crime (UNDOC), and the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO).

The seminar was directed at enhancing discussions and enabling the different experts and States involved to reflect on and offer solutions and strategies, as well as to combine efforts to increase efficiency in the field of victims and witnesses' protection.

In her **opening speech**, the Registrar thanked the Republic of Finland, represented by Ms Sari Mäkelä, Legal Counselor of the Ministry of Foreign Affairs of Finland, and Mrs Miia Aro-Sanchez, First Secretary of the Embassy of Finland, for the support provided in the organisation of the seminar.

During the first two sessions on "Systems of Protection", each expert was invited to provide his or her comments on the different measures of protection available at the ICC and in other jurisdictions, thresholds for entrance in protection programs, resources available

and challenges faced. The experts also answered questions related to the vulnerability of witnesses. In addition, different aspects of the protection of victims and witnesses before national jurisdictions were addressed by the representatives of Italy, the UK, and the Netherlands.

The sessions dedicated to “Cooperation with States” addressed the different modalities pertaining to relocation procedures, as well as the practical issues and needs of the ICC and receiving States. Participation in the development of national capacity as well as the complex issue of the handover of witnesses to receiving States were also debated. In addition, the panel of experts exchanged ideas on mechanisms that could be put in place by international jurisdictions at the national level and the challenges for them to work in partnership with local private or public partners in order to ensure the protection of victims and witnesses.

Interacting with communities

The ICC launches Outreach Programme radio campaign in Kenya

On Friday, 3 December 2010, the Outreach Unit of the International Criminal Court (ICC) launched a radio campaign in Kenya to provide the general population with information about the Court, particularly the development of the ICC’s judicial processes in relation to the situation in Kenya.

The campaign, entitled “*Understanding the International Criminal Court*”, will include a number of different programmes with information on the Court, which have been translated into four vernacular languages: Kiswahili, Luo, Kalenjin and Kikuyu. They will be broadcast through 13 vernacular and community radio stations, potentially reaching the entire country’s population.

The first part of the radio campaign aims to explain the judicial process that will follow the ICC Prosecutor’s forthcoming filing of request(s) for the issuance of warrants of arrest or summonses to appear in relation to the situation in Kenya.

The radio campaign aims to inform the public and engender greater local community participation in Court proceedings, by countering misperceptions and by addressing people’s concerns. Through this and other activities, the Outreach Programme aims to reach out to victims and affected communities and allow them to see that justice is being done.

Background

The Republic of Kenya ratified the Rome Statute on 15 March 2005 and became a State Party to the Rome Statute on 1 June 2005. In accordance with the provisions of the Rome Statute, the ICC Prosecutor sought authorisation from Pre-Trial Chamber II to commence an investigation *proprio motu* in a situation involving crimes against humanity allegedly committed in Kenya during the period known as the post-election violence of 2007-2008. On 31 March 2010, the ICC’s Pre-Trial Chamber II granted the Prosecutor permission to start the investigation.

The ICC’s Outreach efforts in Kenya began before the Chamber issued its decision to grant permission to the Prosecutor’s investigation. Outreach Programmes aim to cultivate a level of awareness and understanding of the ICC’s mandate and activities, promote access to and understanding of judicial proceedings, and foster realistic expectations about the Court’s work. In Kenya, Outreach Programmes have thus far placed special emphasis on explaining the statutory provisions for launching an investigation *proprio motu* and the procedural steps that followed.

Central African Republic: The ICC organises an outreach campaign around the country to provide affected communities with information about the start of the Jean-Pierre Bemba Gombo trial

The Field Outreach Unit of the International Criminal Court in the Central African Republic began an outreach campaign on 30 November to provide affected communities around the country with information about the start of the trial in the case of *The Prosecutor v. Jean-Pierre Bemba Gombo*.

The campaign was launched on Tuesday, 30 November in Mongoumba, Lobaye prefecture. The local community was invited to a town-hall outreach meeting, where staff members of the Outreach Unit outlined the major developments thus far in the case of *The Prosecutor v. Jean-Pierre Bemba Gombo* and explained various aspects of the trial (the alleged crimes, the concept of a fair trial and the role of each of the parties and participants). Lastly, they screened a video of the first day of the trial, thus enabling the people of Mongoumba to watch a summary of the



Locals from Mongoumba turned out in force for the ICC’s outreach meeting on the start of the trial of Jean-Pierre Bemba Gombo

opening statements of the Office of the Prosecutor, the legal representatives of the victims, the Office of Public Counsel for Victims and the Defence teams.

The people of Mongoumba turned out in force for the occasion, with 420 participants in the outreach meeting for the general public. The session was organised jointly with the Victims Participation and Reparations Section (VPRS).

During the three-week outreach campaign around the country, the Outreach Unit will travel to each of the localities referred to in the proceedings in the case of *The Prosecutor v. Jean-Pierre Bemba Gombo*, namely Damara, Sibut, Bossembele, Bossangoa and Bozoum.

Calendar

DECEMBER 2010						
Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
6	7	8	9	10	11	12
Assembly of States Parties holds its ninth session in New York						
Judge Fulford gives presentation in New York	ICC launches Outreach Report in New York	Confirmation of charges hearing in the Banda and Jerbo case scheduled				
President Song delivers opening remarks to Assembly		Prosecutor discusses the OTP's policy paper on preliminary examinations in New York	Prosecutor briefs the UN Security Council on Darfur, in New York			
13	14	15	16	17	18	19
20	21	22	23	24	25	26

The calendar is subject to last minute changes.