



**Cour
Pénale
Internationale**

**International
Criminal
Court**

ICC-PIDS-WU-37/10_Eng

ICC Weekly Update

14 June 2010 #37



Presidency

Decisions taken between 7 - 11 June, 2010

Decision on the admissibility of Aprocdec's "Requête en Annulation de la Décision du Refus de Visite opposé par le Greffier le 5 janvier 2010. Et, Contestation du Comportement et l'Aptitude du Greffier à exercer les Fonctions prévues à l'Article 43(1)."

Issued by the Presidency on the 9th June, 2010.

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 trial in the case *The Prosecutor v. Germain Katanga and Mathieu Ngudjolo Chui* started on 24 November, 2009.

Decisions taken between 7 - 11 June, 2010

Lubanga Case

Redacted Decision on the "Prosecution's Request for Non-Disclosure of Information in Transcripts of Re-Interviews with Prosecution Witnesses"

Issued by the Trial Chamber I on the 7th June, 2010.

Order on disclosure of information on intermediaries and witnesses contained in Annexes to filing ICC-01/04-01/06-2466 to the legal representatives of victims

Issued by the Trial Chamber I on the 9th June, 2010.

Katanga and Ngudjolo Chui case

Order concerning Mr Germain Katanga's "Indication de faire objection contre la décision de madame Greffier datée du 05/Janvier/2010"

Issued by the Presidency on the 7th of June, 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**.

Events

Registrars of international tribunals meet at ICC field office in Kampala (Uganda)

Registrars of international tribunals met at the field office of the International Criminal Court (ICC) in Kampala, Uganda on 4 June, 2010, on the margins of the **Review Conference of the Rome Statute**, to discuss matters of the Registries' responsibilities and co-operation in the context of international criminal justice. The participants were comprised of Silvana Arbia, Registrar of the ICC, Adama Dieng, Registrar of the International Criminal Tribunal for Rwanda (ICTR), John Hocking, Registrar of the International Criminal Tribunal for the former Yugoslavia (ICTY) and Binta Mansaray, Registrar of the Special Court for Sierra Leone (SCSL).



During the meeting, the Registrars reflected on the discussions that took place at the **stocktaking exercise** during the Review Conference in Kampala.

From left to right: ICC Registrar, Silvana Arbia, ICTR Registrar, Adama Dieng, SCSL Registrar Binta Mansaray and ICTY Registrar, John Hocking © ICC-CPI

In particular, the participants focused on areas within their respective responsibilities, such as outreach, victims' issues and co-operation. They also underlined the importance of the work of the Registry in the field of the 'rule of law'. Furthermore, the Registrars stressed the significance of the enduring legacy of international tribunals and agreed to strengthen co-operation in this respect.

The Registrars also expressed appreciation for the effective collaboration on various practical matters - including issues related to efficient court management - while agreeing to look into reinforcing their links. They recalled the **joint declaration adopted in Venice on 3 July, 2009**, and decided to hold regular video conferences between their annual meetings.

ICC President meets European Commissioner for Justice, Fundamental Rights and Citizenship

On 10 June, 2010, the President of the International Criminal Court (ICC), Judge Sang-Hyun Song, met with the Vice-President of the European Commission, Viviane Reding, Commissioner for Justice, Fundamental Rights and Citizenship, at the seat of the Court, in The Hague (The Netherlands).

During the meeting the President of the ICC thanked the Commissioner for the longstanding diplomatic and financial support of the European Union (EU) to the Court's activities and programmes. "I am personally deeply grateful to the European Union for its consistent, strong support for the ICC since its inception. I was very pleased to hear the EU renewed its commitment during the Review Conference in Kampala (Uganda), and I look forward to continued close co-operation between the ICC and the EU", said Judge Song.



The ICC President and the European Commissioner for Justice, Fundamental Rights and Citizenship © Michel Mees

The ICC Legal Tools Project launches new search engine

The **International Criminal Court (ICC) Legal Tools Project** has launched a new search engine. The new search technology makes it easier for users to find relevant information among the 44,000 documents contained in the Legal Tools Database. All but 300 of these documents are now full-text searchable and have search-data registered. It is the most comprehensive database of its kind and is freely available on a public platform.

The ICC Legal Tools provide access to legal information on the international crimes of genocide, crimes against humanity and war crimes and aspires to equip users, in a practical and cost-effective manner, with legal information, digests and software required to work effectively with international criminal law. It seeks to serve as a complete virtual library on international criminal law and justice.

The text in these tools - or the organisation of legal information in the collections and databases - does not necessarily represent the views of the ICC, any of its organs or any participants in proceedings before the ICC.

