



2 November 2010 #53 ICC Weekly Update



Situation in Darfur, Sudan

In the situation in Darfur, Sudan, four 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*; *The Prosecutor v. Bahar Idriss Abu Garda*; and *The Prosecutor v. Abdallah Banda Abakaer Nourain* (Banda) and *Saleh Mohammed Jerbo Jamus* (Jerbo). Four warrants of arrest have been issued by Pre-Trial Chamber I for Harun, Kushayb and Al Bashir. 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. 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 is scheduled for 8 December, 2010.

Pre-Trial Chamber I requests observations from Kenya on the enforcement of warrants of arrest against Omar Al Bashir

On 25 October, Pre-Trial Chamber I of the International Criminal Court (ICC) requested the Republic of Kenya to inform the Chamber, no later than 29 October, about any problem which would impede or prevent the arrest and surrender of Omar Al Bashir in the event that he visits the country on 30 October, 2010.

The Chamber, being seized on a notification of the Prosecutor informing the Judges of the possibility that Omar Al Bashir might travel to Kenya for an Inter-governmental Authority for Development (IGAD) summit on 30 October, renewed its request to the Republic of Kenya to take any necessary measure to ensure that the President of Sudan, Omar Al Bashir, in the event that he travels to Kenya, be arrested and surrendered to the Court in accordance with its obligations as a State Party to the Rome Statute since 1 June, 2005.



Omar Al Bashir ©UN Photo / Stuart Price

On 27 August, Pre-Trial Chamber I had issued two decisions informing the Security Council of the United Nations and the Assembly of States Parties to the Rome Statute about Omar Al Bashir's visits to the Republic of Kenya and the Republic of Chad, "in order for them to take any measure they may deem appropriate".

On 4 March, 2009, Pre-Trial Chamber I issued a first warrant of arrest against Mr Al Bashir, considering that there are reasonable grounds to believe that the suspect is criminally responsible for five counts of crimes against humanity and two counts of war crimes. A second warrant of arrest was issued against Mr Al Bashir on 12 July, 2010, for three counts of genocide.

Decisions taken between 25 - 29 October, 2010

Al Bashir case

Decision requesting observations from the Republic of Kenya

Issued by Pre-Trial Chamber I on 25 October, 2010

Banda and Jerbo case

Second decision setting a deadline for the submission of the suspects' written request to waive their right to attend the confirmation hearing

Issued by Pre-Trial Chamber I on 27 October, 2010

Decision on Victims' Participation at the Hearing on the Confirmation of the Charges

Issued by Pre-Trial Chamber I on 29 October, 2010

Situation in Darfur

Decision on the designation of a Single Judge of Pre-Trial Chamber I

Issued by Pre-Trial Chamber I on 25 October, 2010

Situation in the Central African Republic

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 a Trial Chamber. The trial, initially scheduled to start on 14 July, 2010, is now scheduled to start on 22 November, 2010.

Decisions taken between 25 - 29 October, 2010

Bemba case

Order to consult with the authorities of the Central African Republic

Issued by the Appeals Chamber on 25 October, 2010

Decision on the defence request for leave to appeal the "Decision on the defence application to obtain a ruling to correct the revised Second Amended Document containing the Charges"

Issued by Trial Chamber III on 28 October, 2010

Situation in the Democratic Republic of the Congo

In this situation, four cases are being heard 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 Callixte Mbarushimana was arrested on 11 October, 2010, in France. He is currently in the custody of the French authorities, pending their consideration of the ICC Registrar's request for the surrender of the suspect. 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 25 - 29 October, 2010

Situation in the DRC

Decision on the request of the legal representative of victims VPRS 3 and VPRS 6 to review an alleged decision of the Prosecutor not to proceed

Issued by Pre-Trial Chamber I on 25 October, 2010

Decision on the designation of a Single Judge of Pre-Trial Chamber I

Issued by Pre-Trial Chamber I on 25 October, 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**

The ICC's activities can also be followed through **Twitter**

Events**The ICC President addresses the United Nations General Assembly: "The ICC has continued its progress on many fronts"**

On 28 October, the President of the International Criminal Court (ICC), Judge Sang-Hyun Song presented the Court's sixth annual report to the United Nations General Assembly, highlighting some of the judicial developments of the past year including the issuance of its first warrant of arrest for the crime of genocide, the start of a second trial, and the voluntary appearance of three suspects before the Court.

In his address, Judge Song discussed the Review Conference of the Rome Statute held in Kampala, Uganda from 31 May to 11 June, during which States Parties to the Rome Statute adopted a definition of the crime of aggression. "The Court's ability to exercise jurisdiction over this crime will be subject to a decision to be taken by States Parties after 1 January, 2017", he said.

