



ICC Weekly Update

3 May 2010 #32



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 26 - 30 April, 2010

Lubanga case

Decision on the “Requête de la Défense sollicitant l’autorisation d’interjeter appel de la décision orale du 4 mars 2010 autorisant l’utilisation et le dépôt en preuve de trois photographies”

Issued by Trial Chamber I on 29 April, 2010

Katanga and Ngudjolo Chui case

Decision on the “Protocole régissant les enquêtes concernant les témoins bénéficiant de mesures de protection”

Issued by Trial Chamber II on 26 April, 2010

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.

Decisions taken between 26 - 30 April, 2010

Harun and Kushayb case

Decision “Setting a Time Limit for the Parties’ Replies to 6 Applications for Victims’ Participation in the Proceedings”

Issued by Pre-Trial Chamber I on 26 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](#).

Eighteenth diplomatic briefing of the International Criminal Court

The first of this year's bi-annual diplomatic briefings of the International Criminal Court took place on 26 April, at the seat of the Court, in The Hague. These meetings are regularly organised by the ICC to keep the diplomatic community informed about judicial and other Court related developments.

"The Court's activity centres on its courtrooms, but the Court must also ensure that the proceedings are understood, maintain communication with States whose co-operation is essential to its operations, and engage with States considering adoption of the Rome Statute" said the ICC President, Judge Sang-Hyun Song.

President Song, who opened the session with an account of recent judicial updates, focused on the main aspects of the forthcoming Review Conference of the Rome Statute which will take place in Kampala, Uganda, between 31 May and 11 June. He also reminded those present that the Court will not be involved in the Conference's discussions about legal amendments to the Statute, but that it will actively participate in the stock-taking exercise which is part of the Review Conference programme.

The Prosecutor, Luis Moreno-Ocampo, underlined the importance of the Kampala appointment as an opportunity for States to demonstrate their support and strengthen the international criminal justice system implemented by the Rome Statute and briefed diplomats about the issues that the stock-taking exercise will focus on.

The Registrar of the Court, Silvana Arbia, addressed the diplomatic community explaining recent developments under the competence of the Registry: the budget process, the implications of the new situation in Kenya, and on field and outreach activities, amongst others.

Finally, Renan Villacis, Director of the Secretariat of the Assembly of the States Parties, gave an account of recent ratifications, Assembly related developments and further details about the Review Conference.

The next ICC diplomatic briefing will take place in Brussels later in the year at the end of August.

ICC President addresses European Parliament Sub-Committee on Human Rights

On 27 April, 2010, the President of the International Criminal Court (ICC), Judge Sang-Hyun Song, visited Brussels, Belgium in order to address the European Parliament Sub-Committee on Human Rights and to answer questions from the Members of the European Parliament in attendance.

At the meeting, the ICC President provided an update on the recent work of the Court and outlined the important aspects of the Review Conference, which will be held in Kampala, Uganda between 31 May and 11 June, 2010.

The ICC President expressed his appreciation for the substantial co-operation of the European Union (EU) with the ICC as well as the support of the European Parliament in particular and discussed the continued co-operation between the ICC and EU in the context of items that will be elaborated upon at the Review Conference.

"[T]he EU has demonstrated a remarkable willingness to consider and adapt to ICC issues. Over time, it has tailored its support to the Court's evolving needs," said President Song. At Kampala, the European Union and its Member States will have a new opportunity to pledge improvements in co-operation that will make the ICC more efficient and increase its deterrent effect."

All 27 members of the EU are States Parties to the ICC, and the ICC and the EU concluded a co-operation and assistance agreement in 2006.

Jose Alvarez, leading international law scholar, is appointed Special Adviser to the Office of the Prosecutor of the International Criminal Court



ICC Prosecutor Luis Moreno-Ocampo and OTP Special Adviser on International Law, Professor Jose Alvarez ©ICC-CPI

ICC Prosecutor Luis Moreno-Ocampo announced on 28 April, 2010, the appointment of Professor Jose Alvarez as his Office's Special Adviser on International Law. "Professor Alvarez is one of the leading academics in international law," said Prosecutor Moreno-Ocampo. "He has written extensively on the law-making powers of international organisations and on the ad hoc international war crimes tribunals for the former Yugoslavia and Rwanda."

As Special Adviser to the Office of the Prosecutor (OTP), Professor Alvarez will focus on any public international law questions that arise in the course of the Prosecutor's duties. This may include, for example, the relationship between the Security Council and the International Criminal Court.

