



# 16 May 2011 #77 ICC Weekly Update



## Situation in Libya

On 26 February 2011, the United Nations Security Council decided unanimously to refer the situation in the Libyan Arab Jamahiriya since 15 February 2011 to the ICC Prosecutor. On 3 March 2011, the ICC Prosecutor announced his decision to open an investigation in the situation in Libya, which was assigned by the Presidency to Pre-Trial Chamber I.

## Press conference by ICC Prosecutor Luis Moreno-Ocampo related to the situation in Libya on Monday, 16 May 2011

Please be advised that the Prosecutor of the International Criminal Court (ICC), Luis Moreno-Ocampo, will hold a press conference related to the situation in Libya at 13:00 (The Hague local time) on Monday, 16 May 2011, in the Press Briefing Room at the seat of the Court.

The Prosecutor will announce his findings following the ongoing investigations of crimes allegedly committed since 15 February 2011 in the situation in Libya.

Source: Office of the Prosecutor

## 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 8 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, the 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.

## Al Bashir Case

### Pre-Trial Chamber I informs the Security Council and the Assembly of States Parties about Omar Al Bashir's visit to Djibouti

On 12 May 2011, Pre-Trial Chamber I of the International Criminal Court (ICC) issued a decision informing the Security Council of the United Nations and the Assembly of States Parties to the Rome Statute about Omar Al Bashir's visit to Djibouti, to attend the inauguration ceremony of Djibouti's President on 8 May 2011, "in order for them to take any measure they may deem appropriate".

The Chamber stressed that Djibouti, as a State Party to the Rome Statute, “has an obligation to cooperate with the Court” in relation to the enforcement of warrants of arrest, and ordered the ICC Registrar to immediately transmit this decision to the Security Council and to the Assembly of States Parties. Previously, pursuant to the Pre-Trial Chamber decisions issuing two warrants of arrest, on 4 March 2009 and 12 July 2010, against Omar Al Bashir, the ICC Registrar had issued and transmitted requests for arrest and surrender of Mr Al Bashir to all States Parties to the Rome Statute, including Djibouti.

On 27 August 2010, Pre-Trial Chamber I had also issued two decisions informing the Security Council of the United Nations and the Assembly of States Parties to the Rome Statute about Omar Al Bashir’s visits to the Republic of Kenya and to the Republic of Chad.

### Decisions taken between 9 - 13 May 2011

#### Decision informing the United Nations Security Council and the Assembly of the States Parties to the Rome Statute about Omar Al-Bashir’s recent visit to Djibouti

Issued by Pre-Trial Chamber I on 12 May 2011

### Banda and Jerbo Case

#### Decision on the defence request for leave to reply

Issued by Trial Chamber IV on 11 May 2011

### 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, Mathieu Ngudjolo Chui and 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 the case *The Prosecutor v. Callixte Mbarushimana* is scheduled to start on 4 July 2011.

### Decisions taken between 9 - 13 May 2011

### Mbarushimana Case

#### Decision on the “Defence Request for the Review of the Scope of Legal Assistance”

Issued by Pre-Trial Chamber I on 11 May 2011

#### Order to the Registry to submit a report concerning the Defence submission of a list of potentially privileged material

Issued by Pre-Trial Chamber I on 11 May 2011

#### Decision on the “Prosecution’s request for the assessment of the English proficiency of Callixte Mbarushimana” English

Issued by Pre-Trial Chamber I on 12 May 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 of 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. Confirmation of charges hearings in the following two cases: *The Prosecutor v. William Samoei Ruto, Henry Kiprono Kosgey and Joshua Arap Sang* and *The Prosecutor v. Francis Kirimi Muthaura, Uhuru Muigai Kenyatta and Mohammed Hussein Ali*, are scheduled for 1 and 21 September 2011, respectively.

