

# 25 June 2012 #133 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. On 27 June 2011, Pre-Trial Chamber I issued three warrants of arrest respectively for **Muammar Mohammed Abu Minyar Gaddafi, Saif Al-Islam Gaddafi and Abdullah Al-Senussi** for crimes against humanity (murder and persecution) allegedly committed across Libya from 15 until at least 28 February 2011, through the State apparatus and Security Forces. On 22 November 2011, Pre-Trial Chamber I formally terminated the case against Muammar Gaddafi due to his death. The remaining suspects are not in the custody of the Court.

## Statement on the detention of four ICC staff members

عربي

On 22 June 2012, Mr Abdelaziz Al-Hassadi, Attorney General of Libya, heading a high level Libyan delegation, visited the International Criminal Court (ICC) in The Hague (Netherlands) where he met with the ICC President, Judge Sang-Hyun Song, the ICC Registrar Silvana Arbia, and other ICC officials to discuss the situation of the four ICC staff members held in Zintan, Libya, following their mission to visit Saif Al-Islam Gaddafi, who is subject to prosecution before the ICC for alleged crimes against humanity.

During the meeting, Mr Al-Hassadi presented to the ICC officials information regarding the visit of the four staff members to Zintan on 7 June 2012.

The ICC President thanked the Attorney General for visiting the Court. He expressed appreciation for the mutual trust confirmed in the meetings and welcomed the commitment of the Libyan authorities to cooperate fully with the ICC in accordance with United Nations Security Council resolution 1970 (2011). The President underlined the shared interest of the ICC and the Libyan authorities that Saif Al-Islam Gaddafi and Abdullah Al-Senussi should face justice. The ICC takes very seriously the information reported by Libyan authorities in relation to the ICC staff members' visit. The ICC fully understands the importance of the matter for the Libyan authorities and the people of Libya.

The Court attaches great importance to the principle that its staff members, when carrying out their functions, should also respect national laws. The information reported by the Libyan authorities will be fully investigated in accordance with ICC procedures following the return of the four staff members. For this purpose, the Court will be seeking further background information from the Libyan authorities. The ICC will remain in close contact with the Libyan authorities to inform them of progress.

The ICC deeply regrets any events that may have given rise to concerns on the part of the Libyan authorities. In carrying out its functions, the Court has no intention of doing anything that would undermine the national security of Libya.

When the ICC has completed its investigation, the Court will ensure that anyone found responsible for any misconduct will be subject to appropriate sanctions.

In fulfilling its mandate to end impunity and providing justice to victims, the ICC is ready to assist national authorities with their investigations if requests are submitted to the Court. The ICC is committed to continued mutual cooperation with the Libyan authorities and will do everything it can to assist them.

The ICC is extremely grateful to the Libyan authorities for their commitment to take all necessary action for the release of the Court's staff members and their speedy reunification with their family members.

### 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*; *The Prosecutor v. Abdallah Banda Abakaer Nourain and Saleh Mohammed Jerbo Jamus*; and *The Prosecutor v. Abdel Raheem Muhammad Hussein*. Five warrants of arrest have been issued by Pre-Trial Chamber I for Messrs Harun, Kushayb, Al Bashir and Hussein. The four 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, in 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, Pre-Trial Chamber I unanimously decided to confirm the charges of war crimes brought by the ICC 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.

Decisions taken between 18 - 22 June 2012

### Banda and Jerbo Case

**Public redacted version of Decision on the prosecution's application for redactions ICC-02/05-03/09-206-Conf-Exp**

Issued by Trial Chamber IV on 19 June 2012

### Situation in Kenya

On 31 March 2010, Pre-Trial Chamber II granted the Prosecutor's request to open an investigation *proprio motu* in the situation in Kenya, State Party since 2005. Following summonses to appear issued on 8 March 2011 in two separate cases, six Kenyan citizens voluntarily appeared before Pre-Trial Chamber II on 7 and 8 April 2011. The confirmation of charges hearings in the two cases took place from 1 to 9 September 2011, and 21 September to 5 October 2011, respectively. On 23 January 2012, the judges declined to confirm the charges against Henry Kiprono Kosgey and Mohammed Hussein Ali. Pre-Trial Chamber II confirmed the charges against William Samoei Ruto, Joshua Arap Sang, Francis Kimiri Muthaura and Uhuru Muigai Kenyatta and committed them to trial. On 29 March 2012, the ICC Presidency constituted Trial Chamber V and referred to it the two cases: *The Prosecutor v. William Samoei Ruto and Joshua Arap Sang* and *The Prosecutor v. Francis Kimiri Muthaura and Uhuru Muigai Kenyatta*.