Crimes in Darfur continue. To stop the crimes, arrest the criminals, Ahmad Harun and Ali Kushayb - ICC Prosecutor

"Impunity carries a price and the victims are paying the price" stated Luis Moreno-Ocampo on 11 June, 2010, in New York, as he presented his eleventh Report to the United Nations Security Council (UNSC) on the situation in Darfur, Sudan.

"The entire Darfur region is still a crime scene" added the Prosecutor, "The attacks against civilians not participating in the conflict continue. Thousands of civilians were attacked immediately after the signing of a peace agreement and public commitments to peace earlier this year. Rapes continue. The process of extermination against millions displaced in the camps continues. And why not, since the criminals enjoy impunity?"

The Prosecutor highlighted the ICC Judges' decision of 25 May, 2010, informing the UN Security Council that the Sudan is not respecting Security Council Resolution 1593 as they have refused to arrest Ahmad Harun and Militia/*Janjaweed* leader Ali Kushayb, two men against whom arrest warrants were issued three years ago.

"Ahmad Harun's expertise is to mobilize and use militias to attack civilians and to conceal such activities under the guise of chaos or inter-tribal violence", said the Prosecutor. "He did it during the 90s in the Nuba Mountains and in Southern Sudan. Then he moved to Darfur and did it again. Since 2003, as Minister of State for the Interior, Harun coordinated the attacks on civilians in their villages in Darfur. Between 2005 and 2009, Harun was the Minister of State for Humanitarian Affairs, managing the crime of extermination in the camps for displaced persons in Darfur, the same people whose displacement he orchestrated. He was sent back to the South, to Abyei and Abyei was burned down by tribal militias, with 50,000 citizens displaced. Ahmad Harun is now in the South, currently the Governor of South Kordofan. He should be arrested before he commits new crimes in his new position".

"Today I briefed the Council on the continuation of crimes. On Monday, the Security Council will review and define its comprehensive strategy for Darfur and the Sudan. It is an opportunity to show consistency and request full compliance of the Sudan with its obligations as a UN member state to comply with UNSC Resolutions. The arrest of Ahmad Harun and Ali Kushayb is of necessity part of a global strategy to achieve peace, stability and protection for the civilians".

Statement of the Prosecutor

Source: Office of the Prosecutor

Review Conference of the Rome Statute concludes in Kampala

On 11 June 2010, the Review Conference of the Rome Statute concluded in Kampala, Uganda, after meeting for two weeks. Around 4600 representatives of States, and intergovernmental and non-governmental organizations attended the Conference.



Ambassador Christian Wenaweser, President of the Assembly of States Parties, closing the Review Conference
© ICC-CPI

Amendments to the Rome Statute

The Conference adopted a resolution by which it amended the Rome Statute so as to include a definition of the crime of aggression and the conditions under which the Court could exercise jurisdiction with respect to the crime. The actual exercise of jurisdiction is subject to a decision to be taken after 1 January, 2017 by the same majority of States Parties as is required for the adoption of an amendment to the Statute.

The Conference based the definition of the crime of aggression on United Nations General Assembly resolution 3314 (XXIX) of 14 December, 1974, and in this context agreed to qualify as aggression, a crime committed by a political or military leader which, by its character, gravity and scale constituted a manifest violation of the Charter.

As regards the Court's exercise of jurisdiction, the Conference agreed that a situation in which an act of aggression appeared to have occurred could be referred to the Court by the Security Council, acting under Chapter VII of the United Nations Charter, irrespective as to whether it involved States Parties or non-States Parties.

Moreover, while acknowledging the Security Council's role in determining the existence of an act of aggression, the Conference agreed to authorize the Prosecutor, in the absence of such determination, to initiate an investigation on his own initiative or upon request from a State Party. In order to do so, however, the Prosecutor would have to obtain prior authorization from the Pre-Trial Division of the Court. Also, under these circumstances, the Court would not have jurisdiction in respect to crimes of aggression committed on the territory of non-States Parties or by their nationals or with regard to States Parties that had declared that they did not accept the Court's jurisdiction over the crime of aggression.

The Conference also adopted a resolution by which it amended article 8 of the Rome Statute to bring under the jurisdiction of the Court the war crime of employing certain poisonous weapons and expanding bullets, asphyxiating or poisonous gases, and all analogous liquids, materials and devices, when committed in armed conflicts not of an international character.

Furthermore, the Conference adopted a resolution by which it decided to retain article 124 in its current form and agreed to again review its provisions during the fourteenth session of the Assembly of States Parties, in 2015. Article 124 allows new States Parties to opt for excluding from the Court's jurisdiction war crimes allegedly committed by its nationals or on its territory for a period of seven years.

