



**Cour
Pénale
Internationale**

**International
Criminal
Court**

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18 October 2010 #51 ICC Weekly Update



Situation in the Democratic Republic of the Congo

In this situation, four cases are being heard 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.

Callixte Mbarushimana arrested in France for crimes against humanity and war crimes allegedly committed in the Kivu (Democratic Republic of the Congo)

In accordance with the warrant of arrest issued under seals by the judges of the International Criminal Court (ICC) on 28 September, 2010, the French authorities arrested Mr Callixte Mbarushimana, suspected of war crimes and crimes against humanity allegedly committed in the Kivu, in the Democratic Republic of the Congo (DRC). A request for cooperation in the arrest and surrender of the suspect was also notified to the French authorities by the Registrar of the ICC on 30 September; the suspect will remain in the custody of the French authorities pending their full consideration of this request unless the *Chambre d'instruction* decides otherwise.



Callixte Mbarushimana ©
Interpol

Ms Silvana Arbia, the ICC Registrar, expressed the Court's appreciation for the French authorities' full and prompt cooperation to date in the enforcement of the warrant of arrest and surrender.

Pre-Trial Chamber I considers that there are reasonable grounds to believe that Callixte Mbarushimana, a 47 year old Rwandan citizen, has been since July 2007, the Executive Secretary of the *Forces Démocratiques pour la Libération du Rwanda - Forces Combattantes Abacunguzi* (FDLR-FCA, hereafter FDLR) and is criminally responsible, under article 25(3)(d) of the Rome Statute, for five counts of crimes against humanity (murder, torture, rape, inhumane acts and persecution) and six counts of war crimes (attacks against the civilian population, destruction of property, murder, torture, rape and inhuman treatment).

These crimes were allegedly committed in the context of an armed conflict which waged, in the Kivu Provinces, from 20 January to 25 February, 2009, between the FDLR and the *Forces Armées de la République Démocratique du Congo* (FARDC) together with the Rwandan Defence Forces (RDF), and from 2 March to 31 December, 2009, between the FDLR and the FARDC, at times in conjunction with the United Nations Mission in the Democratic Republic of the Congo. A series of attacks, both widespread and systematic, were allegedly carried out on a large scale by FDLR troops in the period between January and September 2009, against the civilian population of North and South Kivu.

The Chamber is satisfied that there are reasonable grounds to believe that Mr Mbarushimana, as Executive Secretary of the FDLR “Steering Committee” (Comité Directeur), has personally and intentionally contributed to a common plan of conducting attacks against the civilian population in order to create a “humanitarian catastrophe” and to launch an international campaign to extort concessions of political power for the FDLR. Mr Mbarushimana is suspected of organising and conducting the above-mentioned international campaign by regularly using international and local media channels.

New ICC Arrest: Leader of Movement involved in massive rapes in the DRC is apprehended in Paris

Press Release from the Office of the Prosecutor

Mr. Callixte Mbarushimana, a leader of the *Forces Démocratiques pour la Libération du Rwanda* (FDLR), was arrested on 11 October, 2010, in Paris, by the French authorities following a sealed arrest warrant issued by the International Criminal Court.

ICC Prosecutor Luis Moreno-Ocampo thanked France for a smooth and efficient operation. He described the arrest of Mr. Mbarushimana as a “*crucial step in efforts to prosecute the massive sexual crimes committed in the DRC*” where over 15,000 cases of sexual violence were reported in 2009 alone. As late as August 2010, the FDLR was involved in the commission of more than 300 rapes in DRC’s North Kivu province, yet Callixte Mbarushimana blatantly continued to refute any allegation against his movement.

The arrest is the result of almost two years of investigations conducted by France, Germany, DRC, Rwanda and the ICC, into the activities of the FDLR “*We are grateful to the French authorities for executing the arrest warrant and we are thankful for the excellent cooperation of the many parties involved in the investigation, including France, Germany, the DRC and Rwanda. This is a clear example of positive complementarity in action*” said the Prosecutor.

Callixte Mbarushimana is the first senior leader arrested by the ICC for the massive crimes committed in the Kivu provinces of the Democratic Republic of the Congo (DRC). He is charged with 11 counts of crimes against humanity and war crimes including killings, rape, persecution based on gender and extensive destruction of property committed by the FDLR during most of 2009.

