



Cour
Pénale
Internationale

International
Criminal
Court

ICC-PIDS-WU-118/12_Eng

5 March 2012 #118 ICC Weekly Update

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 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. On 16 December 2011, Pre-Trial Chamber I declined to confirm the charges against Mr Mbarushimana. He was released on 23 December 2011.

The decision on the innocence or guilt of Thomas Lubanga Dyilo will be delivered on 14 March by ICC Judges

Trial Chamber I of the International Criminal Court (ICC) will deliver its decision on the innocence or guilt of Thomas Lubanga Dyilo (in accordance with article 74 of the Rome Statute) in a public hearing on 14 March 2012 at 10.00 a.m. (The Hague local time). Practical information on how to attend such session will be announced in a separate media advisory at a later stage.

The trial against Mr Lubanga Dyilo is the first trial before the ICC. It started on 26 January 2009 and the closing statements were presented by the parties and participants on 25 and 26 August 2011. In accordance with the Rome Statute, in order to convict the accused, the Chamber must be convinced of the guilt of the accused beyond reasonable doubt. In the event of a conviction, the Chamber will later consider the appropriate sentence to be imposed. Irrespective of whether the accused is acquitted or convicted, the Court is required to establish the principles to be applied in relation to reparations, and it may make orders as regards awards of reparations to victims.

At present, 14 cases have been brought before the Court of which 4 are at the trial stage. In total 7 situations are currently under investigation in Uganda, the Democratic Republic of the Congo, the Central African Republic, Darfur (Sudan), Kenya, Libya and Côte d'Ivoire.

Background information

Thomas Lubanga Dyilo, a national of the Democratic Republic of the Congo, is accused of having committed, as a co-perpetrator, the war crimes of enlisting and conscripting children under the age of 15 years into the *Forces patriotiques pour la libération du Congo* (Patriotic Forces for the Liberation of the Congo) (FPLC), and using them to participate actively in hostilities in Ituri, a district of the eastern province of the Democratic Republic of the Congo, between September 2002 and August 2003. Following his surrender to the Court, he was transferred to The Hague on 17 March 2006, pursuant to a warrant of arrest issued by Pre-Trial Chamber I.

Over the course of 204 days of hearings, the Chamber, comprising Judge Adrian Fulford (presiding judge), Judge Elizabeth Odio Benito and Judge René Blattmann, heard 36 witnesses called by the Office of the Prosecutor, including 3 experts, 24 witnesses called by the Defence and 3 witnesses called by the legal representatives of the victims participating in the proceedings. The Chamber also called 4 experts to testify.

A total of 129 victims, represented by two teams of legal representatives and the Office of Public Counsel for Victims, were granted the right to participate in the trial. They have been authorised to present submissions and to examine witnesses on specific issues.

For further information, please click [here](#).

Decisions taken between 27 February - 2 March 2012

Lubanga Dyilo Case

Order scheduling the delivery of the Decision pursuant to Article 74 of the Rome Statute

Issued by Trial Chamber I on 29 February 2012

Katanga and Ngudjolo Chui Case

Decision on the Urgent Request for Convening a Status Conference on the Detention of Witnesses DRC-D02-P-0236, DRC-D02-P-0228, and DRC-D02-P-0350

Issued by Trial Chamber II on 1 March 2012

Décision relative aux modalités de présentation des éventuelles observations des parties et des participants sur le jugement prononcé dans l'affaire Lubanga

Issued by Trial Chamber II on 2 March 2012

Mbarushimana Case

Decision on the "Prosecution's Application for Leave to Appeal the 'Decision on the confirmation of charges'"

Issued by Pre-Trial Chamber I on 1 March 2012

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.

The ICC issues a warrant of arrest for the Sudanese Minister Abdel Raheem Muhammad Hussein

On 1 March 2012, Pre-Trial Chamber I of the International Criminal Court (ICC) issued a warrant of arrest against Mr Abdel Raheem Muhammad Hussein ("Hussein") for 41 counts of crimes against humanity and war crimes allegedly committed in the context of the situation in Darfur (Sudan). Mr Hussein is currently Minister of National Defence of the Sudanese Government and former Minister of the Interior and former Sudanese President's Special Representative in Darfur.

The Chamber considers that there are reasonable grounds to believe that Mr Hussein is criminally responsible for 20 counts of crimes against humanity (persecution, murder, forcible transfer, rape, inhumane acts, imprisonment or severe deprivation of liberty and torture) and 21 counts of war crimes (murder, attacks against civilian population, destruction of property, rape, pillaging and outrage upon personal dignity). These crimes were allegedly committed against the primarily Fur populations of the towns of Kodoom, Bindisi, Mukjar, Arawala and surrounding areas by the Sudanese armed forces and the Militia/*Janjaweed* in the context of a counter-insurgency campaign against the Sudanese Liberation Movement/Army (SLM/A), the Justice and Equality Movement (JEM) and other groups opposing the Government. The plan of the counter-insurgency campaign was allegedly formulated at the highest levels of the Government of the Republic of the Sudan and had allegedly as a core component an unlawful attack on that part of the civilian population perceived by the Government as being close to the rebel groups.

