



ICC Weekly Update

28 June 2010 #39



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 is scheduled to start on 14 July, 2010.

Commencement of the trial of Jean-Pierre Bemba postponed until 14 July, 2010

Trial Chamber III of the International Criminal Court (ICC) has postponed the opening of the trial, initially scheduled for 5 July, in the case *The Prosecutor v. Jean-Pierre Bemba Gombo* to Wednesday, to 14 July, 2010. The postponement is due to administrative reasons, in particular the likely change in the composition of the bench, and to facilitate the necessary preparation for the commencement of the trial.

The Chamber will hold hearings on 14 and 15 July, 2010, to hear the opening speeches of the parties and participants and to address any necessary trial and case-management issues. The hearings will resume on 30 August, 2010, after the judicial recess.

Jean-Pierre Bemba Gombo is alleged to be criminally responsible for having effectively acted as a military commander within the meaning of article 28(a) of the Rome Statute for two crimes against humanity (murder and rape) and three war crimes (murder, rape and pillaging) allegedly committed on the territory of the Central African Republic during the period approximately between 26 October, 2002 and 15 March, 2003.

After his arrest by the Belgian authorities in accordance with a warrant of arrest issued by the Pre-Trial Chamber of the ICC, he was transferred to the Court on 3 July, 2008. He is currently being detained at the ICC Detention Centre in The Hague.



Jean-Pierre Bemba Gombo ©
ICC-CPI/Ed Oudenaarden

Decisions taken between 21 - 26 June, 2010

Bemba case

Decision on the Admissibility and Abuse of Process Challenges

Issued by Trial Chamber III on 24 June, 2010

Order postponing the commencement of the trial

Issued by Trial Chamber III on 25 June, 2010

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 21 - 26 June, 2010

Katanga and Ngudjolo Chui case

Décision relative à la demande d'autorisation d'appel contre la décision orale de la Chambre de première instance II du 23 novembre 2009 relative à la notification des charges

Issued by Trial Chamber II on 23 June, 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

No impunity for crimes committed in Georgia: OTP concludes second visit to Georgia in context of preliminary examination

A delegation from the Office of the Prosecutor (OTP) of the International Criminal Court conducted a three-day visit, 22-24 June, to Georgia a State Party to the Rome Statute that created the Court. The main purpose of the visit was to gather additional information from the Georgian authorities on the on-going national investigation into crimes allegedly committed in the context of the August 2008 armed conflict in South Ossetia, Georgia. The Court potentially has jurisdiction over ICC crimes allegedly committed on the territory of Georgia, including forced displacement of civilians, killing of peacekeepers and attacks against civilian targets.

"The Rome Statute ensures the end of impunity" said ICC Prosecutor Moreno-Ocampo from The Hague. "States have the primary responsibility to investigate and prosecute; the Court only steps in if there are no genuine national proceedings."

During the visit, the delegation received an update on national investigations being carried out by the Chief Prosecutor of Georgia and his team, and met with the State Minister for Reintegration, the Chief of the Supreme Court, and other senior officials from the Ministries of Justice, Foreign Affairs and Defence. The delegation also met with Georgian NGOs.

"We appreciate the co-operation of the Georgian authorities," said the Prosecutor. "It is mandatory that those most responsible for serious crimes be investigated."

The OTP made the preliminary examination public on August 2008. Georgia has been a State Party to the Rome Statute since 5 September, 2003. Both the Russian and Georgian authorities provided substantial information on their respective national investigations. The Office conducted a previous visit to Georgia in November 2008, and to Russia in March 2010.

A preliminary examination is the first phase of the Office of the Prosecutor activities, in order to assess if an investigation should be opened. The Office first assesses whether crimes falling under the ICC jurisdiction may have been, or are possibly being committed in a given situation; whether genuine investigations and prosecutions are being carried out by the competent authorities in relation to these crimes; and, as a third step, whether the possible opening of an investigation by the Prosecutor would not go against the interests of justice. During this phase, and in accordance with article 15, the Office proactively evaluates all information on alleged crimes from multiple sources, including "communications" from individuals and parties concerned. The triggering of a preliminary examination does not imply that an investigation will be opened.

The International Criminal Court is an independent, permanent court that investigates and prosecutes persons accused of the most serious crimes of international concern, namely genocide, crimes against humanity and war crimes if national authorities with jurisdiction are unwilling or unable to do so genuinely.

Interacting with communities

Outreach Unit in the DRC conducts an information and discussion session on the opening of the Bemba trial

In the lead-up to the opening of the trial of Jean-Pierre Bemba, scheduled to begin on 14 July, the Outreach Unit is conducting information and discussion sessions with various target groups throughout the DRC in order to prepare the Congolese population for this important event. On 22 June, Outreach staff based in the DRC conducted a session with university students in Bunia. The presentation focused on the rights of the defence, namely the presumption of innocence and the right to a fair and expeditious trial, and summarised the key decisions that have been handed down thus far. The presentation was followed by a lively debate during which the students asked questions on the Bemba case and on the Review Conference recently held in Kampala, Uganda.