FDLR, a group calling itself a “liberation force” is the most recent incarnation of Rwandan rebel groups established by former *génocidaires* who fled to DRC after the 1994 Rwandan genocide. From the DRC, they regrouped, organized and launched attacks on Rwanda, with the goal of removing its new government through violence. Their activities contributed to triggering the two Congo wars, 1996-2002, which resulted in an estimated 4 million victims, the largest number of civilian casualties since the Second World War. Since then, the FDLR has continued to commit horrific crimes against the civilian population.

In 2009, the FDLR leadership decided to attack civilians in the North and South Kivu provinces in order to create a massive humanitarian catastrophe; the FDLR then tried to blackmail the international community and to extort concessions of political power, in exchange for ending the atrocities. As a result of this deadly blackmail, victims were killed, raped, and forcibly displaced, and entire villages were razed to the ground.

“After 16 years of continuous violence, this could be an opportunity to finally demobilize the group led by the former *génocidaires*” added the Prosecutor. “Their leaders are gone”.

“This is a good day for the victims. This is a good day for justice. But there is still a lot to do to break the cycle of impunity in the DRC. Callixte Mbarushimana is in custody. But another commander sought by the ICC for massive crimes, Bosco Ntaganda, is still at large in Goma and his forces roam the Kivus killing and raping. He must be next”.

Decisions taken between 11 - 15 October, 2010

Mbarushimana case

Warrant of arrest (in French).

Decision on the Prosecutor’s Application for a Warrant of Arrest against Callixte Mbarushimana

Decision on issues relating to the publicity of proceedings in the case

Issued by the Pre-Trial Chamber I on 11 October, 2010

Situation in the Central African Republic

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, initially scheduled to start on 14 July, 2010, has been postponed.

Decisions taken between 11 - 15 October, 2010

Bemba case

Redacted Decision on the “Request for the conduct of the testimony of witness CAR-OTPWWW-0108 by video-link”

Issued by Trial Chamber III on 12 October, 2010

Order on the reasons for the classification of documents

Issued by the Appeals Chamber on 13 October, 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

Moldova becomes the 114th State to ratify the Rome Statute

On 12 October, 2010, the Republic of Moldova ratified the Rome Statute of the International Criminal Court (ICC). The Statute will enter into force for Moldova on 1 January, 2011, bringing the total number of States Parties to the Rome Statute to 114.

The ICC applauds Moldova’s decision to join the international community’s efforts to put an end to impunity for the perpetrators of the most serious crimes that threaten the peace, security and well-being of the world.

ICC President meets Minister for Foreign Affairs, Justice and Cultural Affairs of the Principality of Liechtenstein

On 13 October, 2010, the President of the International Criminal Court (ICC), Judge Sang-Hyun Song, met with the Minister for Foreign Affairs, Justice and Cultural Affairs of the Principality of Liechtenstein, Her Excellency Aurelia Frick, at the seat of the Court, in The Hague (The Netherlands).

After welcoming Ms Frick to the Court, the ICC President thanked the Foreign Minister for Liechtenstein’s longstanding and consistent support and assistance to the Court. Judge Song and Ms Frick agreed on the importance of continued attention on the key areas of universality, cooperation and complementarity within the Rome Statute system.



Foreign Minister of Liechtenstein, Ms Frick, and ICC President, Judge Song © ICC-CPI 2010

The ICC President again conveyed his gratitude for Liechtenstein’s pledge at the Review Conference of the Rome Statute in June to take further steps to fully implement the Rome Statute, “as this is a crucial step to ensure the success of the principle of complementarity in practice”, he said. Ms Frick expressed her “personal commitment to ensure Liechtenstein’s continued support to the ICC”.

Judge Song also expressed appreciation for Liechtenstein's support of the ICC's Trust Fund for Victims, and commended the enormous contribution that Liechtenstein's Permanent Representative to the United Nations in New York, Ambassador Wenaweser, has made as President of the Assembly of States Parties to the Rome Statute.

During her visit to the ICC, Ms Frick also met with high-ranking officials of the Court, including the Prosecutor, the Registrar and representatives of the Trust Fund for Victims.

Calendar

OCTOBER 2010						
Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
18	19	20	21	22	23	24
25	26	27	28	29	30	31
			ICC President's United Nations General Assembly address			
NOVEMBER 2010						
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	20	21
Future events: 22 November, 2010: The confirmation of charges hearing is scheduled to commence in the case of <i>The Prosecutor v. Abdallah Banda Abakaer Nourain (Banda) and Saleh Mohammed Jerbo Jamus (Jerbo)</i>						

The calendar is subject to last minute changes.