

# 9 July 2012 #135 ICC Weekly Update



## Situation in Libya

On 26 February 2011, the United Nations Security Council decided unanimously to refer the situation in the Libyan Arab Jamahiriya since 15 February 2011 to the ICC Prosecutor. On 3 March 2011, the ICC Prosecutor announced his decision to open an investigation in the situation in Libya, which was assigned by the Presidency to Pre-Trial Chamber I. On 27 June 2011, Pre-Trial Chamber I issued three warrants of arrest respectively for **Muammar Mohammed Abu Minyar Gaddafi, Saif Al-Islam Gaddafi and Abdullah Al-Senussi** for crimes against humanity (murder and persecution) allegedly committed across Libya from 15 until at least 28 February 2011, through the State apparatus and Security Forces. On 22 November 2011, Pre-Trial Chamber I formally terminated the case against Muammar Gaddafi due to his death. The remaining suspects are not in the custody of the Court.



## The four ICC staff members released in Libya

On 2 July 2012, the Libyan authorities released the four ICC staff members who were detained in Zintan, following their visit to Saif Al-Islam Gaddafi on 7 June. The ICC President, Judge Sang-Hyun Song, who travelled to Zintan, welcomed the Libyan decision to release them.

"The ICC is grateful to the Libyan authorities for their agreement today to release the Court's staff members so that they can be reunited with their families", President Song said during a press conference organised in Zintan by the Libyan authorities. The ICC President also thanked the Zintan authorities for their cooperation and expressed his relief that the ICC staff members were well treated during their detention. Diplomatic representatives of Australia, Lebanon, Russia and Spain also traveled to Zintan to receive their nationals.

The four ICC staff members, Alexander Khodakov, Esteban Peralta Losilla, Melinda Taylor and Helene Assaf were detained in Zintan during the course of a privileged visit to Saif Al-Islam Gaddafi. The visit, authorised by the ICC's judges, had the purpose of preserving the rights of the defence in the case against him before the ICC.

The circumstances of the visit became a matter of concern to the Libyan authorities, and have been the subject of investigation by them. Information about that investigation was presented to the Court during the visit of the Attorney General of Libya to The Hague on 22 June.

The ICC President confirmed that the information reported by the Libyan authorities on the visit's circumstances will be fully investigated in accordance with ICC procedures following the return of the four staff members to The Hague.

The ICC would like to extend its gratitude for the unconditional cooperation and support of the States in ensuring the release of the ICC staff members, in particular Australia, Lebanon, Russia and Spain.

### The four ICC staff members have left Tripoli

On 2 July 2012, at 21:00 (The Hague local time), the President of the International Criminal Court (ICC), Judge Sang-Hyun Song, together with four ICC staff members previously detained in Zintan, Libya, as well as other staff of the Court, have left Tripoli to return to The Hague, the Netherlands, on a plane generously provided by the Italian Government, following the release of the four ICC staff members.

The four staff members, Alexander Khodakov, Esteban Peralta Losilla, Melinda Taylor and Helene Assaf, were well treated during their detention in Zintan since 7 June, and are in good condition.

The ICC warmly expresses its gratitude to the Italian Government, in particular to the Minister of Foreign Affairs M. Giulio Terzi, for facilitating the travel of the ICC delegation back to The Hague to allow the four ICC staff members to be reunited with their families, by offering the transport and logistical facilities for them. The Italian Government's support goes beyond Italy's legal obligation as a State Party, and shows its continuous commitment, since the 1998 Rome Conference where the ICC's founding treaty was adopted, to participate in the global fight against impunity for the perpetrators of the most serious crimes.

#### Decisions taken between 2 - 6 July 2012

### Saif Al-Islam and Al-Senussi Case

#### Decision on the OPCD "Demande urgente en extension de délai"

Issued by Pre-Trial Chamber I on 4 July 2012

### 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*. 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. Trial Chamber I convicted Mr Lubanga Dyilo on 14 March 2012, and is scheduled to deliver the sentence on 10 July 2012. The trial in the case of *The Prosecutor v. Germain Katanga and Mathieu Ngudjolo Chui* started on 24 November 2009. Closing statements in the case were heard from 15 to 23 May 2012. On 16 December 2011, Pre-Trial Chamber I declined to confirm the charges in the case *The Prosecutor v. Callixte Mbarushimana*. Mr Mbarushimana was released on 23 December 2011.

