

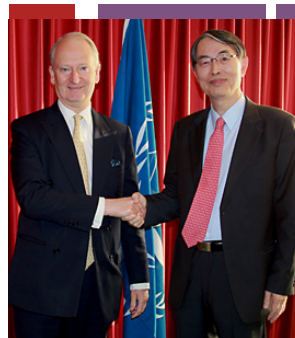


**Cour
Pénale
Internationale**

**International
Criminal
Court**

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21 November 2011 #104 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.

President of the Assembly of States Parties welcomes arrest of Saif Al-Islam Gaddafi

19.11.2011

Speaking in New York, the President of the Assembly of States Parties to the Rome Statute of the International Criminal Court, Ambassador Christian Wenaweser, welcomed the arrest of Saif Al-Islam Gaddafi, against whom warrant of arrest was issued by the Court in connection with the Libya situation.

“By arresting Saif Al-Islam Gaddafi the Libyan authorities have taken a major step towards ensuring accountability and due process rights and towards fulfilling their obligations under international law”, said the President. He also commended Libyan authorities for their cooperation with the Court to date, rendered even in the face of difficult conditions on the ground.

The President further stressed that “I look forward to the continued cooperation of the Libyan authorities with the International Criminal Court, pursuant to their obligation under Security Council resolution 1970”. He added that, under the Rome Statute, Libya retained primary jurisdiction over all crimes committed on its territory. At the same time, since an ICC investigation had been opened, procedures contained in the Rome Statute needed to be followed. “It must be ensured that Saif Al-Islam is tried in a court of law and in accordance with international standards. Should the Libyan authorities wish to try him in Libya, they can make the case before the Court that their national judicial system is willing and able to do so in an independent and impartial manner”.

The President was also heartened by reports that the forces that had captured Mr Gaddafi intended to treat him as a prisoner of war. He noted that international law generally and the Rome Statute specifically imposed an obligation to treat Mr Gaddafi according to established international standards.

Source: Assembly of States Parties

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.

Decisions taken between 14 - 18 November 2011

Lubanga Dyilo Case

Order authorising the submission of observations

Issued Trial Chamber I on 15 November 2011

Situation in the Central African Republic

The situation was referred to the Court by the Government of the Central African Republic in December 2004. The Prosecutor opened an investigation in May 2007. 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 Trial Chamber III. The trial started on 22 November 2010.

Decisions taken between 14 - 18 November 2011

Bemba Case

Public Redacted Version of the Chamber's 11 November 2011 Decision regarding the prosecution's witness schedule

Issued Trial Chamber III on 15 November 2011

Public Redacted Version of the Chamber's 10 November 2011 Order granting leave to reply

Issued Trial Chamber III on 15 November 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, 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 14 - 18 November 2011

Banda and Jerbo Case

Decision on the Presiding Judge of the Appeals Chamber in the appeal of the Prosecutor against the "Reasons for the Order on translation of witness statements (ICC-02/05-03/09-199) and additional instructions on translation" of Trial Chamber IV

Issued the Appeals Chamber on 14 November 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 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 14 - 18 November 2011

Muthaura, Kenyatta and Ali case

Decision on the "Application by the Defence of Ambassador Francis K. Muthaura in Relation to Public Statement of the Prosecutor"

Issued by Pre-Trial Chamber II on 16 November 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

UN Assistant Secretary-General for Legal Affairs visits the ICC



ICC President Sang-Hyun Song and D. Stephen Mathias, Assistant Secretary-General for Legal Affairs, United Nations, at the seat of the Court in The Hague © ICC-CPI

On 17 and 18 November 2011, D. Stephen Mathias, Assistant Secretary-General for Legal Affairs, United Nations, visited the International Criminal Court (ICC) and held meetings with the ICC President, Judge Sang-Hyun Song, the Prosecutor, Mr Luis Moreno-Ocampo, and the Registrar, Ms Silvana Arbia.

President Song and Mr Mathias discussed a range of matters concerning the relationship and ongoing cooperation of the ICC and the United Nations, including the role of the UN in supporting the capacity building of national jurisdictions to address Rome Statute crimes.

ICC hosts international study visit

On 17 November 2011, the ICC hosted a study visit by an international group of legal professionals in T.M.C. Asser Institute's Open Course on International Law. The Open Course was organised by The Hague Forum on Judicial Expertise (HFJE). Participants included High Court Judges and other legal officers from Zambia, a Senior State Attorney from Uganda, and a legal officer from the Ministry of Justice of Nigeria, among others.



ICC Judge Kuenyehia (third from right) with delegation of legal professionals from T.M.C. Asser Institute's Open Course on International Law © ICC-CPI

UK Foreign Office Minister, Mr Henry Bellingham MP, visits the ICC



UK Foreign Office Minister, Mr Henry Bellingham MP and the ICC President, Judge Sang-Hyun Song, at the seat of the Court in The Hague © ICC-CPI

On 16 November 2011, the United Kingdom's Minister responsible for the International Criminal Court, Africa and overseas territories Mr Henry Bellingham MP, Parliamentary Under Secretary of State at the Foreign and Commonwealth Office, visited the International Criminal Court (ICC), to hold official meetings with the ICC President, Judge Sang-Hyun Song, and the ICC Registrar, Ms Silvana Arbia.