Professor Alvarez's appointment continues the Office's tradition of securing advice from recognised international law experts. The OTP's Advisory Council currently includes Professor Catharine A. MacKinnon of the University of Michigan Law School, who was appointed Special Adviser on Gender Crimes in November, 2008; Professor Juan Méndez of the American University Washington College of Law, who since June, 2009 has been Special Adviser on Crime Prevention; and Professor Tim McCormack of the Melbourne Law School whom in March, 2010 was appointed as Special Adviser on International Humanitarian Law. Additionally in November, 2009, Benjamin Ferencz was appointed Special Counsel to the Office of the Prosecutor and honorary member of the OTP's advisory council. The Rome Statute mandates the Prosecutor to appoint advisers with legal expertise on specific issues, and they work on a pro bono basis.

About Jose Alvarez: Last year, Alvarez joined the NYU Law faculty as the Herbert and Rose Rubin Professor of International Law. He previously taught at the law schools of Columbia University, the University of Michigan, and George Washington University. Alvarez is a member of the Council of Foreign Relations, and from 2006 to 2008, he was president of the American Society of International Law. He has served on the National Advisory Committee of the UN Financing Global Policy Project, and on the editorial or advisory boards of the American Journal of International Law, Journal of International Criminal Justice, Global Governance, and the Journal of International Law and International Relations. From 1983 to 1988, Alvarez was an attorney-adviser in the U.S. Department of State's Office of the Legal Adviser. He received his undergraduate and law degrees from Harvard University, and a degree in jurisprudence from Oxford University's Magdalen College.

Source: Office of the Prosecutor

ICC Registrar meets with Palestinian National Authority delegation

The Registrar of the International Criminal Court (ICC), Ms Silvana Arbia, received a Palestinian delegation on 29 April, 2010, led by H.E. Mr Issa Qaraqe', Minister of Detainees and ex-Detainees Affairs of the Palestinian National Authority.

The Registrar of the Court welcomed the delegation's visit as a sign of the growing importance that international law, and in particular international criminal law, is gaining in the Middle Eastern region as a necessary element for any sustainable long-term conflict settlement.

During the meeting the ICC Registrar explained the rights of detainees at the International Criminal Court including *inter alia* the right to a public, fair and impartial hearing of their case, to receive medical care and to have access to facilities at their disposal for the preparation of their defence. ICC detainees also may be visited by their families several times a year and, in the case of detainees declared indigent, at the Court's expense, to the extent possible.

Ms Arbia also emphasised the commitment of the Court to ensure its detention centre meets the highest international standards for the treatment of detainees and to encourage all States Parties, in accordance with the complementarity between national and international judicial systems, to respect these standards.

Interacting with communities

Central African Republic: media professionals attend the broadcast of a hearing in the Bemba case at the International Criminal Court

On 27 April, 2010, the Outreach Unit of the International Criminal Court (ICC) invited Central African Republic (CAR) media professionals to attend a broadcast of a status conference on the challenge to admissibility raised by Mr Bemba's Defence teams in February. The broadcast of this public hearing in the case of *The Prosecutor v. Jean-Pierre Bemba Gombo* brought together around twenty media professionals at the ICC's field office in Bangui.

Journalists from the press and radio were able to follow the entire hearing closely, broadcast from the seat of the Court in The Hague, The Netherlands. The broadcast took place with a thirty-minute delay, via the ICC's website. The numerous journalists who turned out for the occasion were first able to listen to the oral presentations given by the Central African authorities who had been invited to participate in the proceedings in order to give their observations on the challenge to admissibility. The floor was then given to the Office of the Prosecutor, followed by the Legal Representatives of the Victims, and finally Mr Bemba's Defence team.

The CAR media professionals were able to see that the hearing was being conducted fairly before the judges of the ICC. The journalists said that they were happy with the facilities provided by the ICC's field office in Bangui to enable them to follow the judicial proceedings in the Jean-Pierre Bemba Gombo case. The presence of journalists at this broadcast meant that the hearing was reported to a wide audience in the CAR, by both the press and radio.



CAR journalists listening to Ms Douzima-Lawson's intervention at the hearing of 27 April, 2010 in the Bemba case, ICC Bangui field office. ©ICC-CPI

MAY 2010						
Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
03	04	05	06	07	08	09
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
JUNE 2010						
Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
31	1	2	3	4	5	6
First Review Conference of the Rome Statute, Kampala, Uganda.						
7	8	9	10	11	12	13
First Review Conference of the Rome Statute, Kampala, Uganda.						
Future events:						
5 July: Trial of Jean-Pierre Bemba Gombo is scheduled to start.						

The calendar is subject to last minute changes.