The ICC President provided an update on the Court's growing judicial activities, and discussed the challenge posed by state cooperation with the ICC, "which is of paramount importance to the Court's ability to fulfil its mandate". He recalled that arrest warrants are outstanding against eight suspects, including four alleged commanders of the Lord's Resistance Army in the situation in Uganda, who have evaded arrest for more than five years. Judge Song said that this is having a devastating effect on victims and urged the international community to intensify its efforts to bring the suspects to justice.

The ICC had informed the United Nations Security Council of Sudan's lack of cooperation in the case against two suspects in the Darfur situation, which had been referred to the Court by the Security Council. The Court had also informed the Assembly of States Parties and the Security Council regarding the presence of the Sudanese president Omar Al Bashir in Chad and Kenya despite the arrest warrants issued against him. This "underlines the purely judicial nature of the ICC, which is safeguarded by the option to refer matters with potential political implications to the appropriate political bodies for their consideration", declared the ICC President.

Judge Song emphasized the ICC's engagement with victims, which is of unprecedented value and is steadily expanding. He highlighted the respective roles of the ICC's Outreach programme, which communicates with the local population and informs the victims of their rights, and of the Trust Fund for Victims, which is currently providing assistance to more than 40,000 direct beneficiaries.

He stated that this year four more nations joined the ICC bringing the total number of States that have ratified or acceded to the Rome Statute to 114. "I warmly welcome Bangladesh, Seychelles, Saint Lucia and Moldova into the ICC family", he said.

Finally, Judge Song discussed the progress towards the global impact of the Rome Statute and stressed that "joining the ICC not only sends out a strong signal of commitment to the rule of law, peace and justice, but it also gives the State in question the right to participate fully in the ICC's work". "Let us continue to build on our shared values so that we may move a step closer to eradicating impunity for the gravest crimes of concern to all of humanity", he concluded.

ICC Registrar launches series on victims' rights and reparations, hosts working session with Colombian experts

On 25 October, as the first event in a series on victims' rights to reparations, the Registry of the International Criminal Court (ICC) hosted a working session, with presentations by the Colombian National Commission for Reparation and Reconciliation (CNRR, as abbreviated in Spanish). The session provided an in-depth analysis on how reparations and victims' rights are approached both in judicial proceedings and administrative programs in relation to serious international crimes committed in Colombia.

The ICC Registrar, Ms Silvana Arbia, opened the session by highlighting one of the Rome Statute's key features: the recognition of the ICC's restorative function as well as its punitive function. She explained that the Court aims

"to ensure that as many victims as possible are able to exercise their rights as regards reparation and to benefit from assistance. To date, there is already jurisprudence on modalities of victims' participation at different stages of the proceedings, but the Chambers have not had the opportunity to decide on reparations issues." She added that, as of 30 September, 2010, the Registry has received a total of 734 applications from victims in five situations requesting to be granted their rights for reparations. The Registrar thanked the CNRR experts for accepting her invitation to present their experiences on these issues.



Experts from Colombia's National Commission for Reparation and Reconciliation with the ICC Registrar, Ms Silvana Arbia (third from the right) © ICC-CPI

The Colombian transitional justice experience

The President of the CNRR, Mr Eduardo Pizarro, offered an in-depth analysis of the Colombian experience with regard to reparations, in the context of implementing measures related to Colombia's Peace and Justice transitional law. "The adoption of this law has engendered many discussions on how best to grant reparations to the thousands of registered victims, either accredited in the judicial processes or those participating in the administrative reparation routes". Many lessons can be learned both from Colombia's successes and mistakes, he said.

In the course of the session, Commission experts gave the following presentations on different aspects of the reparation process in Colombia:

- **Comprehensive approaches to victim's reparations**, by Professor Eduardo Pizarro, President, CNRR
- **The differential approach towards groups with particular needs**, such as sexual and gender crimes, by Ms Eliana Rueda, Adviser to the Commission, CNRR
- **Integral reparation as a way to reconciliation**, by Ms Maria Angelica Bueno, Coordinator for Reconciliation, CNRR
- **The institutional framework**, by Juan Pablo Franco, Representative of the Presidential Agency for Social Action (*Acción Social*), CNRR

Also, Professor Ivan Orozco, Researcher in the Area of Historical Memory of the Commission, presented the distinct mandates of the Peace and Justice process with regard to victims' rights to truth and justice. He emphasized the importance of historical truth. In his view, one of the most significant parts of the process is to enable Colombians to learn the truth, through emblematic cases addressing situations in which victims' rights have been abused, in order to prevent the recurrence of crimes. Eight books on such cases have already been published by the Commission.

