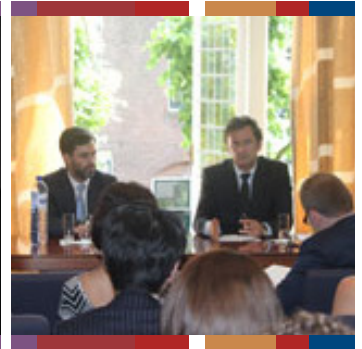




4 July 2011 #84 ICC Weekly Update



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 16 May 2011, the ICC Prosecutor requested the issuance of three warrants of arrest.

Pre-Trial Chamber I issues three warrants of arrest for Muammar Gaddafi, Saif Al-Islam Gaddafi and Abdulla Al-Senussi

On 27 June 2011, Pre-Trial Chamber I of the International Criminal Court (ICC) 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 February 2011 until at least 28 February 2011, through the State apparatus and Security Forces.



Pre-Trial Chamber I, composed of Judges Sanji Mmasenono Monageng (Presiding), Sylvia Steiner and Cuno Tarfusser, issues three warrants of arrest © ICC-CPI

The Chamber, composed of Judges Sanji Mmasenono Monageng (Presiding), Sylvia Steiner and Cuno Tarfusser, considered that there are reasonable grounds to believe that the three suspects committed the alleged crimes and that their arrests appear necessary in order to ensure their appearances before the Court; to ensure that they do not continue to obstruct and endanger the Court's investigations; and to prevent them from using their powers to continue the commission of crimes within the jurisdiction of the Court.

The situation in Libya was referred to the ICC Prosecutor by the United Nations Security Council, through the unanimous adoption of Resolution 1970 on 26 February 2011. The Security Council decided, under Chapter VII of the United Nations Charter, that "the Libyan authorities shall cooperate fully with and provide any necessary assistance to the Court and the Prosecutor pursuant to this resolution" and, while recognizing that States not party to the Rome Statute have no obligations under the Statute, the Security Council urged all States and concerned regional and other international organisations to cooperate fully with the Court and the Prosecutor.

On 3 March 2011, the ICC Prosecutor decided to open an investigation and requested, on 16 May 2011, the issuance of the arrest warrants.

More information on this case is available [here](#).

Statement by ICC Prosecutor on decision by Pre-Trial Chamber I to issue three warrants of arrest for Muammar Gaddafi, Saif Al-Islam Gaddafi and Abdulla Al-Senussi



ICC Prosecutor at the Press Conference on 28 June 2011 at the seat of the Court in The Hague © ICC-CPI

Just 4 months ago, the world requested justice for crimes committed in Libya and the UN Security Council unanimously asked for the intervention of the International Criminal Court. Yesterday, the Court delivered its first decision, it issued arrest warrants against Muammar Gaddafi, his son Saif Al-Islam Gaddafi and Abdullah Al Senussi for shooting civilians on the streets and persecuting alleged dissidents in their homes as crimes against humanity. The Judges considered that they have to be arrested to prevent them from using their powers to continue the commission of crimes.

Today, it is time for arrest. Let me clarify who should arrest them and how they can do it.

Libya has the primary responsibility to implement the arrest warrants. Libya is not a State Party of the Rome Statute, but it is a member of the United Nations since 1955. Libya has to comply with UN Security Council Resolution 1970, which specifically called on Libya to “cooperate fully with and provide any necessary assistance to the Court and the Prosecutor”.

The Court will notify the Libyan government based in Tripoli of its decision. Gaddafi’s inner circle is the first option: they can be part of the problem and be prosecuted, or they can be part of the solution, work together with the other Libyans and stop the crimes.

Second option, the Interim National Council has expressed its will to implement the arrest warrants. Justice Minister Mohamed Al Alagi is here, and Prime Minister Mahmoud Gibril is coming tomorrow. They will explain their plans as soon they are ready.

International forces operating under UN Security Council Resolution 1973 have no specific mandate to implement arrest warrants, and the Court is not asking for that.

More than ever there is an urgent need for negotiations. But negotiations have to respect UN Security Council Resolution 1970 to do justice in Libya and the Court’s decision that Gaddafi, his son Saif and Al Sanussi should be arrested.

There are two clear legal limits. Gaddafi cannot retain power to keep attacking his victims. If Gaddafi travels to a State Party of the Rome Statute, he should be arrested.