22 June 2010: The Outreach Team conducts an information and discussion session with university students in Bunia on the opening of the Bemba trial © ICC-CPI

Central African Republic: highly anticipated meeting between the International Criminal Court and women's groups from Damara

On 22 June 2010, the Outreach Unit of the International Criminal Court went to Damara in Ombella-Mpoko prefecture to meet local women's groups. A large information and outreach session was organised in the hall of the Damara Catholic church. Around three-hundred women took part in the session, the purpose of which was to provide them with information about the mandate, functioning and activities of the International Criminal Court and the progress of the proceedings in the case of *The Prosecutor v. Jean-Pierre Bemba Gombo*.



Meeting with women from Damara, 22 June 2010 © ICC-CPI

The large turnout of women from a wide area around the town was made possible by the tremendous involvement of the voluntary sector, religious groups and the authorities of the town of Damara. For most of the women, it was the first time they had seen pictures of the ongoing proceedings in the case.

The imminent start of the trial against Jean-Pierre Bemba before the ICC generated the keenest interest from the women. Their greatest concern was how they could follow the hearings from the sub-prefecture of Damara. The Outreach Unit staff explained to the group its communication strategy to publicise the proceedings in the case, including providing them with information about Court staff's regular visits to their area in order to screen video summaries in public places. In addition, the audio summaries of the proceedings will be broadcast every week on the two most listened to radio stations in Damara, Radio Centrafrique and Radio ICDI.

The Outreach Team will return to Damara on 29 June, 2010 to hold an outreach session for the general public. Later on, in the second half of 2010, information sessions will focus solely on developments in the trial of Jean-Pierre Bemba Gombo.

The ICC launches an appeal to encourage female lawyers from the CAR to use their professional experience to serve international criminal justice

On 23 June, 2010, the ICC Bangui field office launched the CAR part of its campaign "The ICC needs you! Calling African female lawyers", which forms part of a wider programme targeting female lawyers across the African continent. Launched in June by the ICC and the International Bar Association (IBA), the six-month campaign will feature special information sessions in various countries.

The campaign launch in the Central African Republic comprised a special information session for lawyers, both male and female, from the CAR. Around forty legal practitioners from the CAR attended. The large turnout and the success of the meeting were thanks to the support of the CAR Association of Female Lawyers (AFJC).

The staff of the Outreach Unit opened the meeting with a brief presentation about the ICC and the progress it has made since its inception. It went on to explain the campaign's ambitious goal: to increase the number of female counsel able to practise before the Court. There followed a further two presentations. The Chief of the Counsel Support Section, Professor Esteban Peralta, explained the opportunities available to participate in the Court's activities as counsel or an assistant to counsel. The right to be assisted by counsel is a fundamental aspect, both for suspects and accused persons and for victims. He continued his presentation with an explanation of the admission criteria and the steps involved in the application process for inclusion on the List of Counsel or the List of Assistants to Counsel. Lastly, Marie-Edith Douzima-Lawson, a lawyer from the CAR and a legal representative of the victims in the case of *The Prosecutor v. Jean-Pierre Bemba Gombo*, recounted her experience as a lawyer included on the ICC's List of Counsel.



From left to right: Esteban Peralta, Chief of the Counsel Support Section, ICC; Marie-Edith Douzima-Lawson, Legal Representative of the Victims in the case of *The Prosecutor v. JP Bemba Gombo*; Blandine Songuelema, Chair of the Association of Female Lawyers from the CAR (AFJC); Fabienne Chassagneux, the ICC's Outreach Coordinator for the CAR © ICC-CPI

All of the participants indicated that they intended to apply for inclusion on the List of Counsel or the List of Assistants to Counsel. Currently, three lawyers from the CAR are already included on the List of Counsel, only one of whom is female.

In proactively meeting legal practitioners, the ICC wishes to facilitate the process for inclusion on the list and also to increase the visibility of the important part that female counsel can and should play in international criminal justice. Until the end of 2010, the Court will be prioritising applications from qualified female African lawyers.

Calendar

JUNE 2010						
Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
28	29	30				
JULY 2010						
Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
		Trial of Jean-Pierre Bemba Gombo is scheduled to start			Day of International Criminal Justice	
					Judicial recess (17 July - 8 August)	
19	20	21	22	23	24	25
Judicial recess (17 July - 8 August)						
26	27	28	29	30	31	
Future events: 22 November, 2010: Pre-Trial Chamber I has set the date for the beginning of the confirmation of charges hearing in the case of <i>The Prosecutor v. Abdallah Banda Abakaer Nourain (Banda) and Saleh Mohammed Jerbo Jamus (Jerbo)</i>						

The calendar is subject to last minute changes.