



**Cour
Pénale
Internationale**

**International
Criminal
Court**

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12 December 2011 #107 ICC Weekly Update



Situation in 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 3 October 2011, the Pre-Trial Chamber authorised the Prosecutor to open an investigation into the situation in Côte d'Ivoire since 28 November 2010. The hearing on the confirmation of charges in the case *The Prosecutor v. Laurent Koudou Gbagbo*, the only case currently heard before the Court in this situation, is scheduled to start on 18 June 2012.

Confirmation of charges hearing in the case of *The Prosecutor v. Laurent Koudou Gbagbo* scheduled to start on 18 June 2012

On 5 December 2011, Pre-Trial Chamber III of the International Criminal Court (ICC) set the date of the beginning of the confirmation of charges hearing in the case of *The Prosecutor v. Laurent Koudou Gbagbo* for 18 June 2012.

This decision was announced at the initial appearance of Laurent Koudou Gbagbo before the ICC.

During this hearing, in the presence of the Prosecution and the Defence, represented by Mr Emmanuel Altit, Pre-Trial Chamber III verified the identity of Mr Gbagbo and ensured that he was clearly informed of the charges brought against him and of his rights under the Rome Statute of the ICC.



Mr Laurent Koudou Gbagbo at the ICC initial appearance hearing on 5 December 2011 © ICC-CPI/AP/Peter Dejong

A confirmation of charges hearing is held to determine whether there is sufficient evidence to establish substantial grounds to believe that the person committed each of the crimes charged. If the charges are confirmed, the Pre-Trial Chamber commits the case for trial before a Trial Chamber, which will conduct the subsequent phase of the proceedings: the trial.

For more information on this case, please click [here](#).

Background information

Pre-Trial Chamber III found that there are reasonable grounds to believe that Mr Gbagbo bears individual criminal responsibility, as an indirect co-perpetrator, for four counts of crimes against humanity, namely murder, rape and other sexual violence, persecution and other inhuman acts, allegedly committed in the context of post-electoral violence in the territory of Côte d'Ivoire between 16 December 2010 and 12 April 2011.

The Chamber also found that there are reasonable grounds to believe that in the aftermath of the presidential elections in Côte d'Ivoire pro-Gbagbo forces attacked the civilian population in Abidjan and in the west of the country, from 28 November 2010 onwards, targeting civilians who they believed were supporters of the opponent candidate. Allegedly, the attacks were committed pursuant to an organisational policy and were also widespread and systematic as they were committed over an extended time period, over large geographic areas, and following a similar general pattern. The attacks were allegedly often directed at specific ethnic or religious communities and left a high number of reported victims.

A plan allegedly existed between Mr Gbagbo and his inner circle and they were allegedly aware that implementing it would lead to the commission of the crimes charged. Mr Gbagbo, together with others, allegedly exercised joint control over the crimes, and made a coordinated and essential contribution to the realisation of the plan.

Photos of the initial appearance hearing

Audio-visual materials

"In the Courtroom" programme:

Available in French

YouTube (for viewing)

Video (MPEG-4) for download

Audio (MPEG-3) for download

Entire hearing

Audio: Original language

YouTube (for viewing)

Video (MPEG-4) for download

Audio (MPEG-3) for download

Transcript

Decisions taken between 5 - 9 December 2011

Gbagbo Case

Decision Convening Status Conferences

Issued by Pre-Trial Chamber III on 9 December 2011

ICC Prosecutor: Those responsible for violence in the Democratic Republic of the Congo must face justice

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 and Mathieu Ngudjolo Chui and the suspect 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 case against Callixte Mbarushimana was held from 16 to 21 September 2011. The decision on the confirmation of charges is pending.

"As the election process in the Democratic Republic of the Congo unfolds, let me reiterate what I already stated on November 11: we are closely watching the situation on the ground, and recourse to violence will not be accepted.

We continue to receive multiple reports of violent attacks against civilians, of fighting between rival factions, as well as attacks by armed groups and the national security forces.

We are urgently requesting information from the DRC authorities on the allegations that security forces fired at demonstrators. We welcome and are closely following the initiatives taken by national authorities to investigate and prosecute those responsible for such attacks against the civilian population.