The Office of the Prosecutor will continue investigating new crimes regarding the situation in Libya since 15 February 2011, in particular allegations of rapes and efforts to cover up the crimes; we will eventually add new charges to the same case.

Source: Office of the Prosecutor

Decisions taken between 27 June - 1 July 2011

Decision on the “Prosecutor’s Application Pursuant to Article 58 as to Muammar Mohammed Abu Minyar GADDAFI, Saif Al-Islam GADDAFI and Abdullah AL-SENUSSI”

Issued by Pre-Trial Chamber I on 27 June 2011

Warrant of Arrest for Muammar Mohammed Abu Minyar Gaddafi

Issued by Pre-Trial Chamber I on 27 June 2011

Warrant of Arrest for Saif Al-Islam Gaddafi

Issued by Pre-Trial Chamber I on 27 June 2011

Warrant of Arrest for Abdullah Al-Senussi

Issued by Pre-Trial Chamber I on 27 June 2011

Situation in the Democratic Republic of the Congo

In this situation, four cases have been brought 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, Mathieu Ngudjolo Chui and Callixte Mbarushimana 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 confirmation of charges hearing in the case *The Prosecutor v. Callixte Mbarushimana* is scheduled to start on 17 August 2011.

Decisions taken between 27 June - 1 July 2011

Katanga and Ngudjolo Chui Case

Decision on the Request of Defence for Mathieu Ngudjolo to admit into evidence extracts from the statement DRC-D02-0001-0750 of Witness DRC-D02-P-0148

Issued by the Trial Chamber II on 30 June 2011

Mbarushimana Case

Decision on the "Prosecution's Request for an order regulating defence use of an inadvertently disclosed witness statement and lifting of redactions" and on the "Prosecution's Application for non-disclosure order and order on regulation of contact with witnesses"

Issued by Pre-Trial Chamber I on 29 June 2011

Decision on the Defence request to consider sanctions for misconduct

Issued by Pre-Trial Chamber I on 30 June 2011

Decision on the "Defence request for a permanent stay of proceedings"

Issued by Pre-Trial Chamber I on 1 July 2011

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*; and *The Prosecutor v. Abdallah Banda Abakaer Nourain and Saleh Mohammed Jerbo Jamus*. Four warrants of arrest have been issued by Pre-Trial Chamber I for Messrs Harun, Kushayb and Al Bashir. The three 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, on 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, the Pre-Trial Chamber I unanimously decided to confirm the charges of war crimes brought by the ICC's 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 27 June - 1 July 2011

Banda and Jerbo Case

Decision on the Prosecution's Request to Invalidate the Appointment of Counsel to the Defence

Issued by the Trial Chamber IV on 30 June 2011

Decision on "Defence Application pursuant to articles 57(3)(b) & 64(6)(a) of the Statute for an order for the preparation and transmission of a cooperation request to the Government of the Republic of the Sudan"

Issued by the Trial Chamber IV on 1 July 2011

Decision on "Defence Application pursuant to Articles 57(3)(b) & 64(6)(a) of the Statute for an order for the preparation and transmission of a cooperation request to the African Union"

Issued by the Trial Chamber IV on 1 July 2011

Order to the Registry to commence training of Zaghawa interpreters

Issued by the Trial Chamber IV on 1 July 2011

Situation in the Republic of Kenya

On 31 March 2010, Pre-Trial Chamber II granted the Prosecutor's request to open an investigation *proprio motu* in the situation of Kenya, State Party since 2005. Following summonses to appear issued on 8 March 2011, six Kenyan citizens voluntarily appeared before Pre-Trial Chamber II on 7 and 8 April 2011. Confirmation of charges hearings in the following two cases: *The Prosecutor v. William Samoei Ruto, Henry Kiprono Kosgey and Joshua Arap Sang* and *The Prosecutor v. Francis Kirimi Muthaura, Uhuru Muigai Kenyatta and Mohammed Hussein Ali*, are scheduled for 1 and 21 September 2011, respectively.