### Lubanga case

#### Practical information for the media: ICC Trial Chamber I to deliver sentence in the Lubanga case on 10 July 2012

On 10 July 2012, at 9:30 (The Hague local time), Trial Chamber I of the International Criminal Court (ICC) will deliver in open court its decision pursuant to article 76 (sentencing) of the Rome Statute in the case *The Prosecutor v. Thomas Lubanga Dyilo*.

The verdict in this case was rendered on 14 March 2012. Mr Lubanga Dyilo was found guilty of conscripting and enlisting children under the age of 15 and using them to participate in hostilities.

For further information and updates on this case, click [here](#).

Further information for the media can be found [here](#).

#### Decisions taken between 2 - 6 July 2012

#### Amended Order scheduling the delivery of the Decisions pursuant to Articles 75 and 76

Issued by Trial Chamber I on 6 July 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*; *The Prosecutor v. Abdallah Banda Abakaer Nourain and Saleh Mohammed Jerbo Jamus*; and *The Prosecutor v. Abdel Raheem Muhammad Hussein*. Five warrants of arrest have been issued by Pre-Trial Chamber I for Messrs Harun, Kushayb, Al Bashir and Hussein. The four 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, in 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 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.

Decisions taken between 2 - 6 July 2012

### Banda and Jerbo Case

#### Order on the scheduling of a hearing and status conferences on 11 July 2012

Issued by Trial Chamber IV on 6 July 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 in two separate cases, six Kenyan citizens voluntarily appeared before Pre-Trial Chamber II on 7 and 8 April 2011. The confirmation of charges hearings in the two cases took place from 1 to 9 September 2011, and 21 September to 5 October 2011, respectively. On 23 January 2012, the judges declined to confirm the charges against Henry Kiprono Kosgey and Mohammed Hussein Ali. Pre-Trial Chamber II confirmed the charges against William Samoei Ruto, Joshua Arap Sang, Francis Kirimi Muthaura and Uhuru Muigai Kenyatta and committed them to trial. On 29 March 2012, the ICC Presidency constituted Trial Chamber V and referred to it the two cases: *The Prosecutor v. William Samoei Ruto and Joshua Arap Sang* and *The Prosecutor v. Francis Kirimi Muthaura and Uhuru Muigai Kenyatta*.

Decisions taken between 2 - 6 July 2012

### Ruto and Sang case

#### Order for the prosecution to file an updated document containing the charges

Issued by Trial Chamber V on 5 July 2012

### Muthaura and Kenyatta case

#### Order for the prosecution to file an updated document containing the charges

Issued by Trial Chamber V on 5 July 2012

### Relevant Links

Courtroom proceedings can be followed on the ICC website: [www.icc-cpi.int](http://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

### ICC launches commemorations for 17 July – International Criminal Justice Day



International Criminal Justice Day © ICC-CPI

On 6 July 2012, the International Criminal Court (ICC) and the Assembly of States Parties (ASP) held an event and symbolic flag-raising ceremony, calling other parties to join in celebrations of 17 July, International Criminal Justice Day.



H.E. Mr Jean-Marc Hoscheit, Ambassador of Luxembourg © ICC-CPI

let down the countless victims around the world that place their hope in this institution. With joint efforts and determination, we may move closer to fulfilling our ultimate goal, preventing terrible suffering before it takes place".

The event opened with a speech by the Ambassador of Luxembourg, H.E. Mr Jean-Marc Hoscheit, representing the States Parties to the Rome Statute. The Ambassador encouraged States Parties and other actors to participate in commemorating International Criminal Justice Day, as an important occasion that is both inextricably linked to the Court's anniversary on 1 July, as well as "an opportune moment for all actors to renew their commitment to the cause of eradicating from our shared earth the scourge of these serious crimes that shake the conscience of mankind, and for ensuring justice for the victims of these crimes".