### Decisions taken between 9 - 13 May 2011

### Ruto, Kosgey and Sang Case

#### Decision on the “Prosecution’s Application for Extension of Time Limit for Disclosure”

Issued by Pre-Trial Chamber II on 10 May 2011

#### Decision on the “Request for leave to submit Amicus Curiae Observations on behalf of the Kenyan Section of the International Commission of Jurists Pursuant to Rule 103 of the Rules of Procedure and Evidence”

Issued by Pre-Trial Chamber II on 11 May 2011

### Decision on the “Prosecution’s Application for leave to Appeal the ‘Decision on the ‘Prosecution’s application requesting disclosure after a final resolution of the Government of Kenya’s admissibility challenge’ and Establishing a Calendar for Disclosure’(ICC-01/09-01/11-62)”

Issued by Pre-Trial Chamber II on 11 May 2011

### Decision on the “Defence Request for Variation of Decision on Summons or in the Alternative Request for Leave to Appeal”

Issued by Pre-Trial Chamber II on 12 May 2011

## Muthaura, Kenyatta and Ali Case

### Decision on the “Prosecution’s Application for Extension of Time Limit for Disclosure”

Issued by Pre-Trial Chamber II on 10 May 2011

### Decision on the “Request for leave to submit Amicus Curiae Observations on behalf of the Kenyan Section of the International Commission of Jurists Pursuant to Rule 103 of the Rules of Procedure and Evidence”

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Issued by Pre-Trial Chamber II on 11 May 2011

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Issued by Pre-Trial Chamber II on 12 May 2011

#### Relevant Links

**Courtroom proceedings** can be followed on the ICC website: [www.icc-cpi.int](http://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

### United Nations High Commissioner for Human Rights visits the ICC



H.E. Navanethem Pillay, UNHCR for Human Rights, and ICC President Sang-Hyun Song, at the seat of the Court in The Hague © ICC-CPI

On 9 May 2011, the United Nations High Commissioner for Human Rights, H.E. Navanethem Pillay, visited the headquarters of the International Criminal Court (ICC) in The Hague. Ms Pillay met with the ICC President, Judge Sang-Hyun Song, and other high-level officials of the Court.

During the visit, the ICC President warmly welcomed Ms Pillay, a former ICC judge, to the Court. President Song took this opportunity to thank the High Commissioner for Human Rights for her continuous support to the Court, as well as her efforts to promote accountability for atrocity crimes around the world, which is an important aspect of the human rights and rule of law work of the United Nations as a whole.

Ms Pillay commented: “It is always a happy occasion for me to visit the ICC, an institution that I had the privilege of serving as an appellate judge for many years. In view of the common and complimentary interest that the Court and my Office have in the fight against impunity for gross violation of international human rights law and international humanitarian law, my Office naturally has a constructive relationship with the Court, which I stand ready and willing to continue.”

Ms Pillay also met with the ICC Prosecutor, Mr Luis Moreno-Ocampo, the ICC Registrar, Ms Silvana Arbia and the ICC Deputy Registrar, Mr Didier Preira. The meetings were key to promoting support for the mutual aims of fostering global justice and universal respect of human rights.

### The Elders visit the International Criminal Court



The Elders visit the ICC. From left to right: President Fernando H Cardoso, Mr Lakhdar Brahimi, President Mary Robinson, ICC President Sang-Hyun Song, Archbishop Desmond Tutu, President Jimmy Carter, Prime Minister Gro Brundtland, President Martti Ahtisaari, Ms Ela Bhatt, and Mr Kofi Annan at the seat of the Court in The Hague © ICC-CPI.

On 10 May 2011, nine members of the Elders, a prominent, international group of global leaders, visited the headquarters of the International Criminal Court (ICC) in The Hague. The visiting members were Mr Martti Ahtisaari (Former President of Finland), Mr Kofi Annan (former UN Secretary-General), Ms Ela Bhatt (founder of SEWA, India), Mr Lakhdar Brahimi (former Foreign Minister of Algeria), Dr Gro Brundtland (former Prime Minister of Norway), Mr Fernando Henrique Cardoso (former President of Brazil), Mr Jimmy Carter (former US President), Mrs Mary Robinson (former President of Ireland) and Archbishop Desmond Tutu of South Africa. The Elders met the ICC President, Judge Sang-Hyun Song, and the ICC Prosecutor, Luis Moreno-Ocampo.