I am also aware of reports of violence by armed groups apparently associated with different political parties, politicians and party officials against demonstrators from opposing parties.

Leaders from all sides must understand this: my Office is watching the situation in the DRC very closely. As we have shown in both Kenya and Cote d'Ivoire, planning and executing attacks on civilians for electoral gain will not be tolerated. This Court can investigate and prosecute you if you are responsible for committing ICC crimes, irrespective of position, and irrespective of political affiliation.

"I urge leaders, commanders, and politicians on all sides to calm your supporters. Electoral violence is no longer a ticket to power, I assure you. It is a ticket to The Hague".

Source: Office of the Prosecutor

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.

Decisions taken between 5 - 9 December 2011

Saif Al-Islam and Al-Senussi Case

Public Redacted Version of Decision Requesting Libya to file Observations Regarding the Arrest of Saif Al-Islam Gaddafi

Issued by Pre-Trial Chamber I on 6 December 2011

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, six Kenyan citizens voluntarily appeared before Pre-Trial Chamber II on 7 and 8 April 2011. The confirmation of charges hearing in the case *The Prosecutor v. William Samoei Ruto, Henry Kiprono Kosgey and Joshua Arap Sang* took place from 1 to 9 September 2011. The confirmation of charges hearing in the case *The Prosecutor v. Francis Kirimi Muthaura, Uhuru Muigai Kenyatta and Mohammed Hussein Ali* took place from 21 September to 5 October 2011. The decisions on the confirmations of charges are pending.

Decisions taken between 5 - 9 December 2011

Ruto, Kosgey and Sang case

Decision on the "Request by the Victims' Representative for authorisation to make a further written submission on the views and concerns of the victims"

Issued by Pre-Trial Chamber II on 9 December 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

Statement of Judge Sang-Hyun Song, President of the International Criminal Court (ICC), on the Occasion of Human Rights Day, 10 December 2011

Español, Русский, عربي, 中文

"The trials of today will deter the crimes of tomorrow"

When the United Nations General Assembly adopted the Universal Declaration of Human Rights on 10 December 1948, it was the first time that the international community articulated in detail fundamental rights and freedoms that belong to all human beings without distinction.

Half a century later, the adoption of the Rome Statute of the International Criminal Court (ICC) in July 1998 represented another groundbreaking development toward a more humane world. The crimes under the ICC's jurisdiction – genocide, crimes against humanity and war crimes – inherently involve violations of the right to life and liberty, as well as subjection to torture and slavery. Frequently, they cause the breakdown of social structures, denying a series of other rights set out in the Universal Declaration, from the right to freedom of expression to the right to an adequate standard of living and education. A child soldier may well be stripped of all these rights!

To date, 120 sovereign states have joined the Rome Statute, and the ICC has become one of the core international institutions for addressing massive violations of human rights. It is a means for thousands of victimized children, women and men to see justice done and, through the possibility of victims' participation and reparations, to lead a better present. Above all, the ICC is an essential building block for a better future – because the trials of today will deter the crimes of tomorrow.

As we mark the Human Rights Day on 10 December, I wish to express my deepest sympathies to all whose fundamental human rights have been breached. Next week, the Assembly of States Parties to the Rome Statute will convene in New York, and I call on the ICC

member states to use the opportunity to reemphasize their full commitment to the ICC and the evolving system of international criminal justice. Only with concrete action both at the local and international level can we get closer to ending impunity for atrocious crimes that cause untold suffering to our fellow citizens of the world.

Source: Presidency

ICC hosts welcome ceremony honouring Maldives as a new State Party

The International Criminal Court (ICC) held a ceremony on 6 December 2011 at the seat of the Court in The Hague to welcome the Republic of Maldives as the 118th State Party to the Rome Statute, the ICC's founding treaty.

During the ceremony, ICC President Sang-Hyun Song presented the Ambassador of Maldives to Belgium and the EU, H.E. Mr Ali Hussain Didi, with a special edition of the Rome Statute, as a symbol of their joint commitment to the rule of law.