Decisions taken between 18 - 22 June 2012

### Ruto and Sang case

**Order on the E-Court Protocol**

Issued by Trial Chamber V on 19 June 2012

### Muthaura and Kenyatta case

**Order on the E-Court Protocol**

Issued by Trial Chamber V on 19 June 2012

**Decision on the defence's request for interim measures in relation to the prosecution's contacts with potential defence witnesses**

Issued by Trial Chamber V on 20 June 2012

### 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

### The University del Rosario wins the ICC Moot Court Competition

#### Español

For the second year in a row, the University del Rosario (Colombia) has won the ICC Moot Court Competition – Spanish edition. The final round was held on 22 June 2012, in Courtroom I of the International Criminal Court (ICC) in The Hague (the Netherlands). The winning team is composed of (from left to right in above photo): Juan Ramón Martínez (coach), Andrea Castillo Guevara, Angela Cordoba Carrera, Jonathan Riveros Tarazona, Marialejandra Moreno Mantilla, Andrea Mateus and Felipe Tenorio Obando. The University Nacional del Sur (Argentina) and the University of Chile (Chile) won, respectively, the second and third places. The award to the Best Speaker went to Marialejandra Moreno Mantilla from the University del Rosario (Colombia).



The teams competed before ICC Judge Sylvia Steiner, and ICC legal officers Alejandro Kiss and Ania Salinas Cerda on a fictitious case, presenting oral arguments for a confirmation of charges hearing in the roles of Prosecution, Defence, and Legal representation of victims. The final round of the ICC Trial Competition in Spanish was also web streamed live on the Court's official website.

ICC Judge Sylvia Steiner (Presiding Judge, center) and ICC legal officers Alejandro Kiss and Ania Salinas Cerda with the winners of the ICC Moot Court Competition – Spanish Edition, representing the University del Rosario (Colombia) © ICC-CPI

Following the decision rendered by the Chamber on the winners of the competition, the ICC hosted an awards ceremony for the winners and participants. For the organisation of this competition in Spanish, the ICC worked in partnership with the University of Utrecht and the Latin American Council of Studies on International and Comparative Law, COLADIC (Mexico).

During their time in The Hague, the students visited other international courts and criminal tribunals including the International Court of Justice (ICJ) and the International Criminal Tribunal for the former Yugoslavia (ICTY). They also attended academic events at Utrecht University in the context of the Ibero-American Week on International Justice and Human Rights. The study visit offers to the students a unique opportunity to come together in an exciting setting and to meet with eminent personalities of the international law scene.

The Court has also supported three other language versions of the ICC Trial Competition this year and hosted their finals in the ICC courtroom: English (27 April), Chinese and Russian (both on 1 June). It is envisaged that, in the medium and long term, the ICC Trial Competition will also be expanded, in cooperation with others, to the other official languages of the Court: French and Arabic.

Photos of the competition and awards ceremony are [here](#).

### Delegation from the National Assembly of the Republic of Mali visit the ICC

On 20 June 2012, a delegation from the National Assembly of the Republic of Mali visited the International Criminal Court (ICC). The National Assembly members held meetings with the ICC President, Judge Sang-Hyun Song, high-level officials of the Office of the Prosecutor, and ICC Registrar Ms Silvana Arbia. They also met with ICC Judge Fatoumata Dembele Diarra of the Republic of Mali.

Members of the delegation included Mr Assarid Ag Ambarcaouane, Vice-President of the National Assembly, Ms Haidara Aichata Cissé, member of the National Assembly, and officials of the Embassy of the Republic of Mali.