The ICC President warmly welcomed the Elders, and applauded their important efforts to support peace building, help address major causes of human suffering and promote the shared interests of humanity. "This work", he said, "is in harmony with that of the ICC, which aims to end impunity for the perpetrators of the most serious crimes of concern to the international community as a whole, namely genocide, war crimes, and crimes against humanity".

The Elders expressed their interest in working to help promote a culture of accountability.

They also met the ICC Prosecutor, Mr Luis Moreno-Ocampo, who presented different cases showing the preventative impact of the system of justice created by the Rome Statute. Prosecutor Moreno-Ocampo expressed his delight that people with such significant backgrounds came to visit the Court.

This visit reflects the values shared between the Elders and the ICC, as they strive toward attaining the goals of ending impunity and reaching a global lasting peace.

### Regional Diplomatic Conference on the ICC in Doha (Qatar) to be held on 24 and 25 May 2011

A Regional Diplomatic Conference on the International Criminal Court (ICC) is scheduled to take place from 24 to 25 May 2011 in the city of Doha, in Qatar. High-level states' delegations, legal experts and media representatives will attend the event. The conference, sponsored by the State of Qatar, is organised with the League of Arab States and in cooperation with the ICC.



This Conference is the first major event of its kind in the Middle East and Northern Africa aimed at providing information on the workings of the ICC, its founding treaty and legal framework. Presentations will be delivered by panels of experts, and will include interventions from the Court's President, Registrar, Deputy Prosecutor and selected ICC officials. Presentations will be followed by discussions offering a unique platform for a two-ways dialogue between the ICC and delegates from the ministries of Justice and Foreign Affairs and Judicial Organs of regional States, as well as experts, members of the legal profession, academics and the media. Civil society organisations as well as other relevant organisations and personalities are also invited to participate.

Media facilities, including a press centre and Internet room, will be available at the Ritz Carlton Hotel in Doha, the venue of the Conference. Media representatives who wish to cover the event must apply for accreditation before or during the event by contacting the Media Department at the Office of Public Prosecution of the State of Qatar. Until 19 May 2011, full application forms with the requisite documents can be sent via e-mail or fax at the following addresses:

Mr Yousif Bu Hindi  
Head of Public Relations and Media Department  
Office of Public Prosecution  
Doha, Qatar  
Fax: +974 4484 3149  
Tel: +974 44 84 33 63  
Email: [yousaf@pp.gov.qa](mailto:yousaf@pp.gov.qa)

For information on the Conference's agenda and practical information, please click on [this link](#).

### ICC President Sang-Hyun Song speaks at international symposium in Oxford

The President of the International Criminal Court (ICC), Judge Sang-Hyun Song, spoke at the international law symposium "Beyond Kampala: The ICC, the Crime of Aggression, and the Future of the Court" held in Oxford, The United Kingdom, on 13 May 2011. ICC Second Vice-President Judge Hans-Peter Kaul (second from the right) also spoke at the event.



ICC President Judge Sang-Hyun Song speaking at an event in Oxford, 13 May 2011 © ICC-CPI

## Interacting with communities

### ICC Judge Daniel David Ntanda Nsereko encourages African female lawyers in Durban, South Africa, to practice before the ICC



ICC Judge Ntanda Nsereko addressing KwaZulu Natal Lawyers in Durban, 11 May 2011 © ICC-CPI

On 11 May 2011, Judge Daniel David Ntanda Nsereko of the International Criminal Court (ICC) extended the ICC's call to female lawyers to groups based in Durban city, South Africa, as part of the Court's campaign to actively encourage African female lawyers to represent either defendants or victims before Court. The event was attended by 85 lawyers, the majority of whom were women, and was organised in cooperation with the Law Society of South Africa and the KwaZulu-Natal Law Society of Durban.

