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# ICC Weekly Update

07 December 2009 #13



## 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 scheduled to start on 27 April, 2010.

## Appeals Chamber of the International Criminal Court reverses the decision on the interim release of Jean-Pierre Bemba

On 2 December 2009, Judge Akua Kuenyehia, Presiding Judge of the Appeals Chamber of the International Criminal Court (ICC), delivered a summary of the judgment reversing the decision of Pre-Trial Chamber II that had granted the request of Jean-Pierre Bemba Gombo for interim release, albeit under conditions.

On 14 August 2009, Pre-Trial Chamber II had found that changed circumstances warranted the modification of its previous ruling on detention. The implementation of its decision had however been deferred pending a determination to which State Jean-Pierre Bemba Gombo will be released and which set of conditions shall be imposed. On 3 September 2009, the Appeals Chamber decided to grant suspensive effect to the appeal of the Prosecutor against this decision.

The Appeals Chamber unanimously decided to uphold both grounds of the appeal. The Appeals Chamber considered that the Pre-Trial Chamber “misappreciated and disregarded relevant facts” in reaching its conclusion that a substantial change of circumstances warranted the release of Jean-Pierre Bemba Gombo. The Appeals Chamber also considered that the decision granting conditional release should be “a single unseverable decision” identifying specific conditions. Furthermore, according to the Appeals Chamber, a State willing to accept the person concerned and enforce the conditions must be identified prior to such a decision. The Appeals Chamber highlighted that without this State cooperation the decision to grant conditional release would be ineffective.

A decision to maintain the detention pending trial is reviewed by the competent Chamber at least every 120 days, and may be reviewed at any time at the request of the detained person or the Prosecutor.

### Background information:

Jean-Pierre Bemba Gombo, a Congolese national, was transferred to the ICC by the Belgian authorities on 3 July 2008, following a warrant of arrest issued by the Court.

On 15 June 2009, Pre-Trial Chamber II confirmed the charges against Jean-Pierre Bemba, determining that there are substantial grounds to believe that he is criminally responsible as a military commander for two counts of crimes against humanity (rape and murder) and three counts of war crimes (rape, murder



Jean-Pierre Bemba Gombo © ICC-CPI/Ed Oudenaarden /ANP-PHOTO

and pillaging). These crimes were allegedly committed in the context of an armed conflict not of an international character that took place in the Central African Republic (CAR) from 26 October 2002 to 15 March 2003.

Following the confirmation of the charges, the Presidency constituted on 18 September 2009 Trial Chamber III and referred the case of *The Prosecutor v. Jean-Pierre Bemba Gombo* to it for the conduct of the trial. Trial Chamber III set the date for the commencement of the trial as Tuesday, 27 April, 2010.

### Links:

[Judgment on the appeal of the Prosecutor against Pre-Trial Chamber II's "Decision on the Interim Release of Jean-Pierre Bemba Gombo and Convening Hearings with the Kingdom of Belgium, the Republic of Portugal, the Republic of France, the Federal Republic of Germany, the Italian Republic, and the Republic of South Africa"](#)

[Decision on the Interim Release of Jean-Pierre Bemba Gombo and Convening Hearings with the Kingdom of Belgium, the Republic of Portugal, the Republic of France, the Federal Republic of Germany, the Italian Republic, and the Republic of South Africa](#)

[Press release of 14 August, 2009: Pre-Trial Chamber II renders a decision on conditional release of Jean-Pierre Bemba Gombo](#)

[Press release of 14 August, 2009 of ICC Prosecutor: No Temporary Release for Jean-Pierre Bemba](#)

### Decisions taken between 30 November - 04 December 2009

[Decision on the defence application for additional disclosure relating to a challenge on admissibility](#)

Issued by the Trial Chamber III on the 2nd December 2009

[Order scheduling a status conference](#)

Issued by the Trial Chamber III on the 2nd December 2009

## 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 of *The Prosecutor v. Germain Katanga and Mathieu Ngudjolo Chui* started on 24 November, 2009.

## The Germain Katanga and Mathieu Ngudjolo Chui trial will resume on 26 January, 2010

On 2 December, 2009, Trial Chamber II decided to postpone the hearings in the case *The Prosecutor v. Germain Katanga and Mathieu Ngudjolo Chui*. The trial will resume, as scheduled, on 26 January, 2010.

Germain Katanga and Mathieu Ngudjolo Chui, Congolese nationals, are charged with three crimes against humanity and seven war crimes allegedly committed in the context of an armed conflict in Ituri which began in Djugu territory and in the town of Mongbwalu, and in particular during the joint attack by combatants led by Mathieu Ngudjolo Chui and Germain Katanga on Bogoro village on 24 February, 2003, which was part of a widespread attack and was directed not only against a military camp located in that village, but also against the civilian population of the village.