Decisions taken between 27 June - 1 July 2011

Decision on the Request for Assistance Submitted on Behalf of the Government of the Republic of Kenya Pursuant to Article 93(10) of the Statute and Rule 194 of the Rules of Procedure and Evidence

Issued by Pre-Trial Chamber II on 29 June 2011

Ruto, Kosgey and Sang Case

Decision on the Registrar's "Request for instructions on the processing of victims' applications"

Issued by Pre-Trial Chamber II on 28 June 2011

Decision Requesting the Parties to Submit Information for the Preparation of the Confirmation of Charges Hearing

Issued by Pre-Trial Chamber II on 29 June 2011

Decision on the "Prosecution's request for extension of page limit for the Document Containing the Charges"

Issued by Pre-Trial Chamber II on 1 July 2011

Muthaura, Kenyatta and Ali Case

Decision on the Registrar's "Request for instructions on the processing of victims' applications"

Issued by Pre-Trial Chamber II on 28 June 2011

Decision on the "Prosecution's request for extension of page limit for the Document Containing the Charges"

Issued by Pre-Trial Chamber II on 1 July 2011

Decision on the "OPCV's Request for Leave to Respond to 'Defence Observations on 4 Applications for Victim Participation in the Proceedings'"

Issued by Pre-Trial Chamber II on 1 July 2011

Situation in the Republic of Côte d'Ivoire

Côte d'Ivoire, which is not party to the Rome Statute, had accepted the jurisdiction of the ICC on 18 April 2003; more recently, and on both 14 December 2010 and 3 May 2011, the Presidency of Côte d'Ivoire reconfirmed the country's acceptance of this jurisdiction. On 23 June 2011, the ICC Prosecutor submitted a request to the Pre-Trial Chamber asking for authorisation to open an investigation into the situation in Côte d'Ivoire since 28 November 2010.

Decisions taken between 27 June - 1 July 2011

Decision notifying the election of the Presiding Judge

Issued by Pre-Trial Chamber III on 28 June 2011

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

Head of the Executive Committee of the INC-Libya Mahmoud Jibril meets with the ICC Prosecutor

On 29 June 2011, the Head of the Executive Council of the Interim National Council (INC) in Libya, Mr Mahmoud Jibril met with the Prosecutor of the International Criminal Court, Mr Luis Moreno-Ocampo in The Hague.

Prosecutor Moreno-Ocampo welcomed Mr Jibril and used the opportunity to reiterate the responsibility of Libyan authorities in implementing Resolution 1970 and the arrest warrants issued by ICC judges against Muammar Gaddafi, his son Saif Al-Islam Gaddafi and Abdullah Al-Senussi for crimes against humanity allegedly committed in Libya since 15 February 2011.

The Prosecutor explained to Mr Jibril the independent and purely legal nature of his Office's work and analyses. He discussed the ongoing investigations and indicated that the next phase of the investigation will concern the allegations of war crimes that might have been committed by the parties to the conflict, of attacks against sub-Saharan Africans wrongly perceived as mercenaries and of mass rapes.

Mr Jibril reaffirmed the INC's position: "Libya should take the lead in anything related to Libya and on Libyan soil", he said. On the conflict in general, he added, "we discussed the issue of national reconciliation after this ordeal and tragedy is over as well as compensation for victims of killings and rape."

The ICC Prosecutor and Mr Jibril agreed on the need to put an end to the impunity of the most responsible perpetrators of the alleged war crimes and crimes against humanity in Libya, regardless of their position or political camp

Source: Office of the Prosecutor



Head of the Executive Committee of the INC-Libya Mahmoud Jibril and the ICC Prosecutor at the seat of the Court in The Hague © ICC-CPI

President of the Assembly visit to The Hague

عربي, Español



The President of the Assembly of States Parties ("the Assembly"), Ambassador Christian Wenaweser, visited The Hague from 27 to 29 June 2011. He met in an informal meeting with 16 of the judges of the Court for an open and informal exchange of views on, inter alia, current and future relationship between the Court and the United Nations, in particular in light of the latest referrals to the ICC by the Security Council; aspects of the work of the Court with relevance to its budget, including the budget cycle; possibilities to expedite judicial proceedings; and the Assembly's Study Group on Governance.

He also held a retreat, with the participation of the Vice-President of the Assembly and Chair of The Hague Working Group, Ambassador Jorge Lomónaco, the President of the Court, the Prosecutor, the Registrar, the Chef de Cabinet of the Presidency and the Director of the Secretariat of the Assembly, for an informal exchange on matters of mutual interest to States Parties and the Court, in particular the budget for 2012 and on other topics concerning the relationship between the Assembly and the Court. In addition, he held meetings with senior officials of the Court, members of the diplomatic community, including the Secretary – General of the Ministry of Foreign Affairs of the Netherlands, Mr Ben Knapen.