The Chamber considers that in his role as Minister of the Interior and Special Representative of the President in Darfur and as an influential member of the Government of the Republic of the Sudan, Mr Hussein made essential contributions to the formulation and implementation of the common plan, inter alia, through his overall coordination of national, state and local security entities and through the recruitment, arming and funding of the police forces and the Militia/*Janjaweed* in Darfur. Furthermore the Chamber considers that his arrest appears to be necessary to ensure his appearance at trial and to ensure that he will not obstruct or endanger the investigations.

The situation in Darfur was referred to the ICC by United Nations Security Council resolution 1593 on 31 March 2005, under article 13(b) of the Rome Statute.

Case Information Sheet

Decisions taken between 27 February - 2 March 2012

Hussein Case

Public redacted version of "Decision on the Prosecutor's application under article 58 relating to Abdel Raheem Muhammad Hussein"

Issued by Pre-Trial Chamber I on 01 March 2012

Warrant of Arrest for Abdel Raheem Muhammad Hussein

Issued by Pre-Trial Chamber I on 01 March 2012

Banda and Jerbo Case

Public Redacted Decision on the prosecution's request for non-disclosure or redactions of material relating to Witnesses 304,305,306 and 312

Issued by Trial Chamber IV on 28 February 2012

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 27 February - 2 March 2012

Bemba Case

Order on the scheduling of Witness 36's testimony

Issued by Trial Chamber III on 27 February 2012

Scheduling Order for the judgment on the appeal of Mr Jean-Pierre Bemba Gombo against the decision of Trial Chamber III of 6 January 2012 entitled "Decision on the defence's 28 December 2011 'Requête de Mise en liberté provisoire de M. Jean Pierre Bemba Gombo'"

Issued by the Appeals Chamber on 29 February 2012

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. On 23 January 2012, the Judges declined to confirm the charges against Mr Kosgey and Mr Ali. Pre-Trial Chamber II confirmed the charges against Mr Ruto, Mr Sang, Mr Muthaura and Mr Kenyatta and committed them to trial.

Decisions taken between 27 February - 2 March 2012

Ruto, Kosgey and Sang case

Decision on the requests of Mr Ruto and Mr Sang for suspensive effect

Issued by the Appeals Chamber on 29 February 2012

Muthaura, Kenyatta and Ali case

Decision on the request of Mr Kenyatta and Mr Muthaura for suspensive effect

Issued by the Appeals Chamber on 29 February 2012

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 Gbagbo*, the only case currently heard before the Court in this situation, is scheduled to start on 18 June 2012.

Decisions taken between 27 February - 2 March 2012

Gbagbo Case

Decision inviting observations from the parties in relation to the victims' application process

Issued by Pre-Trial Chamber III on 02 March 2012

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**

Statement by the Registrar

Passing of Mr Nkwebe Liriss, Lead Counsel of Jean-Pierre Bemba

It is with great sadness that the International Criminal Court (ICC) informs you of the passing of Mr Nkwebe Liriss, Lead Counsel of Jean-Pierre Bemba Gombo's Defence team. He passed away in Kinshasa (Democratic Republic of the Congo) on 26 February 2012, after a long illness.

"Mr Nkwebe Liriss's death is an enormous loss to the Court. His sharp legal acumen and dedication made him a highly accomplished jurist. While missing his contributions, the ICC Registry will continue to offer all necessary support to the team that he was leading in order to guarantee a high-level legal representation of Mr Bemba," said Silvana Arbia, Registrar of the ICC.

Mr Liriss was a National of the Democratic Republic of Congo, and was appointed by Mr Bemba to lead the Defence team since 30 July 2008.

Messages of condolence can be sent to his family and colleagues, on the following email: css@icc-cpi.int.

Events

The Minister of Justice of Bulgaria visits the ICC

On 27 and 28 February 2012, the Minister of Justice of Bulgaria, H.E. Diana Kovatcheva, and the Prosecutor-General of Bulgaria, Mr Boris Velchev, visited the ICC and held meetings with several Court officials, including the ICC President, the Deputy Prosecutor, the Registrar, and Judge Trendafilova.

ICC President Judge Sang-Hyun Song thanked the Minister of Justice and the Prosecutor-General for Bulgaria's longstanding commitment to the ICC and updated them on the Court's current activities. The Bulgarian officials expressed their appreciation of Court's achievements in its first 10 years and the important role it plays today. The ICC representatives and the Bulgarian officials exchanged views on the challenges for the future development of international justice and discussed possibilities for further increasing cooperation in support of the Court's activities.



The ICC President, Judge Sang-Hyun Song, and the Minister of Justice of Bulgaria, H.E. Diana Kovatcheva, at the seat of the Court in The Hague © ICC-CPI

Calendar

MARCH 2012						
Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
5	6	7	8	9	10	11
				Solemn Undertaking Ceremony for the newly elected ICC Judges		
12	13	14	15	16	17	18
		ICC Trial Chamber I to deliver its decision on the innocence or guilt of Thomas Lubanga Dyilo				
19	20	21	22	23	24	25
- From 15 May 2012: Closing Statements in the case against Germain Katanga and Mathieu Ngudjolo Chui - From 18 June 2012: Confirmation of charges hearing in the case against Laurent Gbagbo						

The calendar is subject to last minute changes.