Germain Katanga and Mathieu Ngudjolo Chui © ICC-CPI/Kooren

### Decisions taken between 30 November - 04 December 2009

#### Katanga et Ngudjolo Chui case

[CORRIGENDUM - Directions for the conduct of the proceedings and testimony in accordance with rule 140](#)

Issued by the Trial Chamber II on the 1st December 2009

[Version publique expurgée de la « Décision relative à la requête de la Défense de Germain Katanga en illégalité de la détention et en suspension de la procédure » du 20 novembre 2009 \(ICC-01/04-01/07-1666-Conf-Exp\)](#)

Issued by the Trial Chamber II on the 3rd December 2009

## Lubanga case

### Scheduling Order

Issued by the Trial Chamber I on the 30th November 2009

### Order granting leave to reply

Issued by the Trial Chamber I on the 04th December 2009

**Scheduling Order for the Judgment on the appeals of Mr Lubanga Dyilo and the Prosecutor against the Decision of Trial Chamber I of 14 July 2009 entitled "Decision giving notice to the parties and participants that the legal characterisation of the facts may be subject to change in accordance with Regulation 55(2) of the Regulations of the Court"**

Issued by the Appeals Chamber on the 4th December 2009

### 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 **hearings schedule**.

**Video summaries** can be found at our **Youtube channel**.

## Events

### President Song embarks on his second official visit to Asia.



President Song with Ms Koirala, with Mr Kamal Dahal and during the Round Table Meeting on the ICC in Kathmandu © ICC-CPI

On 1 December 2009, President Sang-Hyun Song embarked on his second major visit to Asia this year, with Nepal and Bangladesh on the itinerary. "As the ICC's first Asian president, I feel a particular responsibility to increase knowledge the Rome Statute and the International Criminal Court in this important region" the President commented. The itinerary includes meetings with high-level government officials, parliamentarians, students and civil society organizations.

In Nepal, on 2 December, the President participated in the *Roundtable Meeting on the International Criminal Court*, organized by *Parliamentarians for Global Action (PGA)* in association with the *PGA Nepal National Group*. The meeting was led by the National Chair of PGA in Nepal, Member of Parliament Ms. Prativa Rana (picture attached below) and drew the attendance of five cabinet ministers, including the Minister of Law and Justice Mr. Prem Bahadur Singh. There were MPs and ministers from various political parties, as well as representatives of civil society organizations such as *Amnesty International* and the *National Coalition for the International Criminal Court*. Despite these diverging backgrounds, the meeting resulted in a broad consensus on the need for Nepal's accession to the Rome Statute. In addition, the meeting also provided a valuable opportunity to exchange views on Rome Statute implementation and Nepalese law and policy reforms. Media coverage of this event was provided by several national broadcast and print media sources.

Aside from the Roundtable meeting, the President also held successful meetings with Deputy Prime Minister and Foreign Minister Ms. Sujata Koirala and the leader of the *United Communist Party of Nepal* Mr. Pushpa Kamal Dahal (pictures attached).

From 5 to 7 December 2009, the President will be in Bangladesh, a signatory to the Rome Statute, to hold high-level meetings with various government officials on the issue of ratification. The President will also deliver a keynote address at BRAC University in Dhaka.

The President's trip to Asia reflects the Court's commitment to address the underrepresentation of this region among its States Parties. Currently, only 14 Asian states are party to the Rome Statute. Besides universal ratification, the President's key objective for the Asian region

is to widely promulgate the fundamental principles of the Court, which include complementarity as the cornerstone of the Rome Statute system. To this end, the President envisages another visit to Asia in the upcoming year.

At the completion of his trip to Asia, the President will travel to the Democratic Republic of the Congo before the end of the year, becoming the first ever ICC President to visit a situation country and its affected communities.

Calendar

DECEMBER 2009						
Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
07	08	09	10	11	12 Vacances judiciaires	13
Visit of President Song to the DRC						
14	15	16	17	18	19	20
Judicial recess						
Visit of President Song to the DRC						
21	22	23	24	25	26	27
Judicial recess						
28	29	30	31			
Judicial recess						
JANUARY 2010						
Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
				01 Judicial recess	02	03
04	05	06 Lubanga trial resumes	07	08	09	10
<b>Future events:</b> 26 January 2010: Katanga and Ngudjolo Chui trial resumes 27 April 2010: Trial of Jean-Pierre Bemba Gombo case is scheduled to start 31 May – 11 June 2010: First Review conference of the Rome Statute, Kampala, Uganda.						

The calendar is subject to last minute changes.