

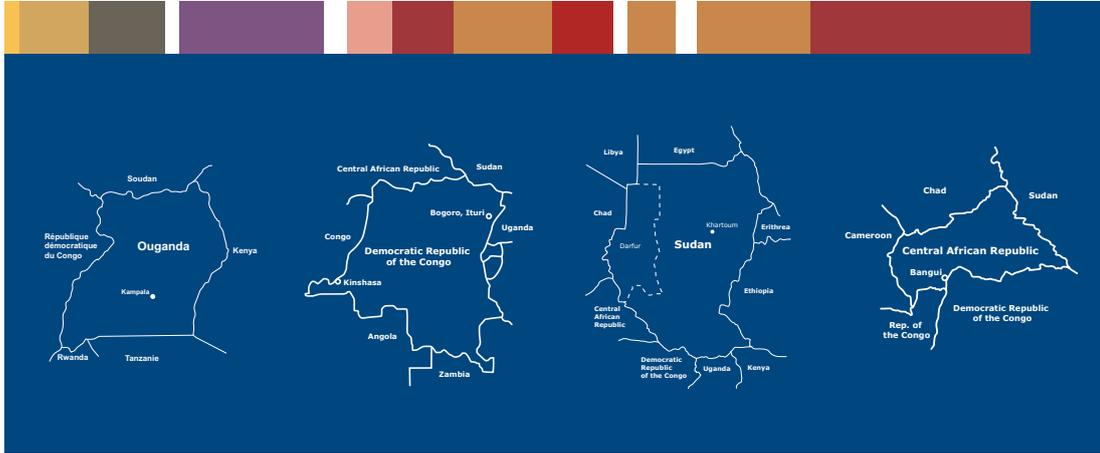


Cour
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Court

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The Court Today



States Parties to the Rome Statute

As of 1 October, 2009, 110 countries are States Parties to the Rome Statute, the treaty governing the International Criminal Court. Out of them 30 are African States, 14 are Asian States, 17 are from Eastern Europe, 24 are from Latin America and the Caribbean, and 25 are from Western Europe and other States.

Situations and cases

Any State that is a party to the Rome Statute can request the Prosecutor to carry out an investigation. The United Nations Security Council may also refer a situation to the Court when it is in the interest of international peace and security. The Prosecutor may also use his discretionary power to initiate an investigation based on corroborated information received from reliable sources. In this case, he would require authorisation from the judges. On 6 November, 2009, the Presidency of the International Criminal Court (ICC) issued a decision assigning the situation in the Republic of Kenya to Pre-Trial Chamber II. If the Prosecutor intends to open an investigation *proprio motu* in the Kenyan situation, he must obtain authorisation from this Chamber.

A referral, whether by a State Party or by the UN Security Council, or a private communication does not automatically "trigger" the powers of the Prosecutor; in all cases, the Office of the Prosecutor must first conduct an analysis of information in order to determine whether the statutory threshold to start an investigation is met: there must be "a reasonable basis to proceed".

To date, three States Parties to the Rome Statute - Uganda, the Democratic Republic of the Congo and the Central African Republic - have referred situations occurring on their territories to the Court. In addition, the Security Council has referred the situation in Darfur, Sudan - a non-State Party.

After a thorough analysis of available information, the Prosecutor has opened and is conducting investigations in all of the above-mentioned situations.

In the **situation in Uganda**, the case *The Prosecutor v. Joseph Kony, Vincent Otti, Okot Odhiambo and Dominic Ongwen* is currently being heard. In this case, five warrants of arrest have been issued against top members of the Lords Resistance Army (LRA) for crimes against humanity and war crimes committed in Uganda since July 2002. Following the confirmation of the death of Mr Lukwiya, the proceedings against him have been terminated. The four remaining suspects are still at large.

In the **situation in the Democratic Republic of the Congo**, three cases are being heard: *The Prosecutor v. Thomas Lubanga Dyilo*; *The Prosecutor v. Bosco Ntaganda*; and *The Prosecutor v. Germain Katanga and Mathieu Ngudjolo Chui*.



Thomas Lubanga Dyilo is accused of committing the war crimes of enlisting and conscripting of children under the age of 15 years into the *Forces patriotiques pour la libération du Congo* [Patriotic Forces for the Liberation of Congo] (FPLC) and using them to participate actively in hostilities in the context of an international armed conflict from early September, 2002 to 2 June, 2003 and in the context of an armed conflict not of an international character from 2 June, 2003 to 13 August, 2003. The trial started on 26 January 2009. The Prosecution finished its presentation on 14 July 2009.

On 26 September, 2008, the charges against Germain Katanga and Mathieu Ngudjolo Chui were confirmed. They both face counts of crimes against humanity (murder, rape and sexual slavery) and war crimes (using children under the age of fifteen to take active part in the hostilities, directing an attack against a civilian population as such or against individual civilians not taking direct part in hostilities, destruction of property, pillaging, sexual slavery). The Trial is scheduled to start on 24 November, 2009.

Lubanga Dyilo, Katanga and Ngudjolo Chui are currently in the custody of the ICC. The suspect Bosco Ntaganda remains at large.

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. Bahar Idriss Abu Garda*.

Three warrants of arrest have been issued by the 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. The confirmation hearing in his case was held from 19 - 30 October, 2009 before Pre-Trial Chamber I, which has not yet delivered its decision on the confirmation of charges.

The Court is also examining the Prosecutor's application for the issuance of warrants of arrest or summons to appear against two other individuals for war crimes committed during the attack on African Union peacekeepers in Darfur on 29 September 2007.

In the **situation in the Central African Republic**, the Pre-Trial Chamber II, on 15 June 2009, confirmed, in the case *The Prosecutor v. Jean-Pierre Bemba Gombo*, two charges of crimes against humanity (murder and rape) and three charges of war crimes (murder, rape and pillaging), and committed him to trial before a Trial-Chamber. On 14 August, 2009, Pre-Trial Chamber II issued a decision granting interim release to Jean-Pierre Bemba. The same day the Prosecutor appealed this decision. On 3 September, the Appeals Chamber decided to grant suspensive effect to this appeal. Hence, implementation of the decision on interim release is suspended pending the final decision on the merits of the Prosecution's Appeal. On 18 September, the Presidency constituted Trial Chamber III to which the case of *The Prosecutor v. Jean-Pierre Bemba Gombo* has been referred. Trial Chamber III scheduled the opening of the trial for 27 April, 2010.