



**Cour
Pénale
Internationale**

**International
Criminal
Court**

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ICC Weekly Update

26 April 2010 #31



Situation in Darfur, Sudan

In the situation in Darfur, Sudan, three cases are being heard: *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*; and *The Prosecutor v. Bahar Idriss Abu Garda*. Three warrants of arrest have been issued by Pre-Trial Chamber I for Harun, Kushayb and Al Bashir for crimes against humanity and war crimes. The three suspects remain at large. A summons to appear was issued for Abu Garda who appeared voluntarily before the Chamber on 18 May 2009. Abu Garda is not in the custody of the ICC. After the hearing of confirmation of charges, on 8 February, 2010, Pre-Trial Chamber I declined to confirm the charges.

Abu Garda Case

Pre-Trial Chamber I rejects the Prosecutor's application to appeal the decision declining to confirm the charges in the Abu Garda case

On 23 April, 2010, Pre-Trial Chamber I of the International Criminal Court issued a decision rejecting the Prosecutor's application to appeal the decision declining to confirm the charges in the case of *The Prosecutor v. Bahar Idriss Abu Garda*.

According to the Rome Statute, an appeal on a decision on the confirmation of charges cannot be made directly to the Appeals Chamber. It can only be made once leave of the Chamber has been granted. Pre-Trial Chamber I finds that the arguments raised by the Prosecution in its application for leave to appeal do not meet the requirements for an appeal (article 82(1)(d) of the Rome Statute). The Pre-Trial Chamber also recalls it has exercised its discretionary powers to freely assess the evidence submitted by the Prosecution for the purposes of the confirmation of charges.

In its decision of the 8 February, 2010, the Chamber had declined to confirm the charges against Bahar Idriss Abu Garda, as it was not satisfied that there was sufficient evidence to establish substantial grounds to believe that Bahar Idriss Abu Garda could be held criminally responsible either as a direct or as an indirect co-perpetrator for the commission of the crimes with which he was charged by the Prosecution. Abu Garda was charged with three war crimes, namely violence to life, intentionally directing attacks against personnel, installations, material, units and vehicles involved in a peacekeeping mission; and pillaging, allegedly committed during an attack carried out on 29 September, 2007, against the African Union Mission in Sudan ("AMIS"), a peace-keeping mission stationed at the Haskanita Military Group Site ("MGS Haskanita"), in the locality of Umm Kadada, North Darfur.

The decision does not preclude the Prosecution from subsequently requesting the confirmation of the charges against Abu Garda if such request is supported by additional evidence.

Decision on the "Prosecution's Application for Leave to Appeal the 'Decision on the Confirmation of Charges'"

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.

Decisions taken between 19 - 23 April, 2010

Katanga and Ngudjolo Chui case

Decision on the "Defence Application for Leave to Appeal the Trial Chamber's Décision relative aux modalités de participation des victimes au stade des débats sur le fond"

Issued by Trial Chamber II on 19 April, 2010

Decision on the "Defence Application for Leave to Appeal the Decision on the Prosecution request for the addition of witness P-219 to the Prosecution List of Incriminating Witnesses and the disclosure of related incriminating material to the Defence"

Issued by Trial Chamber II on 20 April, 2010

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](#).

Events

Interacting with communities

The Outreach Unit continues to hold meetings with women in Kinshasa on crimes of sexual violence



The meeting with women's groups in Kinshasa, April 2010 ©ICC-CPI

On 16 April 2010, the Outreach Unit met with representatives of women's groups. The Outreach team informed the women about the organisation and functioning of the Court and the protection of women against crimes of sexual violence under the Rome Statute. The Outreach team explained how rape, sexual slavery, forced prostitution, forced pregnancy and forced sterilisation can constitute crimes against humanity and war crimes, and how rape can also constitute an element of genocide.

ICC met with legal practitioners in Kampala

The ICC Field Outreach Unit concluded last week a one-day workshop with members of the Ugandan legal community at the Grand Imperial Hotel, Kampala. The workshop was organised in partnership with the Uganda Law Society and brought together fifty lawyers currently practising at the Ugandan national courts.

The objective of the workshop was to provide lawyers with updates about the activities of the International Criminal Court (ICC), as well as stimulate their interest to enlist in the List of Counsel to enable them practice at the ICC. The need for Ugandan counsel, and particularly of female counsel, to enlist in the ICC List of Counsel was identified with the realisation that there are few Ugandan lawyers to have expressed interest in this area.

The workshop was also aimed at encouraging lawyers with extensive academic and/or professional expertise in an area of work relevant to or related to the Court to participate on the Court's Visiting Professional Programme.

Opening the workshop, Honourable Justice Elizabeth Ibanda Nahamya, judge of the Special War Crimes Division of the High Court of

Uganda, emphasised the need for Ugandan lawyers to acquire international experience and expertise by practicing at the ICC in order to gain relevant experience and expertise.

The main topics of discussion included an overview of the activities of the ICC, victim participation and reparation processes, the activities of the Trust Fund for Victims and the Review Conference of the Rome Statute. Many of the questions centred on the requirements for counsel to practice at the ICC, victims' participation and reparation, the co-operation of States Parties and the independence of the ICC.

A former president of the Uganda Law Society, Mr Rubemba Nkunzingoma Deo, thanked the ICC for bringing the Court to members of the legal fraternity, and urged lawyers to take advantage of the call for them to practice at the ICC.



Members of the ICC Field Outreach Unit and the legal community in Kampala, Uganda, during the workshop ©ICC-CPI

Calendar

APRIL 2010						
Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
26 18 th Diplomatic Briefing at the ICC, The Hague	27	28	29	30		
MAY 2010						
Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
					01	02
03	04	05	06	07	08	09
10	11	12	13	14	15	16
17	18	19	20	21	22	23
Future events: 31 May – 11 June: First Review Conference of the Rome Statute, Kampala, Uganda. 5 July: Trial of Jean-Pierre Bemba Gombo is scheduled to start.						

The calendar is subject to last minute changes.