The ICC President, Judge Sang-Hyun Song, then spoke of the spirit of solidarity of the 17 July celebrations. "While we celebrate the achievements of the ICC community to date, we should not forget the unimaginable atrocities that continue around the world. In solidarity, we must recognize the obstacles that remain on the path toward ending impunity, and redouble our commitment to further strengthen the Rome Statute system. We must not



Judge Sang-Hyun Song, President of the ICC © ICC-CPI



Participants then proceeded outside for a symbolic flag-raising ceremony, during which the ICC flag and an International Criminal Justice Day banner were raised. Similar banners will be displayed throughout the city of The Hague in the days leading up to 17 July, in a call for joint celebration and action in support of international justice.

#### Background

17 July is the Day of International Criminal Justice. The date of 17 July was adopted by the Assembly of the States Parties during the Review Conference of the Rome Statute held in Kampala (Uganda) in June 2010 and marks the anniversary of the adoption of the Rome Statute, the founding treaty of the ICC.

The day commemorates the landmark steps that the international community is taking to reach to common goal of global justice, and an opportunity for those who support justice around the world to make their voices heard. We hope you will join us in commemorating this day.

Speech by the Ambassador of Luxembourg, H.E. Mr Jean-Marc Hoscheit  
Speech by the President of the International Criminal Court, Judge Sang-Hyun Song  
Video summary of the event  
Photographs of the event

### Delegation of participants in the Peace and Justice Programme visit the ICC



ICC First Vice-President, Judge Sanji Mmasenono Monageng and ICC Judges Akua Kuenyehia, Joyce Aluoch and Fatoumata Dembele Diarra with the delegation of participants in the Peace and Justice Programme at the seat of the Court in The Hague © ICC-CPI

On 4 July 2012, a delegation of participants in the Peace and Justice Programme visited the International Criminal Court (ICC). During their visit, the international delegation met with ICC First Vice-President Sanji Mmasenono Monageng along with ICC Judges Akua Kuenyehia, Joyce Aluoch and Fatoumata Dembele Diarra. The delegation also had meetings with the ICC Registrar, Ms Silvana Arbia as well as with high-level officials of the Office of the Prosecutor.

### ICC Registry holds workshop with experts on amendments to the Regulations of the Registry



ICC Registrar opens workshop on amendments to the Regulations of the Registry | A number of internal and external experts participating in the workshop © ICC-CPI

From 4 to 6 July 2012, the Registry of the International Criminal Court (ICC) held a workshop for consultations with internal and external experts on amendments to the Regulations of the Registry. The workshop is one step in the amendment process.



Those attending the workshop included experts on a range of matters covered by the Regulations, including the authentication of documents, translation and redaction issues, the appearance in court of victims and witnesses and related logistical issues, detention matters, counsel issues and the legal aid system.

Further information on the amendment process is available [here](#).

### President of the Assembly: Statement on the tenth anniversary of the International Criminal Court

I congratulate the International Criminal Court on its tenth anniversary. The Court and its supporters have many successes to look back on throughout the first decade of the Court's existence. The Court has become the centrepiece of the international community's efforts to bring justice to the victims of the worst crimes under international law. As the ad hoc and hybrid international tribunals phase out their work, the Court's role as the only permanent international criminal court will become even more important.

The verdict in the case of *The Prosecutor v. Thomas Lubanga Dyilo* in March of this year has shown the ability of the Court to fulfil its core judicial functions. The upcoming reparations phase of this trial will put into practice an important innovation of the Rome Statute. Through its investigations and prosecutions of fifteen cases in seven situations, the Court has begun to fulfil the promise of the Rome Statute to put an end to impunity for the perpetrators of the most serious crimes of concern to the international community and thus to contribute to the prevention of such crimes.

This success has been recognized. The ranks of States Parties to the Rome Statute continue to swell from 66 on the date of the Rome Statute's entry into force to 121 today. The Security Council has twice referred situations to the Court, on the last occasion, in the case of Libya, by consensus. This consensus illustrates the recognition, even among States not party to the Statute, that there are no viable alternatives to the Court.