Stocktaking of international criminal justice

The Conference concluded its stocktaking exercise on international criminal justice with the adoption of two resolutions, a declaration and summaries of discussions.

The resolution on the impact of the Rome Statute system on victims and affected communities, inter alia, recognized, as essential components of justice, the right of victims to equal and effective access to justice, support and protection, adequate and prompt reparation for harm suffered and access to information concerning violations and redress mechanisms. Moreover, the Conference underlined the need to optimize outreach activities and called for contributions for the Trust Fund for Victims.

The Conference also adopted a resolution on the issue of complementarity, wherein it recognized the primary responsibility of States to investigate and prosecute the most serious crimes of international concern and the desirability for States to assist each other in strengthening domestic capacity to ensure that investigations and prosecutions of serious crimes of international concern can take place at the national level.

In the Declaration on Cooperation, the Conference emphasized that all States under an obligation to cooperate with the Court must do so. Particular reference was made to the crucial role that the execution of arrest warrants played in ensuring the effectiveness of the jurisdiction of the Court. Moreover, the Review Conference encouraged States Parties to continue to enhance their voluntary cooperation and to provide assistance to other States seeking to enhance their cooperation with the Court. In addition, the Conference took note of the summary of the roundtable discussion on cooperation.

The Conference further took note of the moderator's summary of the panel discussion held on the issue of "peace and justice". The panel highlighted the paradigm shift the Court had brought about; there was now a positive relation between peace and justice. Although tension between the two continued to exist and had to be addressed, amnesties were no longer an option for the most serious crimes under the Rome Statute.



Hon. Khiddu Makubuya, Attorney General and Minister of Justice and Constitutional Affairs, Uganda and Ambassador Mirjam Blaak, Deputy Head of Mission of Ugandan Embassy in Brussels © ICC-CPI

Enforcement of sentences

In its resolution on strengthening the enforcement of sentences, the Conference called upon States to indicate to the Court their willingness to accept sentenced persons in their prison facilities and confirmed that a sentence of imprisonment may be served in prison facilities made available through an international or regional organization, mechanism or agency.

Source: Assembly of States Parties

Interacting with communities

The Registrar of the ICC and delegates from States Parties to the Rome Statute face to face with the challenges of the Court on the ground



At a town-hall-style meeting in Bunia on 5 June, 2010, the ICC Registrar responds to a woman's concerns about what the Court can do for victims of sexual violence in Ituri © ICC-CPI

The Registrar of the International Criminal Court (ICC), Silvana Arbia, together with representatives of States Parties to the Rome Statute, travelled to Bunia, the capital of Ituri, in the Democratic Republic of the Congo on 5 June, 2010, to interact with affected communities and hear their views and concerns in relation to the work of the Court. The delegation consisted of representatives from 13 States Parties (Argentina, Belgium, Canada, Costa Rica, Denmark, Finland, Germany, Japan, Mexico, New Zealand, Norway, South Africa and the United Kingdom of Great Britain and Northern Ireland), interested in learning more about the activities of the ICC field office in Bunia; they were able to see for themselves the progress achieved and the daily challenges which need to be overcome in the field in order to fulfil the mandate of the Court.

The concerns raised related not only to the two trials in progress in the cases of Thomas Lubanga Dyilo and Germain Katanga and Mathieu Ngudjolo Chui, all accused of committing crimes in Ituri, but also to issues of State co-operation with the Court, in particular in regard to the execution of arrest warrants and the commitment of States Parties to providing support for the work of the Court in the field.

"This visit is an important step to bridge the distance between the Court and States Parties to the Rome Statute and affected communities. The ICC aims to deliver justice to affected communities, but they also play a key role thereby allowing the Court to fulfil its mandate, through the participation of victims to the proceedings as well as through witness testimony", said the Registrar.

During the visit, the delegation met key players working alongside the Court in the field. It then took part in an interactive outreach session for the public on the work of the Court, which was attended by more than 100 representatives from local NGOs and media organisations, women's, youth and student groups and also local leaders.

The Registrar and States' representatives also took the opportunity to discuss with ICC field office employees in Bunia issues on witness protection, victims' participation and the implementation of outreach activities, especially at trial stage. These are challenges that ICC staff have to overcome on a daily basis.

The visit by the delegation took place in the context of the **Review Conference of the Rome Statute**, which was held in Kampala (Uganda), from 31 May to 11 June, 2010.

JUNE 2010						
Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				
JULY 2010						
Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
			1	2	3	4
5	6	7	8	9	10	11
Trial of Jean-Pierre Bemba Gombo is scheduled to start.						
12	13	14	15	16	17	18
Future events:						
17 July - 8 August: Judicial recess						

The calendar is subject to last minute changes.