President Song conveyed the Court's gratitude for the United Kingdom's longstanding support, including the substantial donations the country has recently made to the ICC's Trust Fund for Victims and the Trust Fund for Witness Relocation.

Minister Bellingham expressed his appreciation with the impressive progress that the ICC has made in 2011 and assured President Song of the United Kingdom's unequivocal, continued commitment to the Court and its future work and development.

The Minister's visit to the ICC highlights the United Kingdom's support for the Court's fight against impunity of the perpetrators of the most serious crimes that affect the international community as a whole.

ICC President calls for more synergies between international justice and development



ICC President, Judge Sang-Hyun Song, delivers the keynote speech at the opening of the 2011 Law, Justice and Development Week, organized by the World Bank Group in Washington D.C., USA © Salwa Mohammed Saleh/World Bank

On 14 November 2011, the President of the International Criminal Court (ICC), Judge Sang-Hyun Song, gave the keynote speech at the opening of the 2011 Law, Justice and Development Week, organized by the World Bank Group in Washington D.C., the United States. Maintaining that the emerging system of international criminal justice is an essential building block for the stability, security and prosperity of the world, he called for the creation of more synergies between the spheres of international justice and development.

President Song praised the 2011 World Development Report for emphasizing the devastating effect of conflicts and large-scale violence on development, and cited the Report's finding that the average cost of civil war is equivalent to more than 30 years of GDP growth for a medium-size developing economy.

"Any efforts to help a society regain health, wealth and capacity to profit from its own resources must include accountability for past atrocities and strengthening of the rule of law", the ICC President stated. "Where impunity is allowed to reign, it leaves a desire for vengeance among populations who have been victims of massive crimes, and provides fertile ground for the recurrence of conflicts".

In his speech, President Song highlighted the innovative features of the Rome Statute of the ICC to empower victims through its provisions for victim participation and reparation, and the creation of a Trust Fund for Victims. "In responding to the particular needs of victimized individuals and communities in their quest for dignity, hope and sustainable livelihoods, the Trust Fund for Victims complements other humanitarian or developmental initiatives", he stated. "As such, the Trust Fund is becoming an increasingly visible presence on the nexus between justice and development".

Underlining the synergies between general justice reforms and more specific capacity building efforts for addressing atrocity crimes, President Song appealed to development agencies to support the empowerment of national jurisdictions to prosecute and prevent war crimes, crimes against humanity and genocide.

"Lasting peace and prosperity in post-conflict societies can only be achieved if development challenges and justice enforcement are addressed in a coordinated manner and I salute the World Development Report for pointing us in that direction", the ICC President stated.

Keynote address by President Song at Law, Justice and Development Week 2011, World Bank

The ICC Registrar addresses journalists and lawyers in Milan



ICC Registrar opening seminar for young journalists in Milan, Italy

On 14 November 2011, the Registrar of the International Criminal Court (ICC), Silvana Arbia, participated in the opening of a seminar in Milan (Italy) organised and sponsored by the Ordine dei Giornalisti della Lombardia (Lombardy's order of journalists) on the ICC and in the round table that followed under the title "The Criminal Court and International Justice – efficiency, limits, guarantees".

Ms Arbia highlighted the crucial role of the media and journalists in providing the general public with correct information on the ICC and in ensuring that this institution benefits from broad and continuous support. She also stressed the importance of the ICC as a modern international institution, declaring that "the ICC sets the necessary standards for States in a world of globalised ideals and challenges regarding peace, justice and accountability".

During her visit to Milan, the ICC Registrar is also opening a two-day training session for young journalists, giving a lecture at the University to students and researchers in international law and addressing lawyers during a conference organised by the Bar Association of Milan.

Interacting with communities

Closing of the ICC training session for police officers in Kinshasa, DRC

On 17 November 2011, the Minister of Justice and Human Rights, Mr Luzolo Bambi Lessa, announced the completion of the ICC training session for **police officers of the National Congolese Police**. The closing ceremony was attended by the Deputy Commissioner General of the National Congolese Police, Mr Benjamin Alongabony, and the Coordinator of the Outreach Unit in the Democratic Republic of the Congo (DRC), Ms Daphne Anayiotos. Since 26 September 2011, five training sessions have been held for over 250 participants.

Calendar

| NOVEMBER 2011 | | | | | | |
|---|---------|-----------|----------|--------|----------|--------|
| Monday | Tuesday | Wednesday | Thursday | Friday | Saturday | Sunday |
| 21 | 22 | 23 | 24 | 25 | 26 | 27 |
| 28 | 29 | 30 | | | | |
| DECEMBER 2011 | | | | | | |
| Monday | Tuesday | Wednesday | Thursday | Friday | Saturday | Sunday |
| | | | 1 | 2 | 3 | 4 |
| 5 ICC to host visit by the President of the International Bar Association | 6 | 7 | 8 | 9 | 10 | 11 |
| 12 Opening of the 10th session of the ASP | 13 | 14 | 15 | 16 | 17 | 18 |

The calendar is subject to last minute changes.

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