Many people have worked to make the Court what it is today, and it would be impossible to list them all here. My gratitude, therefore, goes out to all who have dedicated their time and efforts towards advancing the work of the Court. I would especially like to thank the staff of the Court for their untiring work in carrying out the Court's operations throughout the past decade, even in the most complicated situations. The Court today would not be what it is without their work. I welcome today's release of the four staff members who have been detained in Libya since 7 June.

As we look back on the first ten years of the Court's existence, States Parties are justifiably proud of the institution they have created. We also look to the future, however, and see that there is much work to be done. We must work together with the Court to ensure a more efficient conduct of judicial proceedings; we must do more to improve relations between the Court and its States Parties, especially in Africa; we must help one another to strengthen domestic jurisdictions to enable them to investigate and prosecute Rome Statute crimes at the national level; we must follow-up on our own decisions of the Review Conference of the International Criminal Court by ratifying the amendments to the Rome Statute, and we must continue to provide the Court with the resources necessary to carry out its mandate. We have come far, but as we strive to end impunity for the most serious crimes of concern to the international community, we still have a long road ahead.



Ms Tiina Intelmann, President of the Assembly of States Parties © Erik Peinar

## Interacting with communities

### The CCCPI and ICC celebrated the 10th anniversary of the Court

On 3 July 2012, the International Criminal Court (ICC), in partnership with the Central African Coalition for the International Criminal Court International (CCCPI – *Coalition Centrafricaine pour la Cour pénale internationale*) organised a conference in Bangui to celebrate the 10th anniversary of the Court. This conference brought together over one hundred civil society representatives. Ten years after the Rome Statute entered into force (1 July 2002 – 1 July 2012), the coalition and the Court wanted to celebrate this anniversary together, to take stock of the achievements of this judicial institution so far, and discuss the future challenges it faces.

Jean-Sebastien Mboutou, Secretary-General of the CCCPI, opened the conference by presenting the Coalition, its mandate and its work. He specifically mentioned the 10 Central African associations that are members of the Coalition and thanked them for their work. Mr Mboutou also thanked the Court's Public Information Section for its dynamic work and outreach activities carried out since 2008, both in the capital and in the interior.

The ICC's Outreach Unit then presented the Rome Statute, and elaborated on the work accomplished by the Court – situation by situation – in its first 10 years of existence. Video addresses from the President of the Court, Judge Sang-Hyun Song, and the ICC Registrar, Ms Silvana Arbia, on the occasion of this 10<sup>th</sup> anniversary, were then shown. The participants asked several questions about the various pending cases before the ICC, concerning in particular Sudan (Darfur), Libya, the Democratic Republic of the Congo and Côte d'Ivoire. A number of participants also mentioned issues concerning the Lord's Resistance Army (LRA), urging the Court to end impunity in the region.

## Calendar

The last part of the conference focused on the situation in the Central African Republic and the trial in the case of *The Prosecutor v. Jean-Pierre Bemba Gombo*. Video summaries of the latest hearings held in that case, during which five victims appeared before the Court, were also shown. Legal Representatives of Victims (Ms Douzima-Lawson, Mr Zarambaud, Mr Morouba and Mr Nzala), were present at this conference and answered the many questions put to them by civil society representatives about the importance given to victims during the trial.

Mr Mboutou then closed the conference by asking all members of associations for human rights, victims' associations and women's groups to continue their support for the work of the International Criminal Court and help the Court overcome challenges in its next decade. "Together, let's continue the fight against impunity", concluded the CCCPI Secretary-General.

## Calendar

JULY 2012						
Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
9	10	11	12	13	14	15
	ICC to deliver sentence in the Lubanga case			ICC hosts welcoming ceremony for Guatemala as the 121 <sup>st</sup> State Party		
16	17	18	19	20	21	22
	International Criminal Justice Day					
Judicial Recess*						
23	24	25	26	27	28	29
Judicial Recess*						
30	31					
Judicial Recess*						
13 August: Confirmation of charges hearing to start in the case against Laurent Gbagbo						

The calendar is subject to last-minute changes.

\* Please note that there will be no hearings during the ICC's Judicial Recess from Friday, 13 July 2012 (17:30) until Monday, 6 August 2012 (09:00)