During their meeting, the ICC President briefed the delegation on recent judicial developments and thanked the delegation for the Republic of Mali's continued support and cooperation, as a State Party to the Rome Statute since 2000.



Delegation from the National Assembly of the Republic of Mali with ICC President Judge Sang-Hyun Song at the seat of the Court in The Hague © ICC-CPI

### President of the Assembly visits Hague and witnesses solemn undertaking of new Prosecutor

On 15 June 2012 the President of the Assembly of States Parties ("the Assembly"), Ambassador Tiina Intelmann, witnessed the solemn undertaking of Ms. Fatou Bensouda, the new Prosecutor of the Court, which was held in open court, in the presence of the diplomatic community, international organizations and representatives of civil society.

During her visit from 12 to 15 June, the President also held meetings with senior officials of the Court and members of the diplomatic community, including the Secretary – General of the Ministry of Foreign Affairs of the Netherlands, Mr Ed Kronenburg, and attended the information session on the 2013 proposed programme budget, organized by the budget facilitator, Ambassador Håkan Emsgård (Sweden).

She also had a meeting with the representatives of States Parties of the Eastern European Group for an exchange of views on the work of the Assembly and how cooperation with the Court could be strengthened.



President of the Assembly visits Hague and witnesses solemn undertaking of new Prosecutor  
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Furthermore, at the 15 June Bureau meeting she briefed the members on the efforts that had been undertaken in respect of the release of four Court staff detained in Zintan, Libya, since 7 June 2012. The President further recalled her own statement of 12 June, as well as those formulated by the President of the Court on 9 June and by the respective States of nationality of the detained staff members. She also briefed Bureau members about discussions with members of the UN Security Council. In addition, the President briefed the Bureau members on the preparations for the commemoration of the tenth anniversary of the entry into force of the Rome Statute, to be held on 13 and 14 November, prior to the opening of the annual session of the Assembly, as well as on her recent visits to Cairo, Rabat and Addis Ababa.

#### Statement of the President of the Assembly

*Source: Assembly of States Parties*

## Calendar

JUNE 2012						
Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
25	26	27	28	29	30	
ICC hosts study visit for professors from two universities in China		Delegation from the Alliance of Liberals and Democrats for Europe, European Parliament, visit the Court	Judge Kaul to speak as expert on the ICC at the meeting, "International Criminal Justice", Brussels (Belgium), organised by the European External Action Service*	Judge Van den Wyngaert to give a lecture at the 12th Summer Course on International Humanitarian Law, International Institute of Humanitarian Law, San Remo (Italy)*		
Judge Kaul to participate in the strategic meeting and "Workshop on the Ratification and Implementation of the Rome Statute Amendments on the Crime of Aggression", organised by the Global Institute for the Prevention of Aggression and the Permanent Mission of Liechtenstein to the United Nations, New York (USA)*		ICC hosts study visit for delegation of judges from France	Delegation of lawyers from Russia visit the Court	Delegation of lawyers from Saudi Arabia visit the Court		
		Ms Kirsty Hayes, Head of the International Organisations Department of the Foreign and Commonwealth Office of the UK, visits the Court		H.E. Mr. Sunai Chulpongsatorn, Chairman of the Committee on Foreign Affairs of the House of Representatives of the Kingdom of Thailand, visits the Court		
JULY 2012						
Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
						1
						10 <sup>th</sup> Anniversary of the International Criminal Court
2	3	4	5	6	7	8
ICC President Song to participate in Panel on 'The Role of the International Courts and Tribunals in The Hague and Their Contribution to International Legal System', Peace Palace, The Hague (The Netherlands)		Judge Kaul to deliver a keynote speech at the conference "Tenth Anniversary of the entry into force of the Rome Statute of the International Criminal Court", Budapest (Hungary), organised by the Ministry of Foreign Affairs of Hungary*		ICC hosts symbolic flag-raising ceremony to kick off events for 17 July, International Criminal Justice Day		
9	10	11	12	13	14	15
16	17	18	19	20	21	22
	International Criminal Justice Day					
13 August: Confirmation of charges hearing to start in the case against Laurent Gbagbo						

The calendar is subject to last-minute changes.

\* The ICC is grateful to the organizers for covering the costs of the Court's participation.