ICC President Song stated: "By joining the ICC, Maldives has taken the world one step closer to achieving universal adoption of the Rome Statute. War crimes, crimes against humanity and genocide are crimes of international concern, and it is only together that we can end the terrible suffering that such atrocities continue to cause. I sincerely hope that other South Asian nations will follow your example so that we could soon welcome new States Parties from your region".



ICC President Sang-Hyun Song, in the presence of Ambassador Jorge Lomónaco, presents Ambassador H.E. Ali Hussain Didi with a special edition of the Rome Statute © ICC-CPI

Commending Maldives' decision, the Vice-President of the Assembly of States Parties and Ambassador of Mexico, H.E. Mr Jorge Lomónaco, stated: "Given the important role of Maldives as current Chair of the South Asian Association for Regional Cooperation (SAARC), we hope Maldives' accession to the Rome Statute would also be seen as a call to other States in the region to work for a united regional voice that speaks against impunity and for the protection and promotion of human rights".

Ambassador H.E. Mr Ali Hussain Didi expressed Maldives' commitment to the ICC, saying: "We are indeed resolved to play our full part, as a piece of the mosaic of international justice. We are committed to ensuring our own justice system fully complies with our obligations under the Rome Statute, and we are committed to ensuring that, through our participation in the UN and other bodies, we promote the cause of the ICC and of accountability and justice. That is our promise".

The ceremony was held in the presence of the First Vice-President of the Court, Judge Fatoumata Dembele Diarra, Second Vice-President of the Court, Judge Hans-Peter Kaul, Judge Ekaterina Trendafilova, Judge Daniel Nsereko, Judge Sanji Monageng, Judge Cuno Tarfusser, the Registrar, Ms Silvana Arbia, the Deputy Registrar, Mr Didier Preira and a representative of the Office of the Prosecutor, Mr Phakiso Mochochoko.

Speech of the President of the ICC, Judge Sang-Hyun Song

Speech of the Vice-President of the Assembly of States Parties, the Ambassador of Mexico, H.E. Mr Jorge Lomónaco

Speech of the Ambassador of Maldives to Belgium and the EU, H.E. Mr Ali Hussain Didi

Click here for [photos](#) and [video](#) footage of the events.

Vanuatu becomes the 120th State to join the Rome Statute system

On Friday, 2 December 2011, the Republic of Vanuatu deposited to the United Nations its instrument of accession to the Rome Statute of the International Criminal Court (ICC). The Statute will enter into force for Vanuatu on 1 February 2012, making Vanuatu the 120th State Party to the Rome Statute.

The ICC President, Judge Sang-Hyun Song, warmly welcomed Vanuatu's accession to the Rome Statute, saying, "With this act, Vanuatu strengthens its contribution to the international legal order and acquires additional protection for its territory and population against the gravest crimes known to humanity. I hope Vanuatu's example will encourage other members of the Pacific Island Forum – many of which still remain outside the Rome Statute system – to join the ICC in the near future".

The President of the Assembly of States Parties to the Rome Statute, Ambassador Christian Wenaweser, said: "This accession shows the Pacific Region's commitment to international criminal justice. It is also an important milestone for the Assembly, as the number of States Parties has now reached the number of States that voted in favour of the Rome Statute in 1998".

By acceding to the Rome Statute, Vanuatu has joined the international community's efforts to put an end to impunity for the perpetrators of the most serious crimes that threaten the peace, security and well-being of the world.

Calendar

DECEMBER 2011						
Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
12	13	14	15	16	17	18
			ICC Prosecutor Moreno-Ocampo to report to United Nations Security Council on Darfur, in New York (USA)			
Assembly of States Parties to hold its tenth session in New York (USA)						
19	20	21	22	23	24	25
ICC President Song to give keynote address at the event <i>Plan of Action: universality of the Rome Statute and implementing legislation in New York (USA)</i>						
Assembly of States Parties to hold its tenth session in New York (USA)						
Judicial recess						
26	27	28	29	30	31	
Judicial recess						
January 2012						
Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
						1
2	3	4	5	6	7	8
Judicial recess						
Please note that there will be no hearings during the ICC’s Judicial Recess from Friday, 16 December 2011 (17:30) until Monday, 9 January 2012 (09:00)						

The calendar is subject to last minute changes.