During his speech at the event, Judge Ntanda Nsereko recalled that many of the serious crimes under the jurisdiction of the Court were perpetrated against vulnerable groups, such as women and children, who have suffered from sexual or gender-based violence. "These victims have great difficulty in openly sharing their

experiences with others, and therefore stand to gain immeasurably from being represented by qualified female lawyers with whom they may feel more at ease and who can robustly advance their interests before the Court”, he said.

In her welcoming statement, Ms Thoba Poyo-Dlwati, the President of SADC Lawyers Association, noted that the launch of the campaign in Durban was timely as there are competent female lawyers with relevant experience and requisites in international criminal law who would like to practice at the ICC.

Sharing his practical experiences of being a Counsel with the ICC, South African lawyer Mr Thokwane Moloto informed his colleagues of the professional merits he has acquired since he enrolled on the List of Counsel. “The experience that I have gained at the ICC has strengthened my capacity and expertise and this will be relevant as I continue my practice in national courts in South Africa”, said Mr Moloto.

The “Calling African Female Lawyers” campaign was launched by the ICC jointly with the International Bar Association (IBA) in May 2010 with the main objective of encouraging female lawyers to become part of the ICC List of Counsel and List of Assistants to Counsel. Only individuals admitted to these Lists are eligible to practice before the ICC. Since the launching of the campaign, around 40 African women have been added to the Lists.

### ICC Judge Daniel David Ntanda Nsereko interacts with students and lecturers of the Faculty of Law at the University of KwaZulu-Natal, Durban, South Africa



From left to right: ICC Judge Ntanda Nsereko, Managay Reddi, Dean of Law, Maria Mabinty Kamara, Outreach Coordinator for Uganda, and Christopher Gevers and Zakhele Hlophe, lecturers at the Faculty of Law in Durban, South Africa, 10 May 2011 © ICC-CPI

Judge Daniel David Ntanda Nsereko addressed students and lecturers from the Faculty of Law at the University of KwaZulu-Natal in Durban, South Africa. He underlined the importance the Court attaches to academia and highlighted the essential role universities play in enhancing understanding of international criminal law and the International Criminal Court, while teaching and encouraging further research on the matter.

Addressing over 230 students and lecturers in the Faculty of Law, Judge Ntanda Nsereko presented the Court’s mandate and its main features. He explained that the founding treaty of the ICC, the Rome Statute, and the core legal texts rule its judicial work. He also presented the structure of the Court and the judicial process, from investigations to sentencing, conviction and reparation. The judge emphasized a number of distinctive features of the ICC, including the Court’s

focus on the criminal responsibility of individuals, as opposed to States or groups, and the Court’s provisions which allow victims of these crimes to exercise their rights to participate in the proceedings and apply for reparations. He further indicated that the ICC is a Court of last resort, meaning that it only intervenes when national systems are unable or have failed to prosecute.

In his afternoon presentation to the Faculty of Law lecturers, the judge discussed the topic “Africa and its relationship with the ICC”. The judge observed that there is a growing interest among African States to ratify the Rome Statute, following the recent announcements made by Tunisia and Egypt regarding their intention to join the Court.

The Dean of the Faculty of Law, Professor Managay Reddi, thanked the judge for what she described as “enriching discussions” that have benefited both the staff and students of the law school.

South Africa is one of 114 States that are party to the Rome Statute, among which 31 are African countries. Last week, Judge Ntanda Nsereko participated in academic events organised in his country of origin, Uganda.

Calendar

MAY 2011						
Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
16 President Song to address a CARICOM seminar on the Rome Statute of the ICC in Port of Spain, Trinidad and Tobago	17 ICC President to visit Colombia	18	19	20	21	22
23	24 Regional Diplomatic Conference on the ICC in Doha (Qatar)	25	26	27	28	29
30	31					
JUNE 2011						
Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19

The calendar is subject to last minute changes.