The Colombian delegation also held bilateral meetings with Vice-President Judge Hans-Peter Kaul and representatives of the Office of the Prosecutor.

ICC welcomes the Republic of Seychelles as a new State Party

On 1 November, the International Criminal Court (ICC) held a ceremony to welcome the Republic of Seychelles as the 112th State Party to the Rome Statute. The Statute also entered into force for Seychelles on 1 November.

In a symbolic act held at the seat of the Court, the President of the Court, Judge Sang-Hyun Song, congratulated the Ambassador of Seychelles, H.E. Ms Viviane Fock Tave, and presented her with a special edition of the Rome Statute.

President Song welcomed the new State Party member, saying: "By ratifying the Rome Statute, Seychelles has entered the growing majority of the world's nations that have combined their efforts to end impunity for the most serious crimes of concern to humanity."



ICC President Sang-Hyun Song, in the presence of Ambassador Lomónaco, presents Ambassador Fock Tave with a special edition of the Rome Statute © ICC-CPI

Ambassador Lomónaco paid tribute to the Republic of Seychelles' determination to achieve global justice and peace as an example for other States. "The Rome Statute system can only attain its full potential with universality. The Seychelles' decision constitutes a source of inspiration for those States who have yet to ratify it", he said.

In response, Ambassador Fock Tave stressed the "commitment of the Government of Seychelles to peace, justice and respect for human rights, and to the values of all the peoples and nations of the world". She added, "We look forward to taking our part in the work of the ICC, and of the Assembly of the States Parties to the Rome Statute."

The ceremony was held in the presence of the Vice-President of the Assembly of States Parties and Ambassador of Mexico, H.E. Mr Jorge Lomónaco. The First Vice-President, Judge Fatoumata Diarra, the Second Vice-President, Judge Hans-Peter Kaul, the Prosecutor, Mr Luis Moreno-Ocampo, the Registrar, Ms Silvana Arbia, and the judges of the Court also attended the ceremony.

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 Seychelles, H.E. Ms Viviane Simone Fock Tave

Photographs

Video for download

You tube (for viewing purposes)

ICC President meets with the Deputy Minister of Interior of the Republic of Bulgaria

On 1 November, the President of the International Criminal Court (ICC), Judge Sang-Hyun Song, met with the Deputy Minister of Interior of the Republic of Bulgaria, H.E. Dr Veselin Vuchkov, at the seat of the Court, in The Hague (The Netherlands).

After welcoming Dr Vuchkov to the Court, President Song expressed appreciation for Bulgaria's longstanding support to the ICC, both in its own capacity as well as a member state of the European Union.



Deputy Minister of Interior of the Republic of Bulgaria, Dr Vuchkov, and ICC President, Judge Song © ICC-CPI

Deputy Minister Vuchkov reiterated Bulgaria's full commitment to the ICC and the Rome Statute. Bulgaria was one of the first 60 countries to ratify the Rome Statute, thus contributing to it coming into force on 1 July, 2002.

During his visit to the ICC, Dr Vuchkov also met with ICC Judge Ekaterina Trendafilova of Bulgaria.

The ICC, governed by the Rome Statute, is the first permanent, treaty-based, international criminal court established to help end impunity for the perpetrators of the most serious crimes of concern to the international community, namely war crimes, crimes against humanity, genocide, and the crime of aggression. The ICC is an independent international organisation, and is not part of the United Nations system.

Calendar

| NOVEMBER 2010 | | | | | | |
|--|-----------|--|-----------|-----------|-----------|-----------|
| Monday | Tuesday | Wednesday | Thursday | Friday | Saturday | Sunday |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 |
| ICC holds Welcoming Ceremony for Seychelles as the 112 th State Party to the Rome Statute | | ICC holds 19 th Diplomatic Briefing | | | | |
| 8 | 9 | 10 | 11 | 12 | 13 | 14 |
| ICC Registry holds seminar on its role in providing support and assistance to victims | | | | | | |
| 15 | 16 | 17 | 18 | 19 | 20 | 21 |
| 22 | 23 | 24 | 25 | 26 | 27 | 28 |
| Bemba trial scheduled to commence | | | | | | |
| ICC launches Female Counsel Campaign in Dakar, Senegal | | | | | | |
| Future events: 8 December, 2010: The confirmation of charges hearing is scheduled to commence in the case of <i>The Prosecutor v. Abdallah Banda Abakaer Nourain</i> (Banda) and <i>Saleh Mohammed Jerbo Jamus</i> (Jerbo) | | | | | | |

The calendar is subject to last minute changes.