The President also briefed The Hague based ICC Group of Friends on Assembly related activities and forthcoming challenges.

In addition, he convened a Bureau meeting in order to discuss issues, such as interim premises and the independent oversight mechanism, as well as to provide an update on the work of the Search Committee for the Position of Prosecutor.

At a press conference, the President welcomed the 27 June 2011 decision of the Pre-Trial Chamber I to issue warrants of arrest for Muammar Abu Minyar Gaddafi, Saif Al Islam Gaddafi and Abdullah Al-Senussi and expressed his appreciation for Court's efforts in rendering this decision in a quick and efficient manner. He also emphasized the obligations of States Parties and the Libyan Arab Jamahiriya to execute the arrest warrants and the need to secure the financing of the costs incurred by the Court. Furthermore, the President welcomed Tunisia as the 116th State, first northern African State and fourth State of the Arab League, to become party to the Rome Statute. He referred to the accession as "...an important development that is testimony to the fundamental changes that we have been witnessing over the past few months, in particular in that region, but also globally." He also provided a short update on the work of the Search Committee for the Position of Prosecutor of the International Criminal Court.

Links

[PASP press conference on Pre-Trial Chamber I decision](#)

[PASP statement on accession of Tunisia](#)

Source: Assembly of States Parties

ICC launches Facebook page in countdown to 17 July: International Criminal Justice Day

On 1 July 2011, the International Criminal Court (ICC) launched the [International Criminal Justice Day Facebook page](#) in anticipation of the upcoming celebrations on 17 July. The page not only encourages people to celebrate International Criminal Justice Day but also provides a place to connect with supporters of international criminal justice from around the world and to share ideas for celebrating 17 July.

The International Criminal Justice Day Facebook page lists events organised by the ICC at the seat of the Court in The Hague, as well as in situation-related countries including the Democratic Republic of the Congo, Uganda, the Central African Republic and Kenya.

Individuals and organisations have the opportunity to give and get inspiration from like-minded people. Users who have organised an event in their community can post the details on the "Wall". They can also upload photos and videos after an event takes place. Users who "like" the page can get updates on their News Feed. Users can also share the page with their friends. Information posted to the page will be accessible to the public at large and easily found using common search engines.

Background

States Parties to the ICC decided to celebrate 17 July as the Day of International Criminal Justice on 1 June 2010 at the Review Conference of the Rome Statute held in Kampala (Uganda). The date commemorates 17 July 1998, when the international community reached an historic milestone by adopting the Rome Statute, the legal basis for establishing the permanent International Criminal Court.

Calendar

JULY 2011						
Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
4	5	6	7	8	9	10
ICC President Song to speak at a Female Counsel Campaign event in Maputo, Mozambique	Induction session for court presidents and chief prosecutors of the association of high courts of cassation in Francophone countries (AHJUCAF)		ICC hosts a symbolic event to launch the commemorations of 17 July, International Criminal Justice Day.			
ICC to host seminar on International Criminal Law and the ICC in Kampala, Uganda						
11	12	13	14	15	16	17
	ICC President Song to attend Commonwealth Law Ministers Meeting in Sydney, Australia					
		ICC hosts training seminar for focal points of partners in situation-related countries				
18	19	20	21	22	23	24
ICC and African Union Commission to jointly organise a Seminar on the technical aspects of the Rome Statute in Addis Ababa, Ethiopia						
	President Song to give keynote address at the Asian-African Legal Consultative Organization Expert Meeting on the Rome Statute in Kuala Lumpur, Malaysia					
Court Recess						
25	26	27	28	29	30	31
ICC Judge Aluoch to address students and speak at a Female Counsel Campaign event in Kisumu, Kenya	ICC Judge Aluoch to address students in Nairobi, Kenya		ICC Judge Aluoch to speak at a Female Counsel Campaign event in Kigali, Rwanda	ICC Judge Aluoch to address students in Kigali, Rwanda		
Court Recess						
AUGUST 2011						
Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
1	2	3	4	5	6	7
Court Recess						

The calendar is subject to last minute changes.