



**Cour
Pénale
Internationale**

**International
Criminal
Court**

ICC-PIDS-WU-95/11_Eng

19 September 2011 #95 ICC Weekly Update



Situation in the Republic of 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* is scheduled to commence on 21 September 2011.

Muthaura, Kenyatta and Ali Case

Practical information for the media on the 21 September 2011 opening of the confirmation of charges hearing in the case *The Prosecutor v. Francis Kirimi Muthaura, Uhuru Muigai Kenyatta and Mohammed Hussein Ali*

The opening of the confirmation of charges hearing in the case *The Prosecutor v. Francis Kirimi Muthaura, Uhuru Muigai Kenyatta and Mohammed Hussein Ali* is scheduled to take place on Wednesday, 21 September 2011, at 14:30 (The Hague local time). The hearing is scheduled to last until 5 October 2011, and will be before Pre-Trial Chamber II of the International Criminal Court (ICC), which is composed of Judge Ekaterina Trendafilova (presiding judge), Judge Hans-Peter Kaul and Judge Cuno Tarfusser.

A confirmation of charges hearing is held to determine whether there is sufficient evidence to establish substantial grounds to believe that each suspect committed each of the crimes being charged. If the charges are confirmed for a suspect, the Pre-Trial Chamber commits the person to trial before a Trial Chamber, which will conduct the subsequent phase of the proceedings: the trial.

Mr Muthaura and Mr Kenyatta are allegedly criminally responsible as indirect co-perpetrators for the crimes against humanity of: murder; forcible transfer of population; rape; persecution and other inhuman acts. Mr Ali has allegedly otherwise contributed to the commission of the above-mentioned crimes against humanity alleged to have been committed in Kenya in the context of the 2007-2008 post-election violence.

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

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

Decisions taken between 12 - 16 September 2011

Decision on the "Preliminary Motion Alleging Defects in the Documents Containing the Charges (DCC) and List of Evidence (LoE) and Request that the OTP be ordered to re-file an Amended DCC & LoE" and the "Defence Request for a Status Conference Concerning the Prosecution's Disclosure of 19* August 2011 and the Document Containing the Charges and Article 101 of the Rome Statute"
Issued by Pre-Trial Chamber II on 12 September 2011

Decision on the Defence Request for Amendment of the List of Viva Voce Witnesses
Issued by Pre-Trial Chamber II on 12 September 2011

Decision on the Reclassification of Certain Items of Evidence and Certain Documents in the Record of the Case

Issued by Pre-Trial Chamber II on 12 September 2011

Decision Requesting Observations

Issued by Pre-Trial Chamber II on 12 September 2011

Decision on the Schedule for the Confirmation of Charges Hearing

Issued by Pre-Trial Chamber II on 13 September 2011

Decision on the Request for Access to Confidential Inter Partes Material

Issued by Pre-Trial Chamber II on 14 September 2011

Decision on the Defence Requests for Leave to Resubmit or Add Evidence and Related Requests

Issued by Pre-Trial Chamber II on 15 September 2011

Decision on the “Urgent Request to Replace One Viva Voce Witness due to Unforeseen Circumstances”

Issued by Pre-Trial Chamber II on 15 September 2011

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 and the suspect Callixte Mbarushimana 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. The confirmation of charges hearing in the case *The Prosecutor v. Callixte Mbarushimana* started on 16 September 2011.

Decisions taken between 12 - 16 September 2011

Mbarushimana Case

Second decision on the schedule of the confirmation hearing

Issued by Pre-Trial Chamber I on 12 September 2011

Decision on amended list of evidence

Issued by Pre-Trial Chamber I on 12 September 2011

Décision modifiant le délai pour le dépôt par la République démocratique du Congo des observations concernant l’Exception d’incompétence de la Cour soulevée par la Défense

Issued by Pre-Trial Chamber I on 14 September 2011

Decision on the Prosecution’s notification of changed circumstances regarding two witnesses

Issued by Pre-Trial Chamber I on 15 September 2011

Review of Detention and Decision on the “Third Defence request for interim release”

Issued by Pre-Trial Chamber I on 16 September 2011

Katanga and Ngudjolo Chui Case

Decision on the request of the Defence for Mathieu Ngudjolo to obtain assurances with respect to self-incrimination for the accused

Issued by Trial Chamber II on 13 September 2011

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 12 - 16 September 2011

Bemba Case

Judgment on the appeal of Mr Jean-Pierre Bemba Gombo against the decision of Trial Chamber III of 27 June 2011 entitled “Decision on Applications for Provisional Release”

Issued by the Appeals Chamber on 12 September 2011

Order on the reclassification of documents

Issued by Trial Chamber III on 15 September 2011

Decision requesting observations on, and setting a briefing schedule for, the « Demande de mise en liberté provisoire de M. Jean-Pierre Bemba Gombo afin d'accomplir ses devoirs civiques en République Démocratique du Congo »

Issued by Trial Chamber III on 15 September 2011

Order in relation to the filing of confidential documents

Issued by the Appeals Chamber on 16 September 2011

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, the 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.

Decisions taken between 12 - 16 September 2011

Banda and Jerbo Case

Reasons for the Order on translation of witness statements (ICC-02/05-03/09-199) and additional instructions on translation

Issued by Trial Chamber IV on 12 September 2011

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

ICC hosts welcome ceremony honouring Tunisia as a new State Party



President Sang-Hyun Song, in the presence of Ambassador Jorge Lomónaco, presents H.E. Ambassador Mohamed Karim Ben Becher with a special edition of the Rome Statute © ICC-CPI

The International Criminal Court (ICC) held a ceremony on 16 September 2011 at the seat of the Court in The Hague to welcome Tunisia as the 116th State Party to the Rome Statute, the ICC's founding treaty.

During the ceremony, ICC President Sang-Hyun Song presented the Ambassador of Tunisia, H.E. Ambassador Mohamed Karim Ben Becher, with a special edition of the Rome Statute, as a symbol of their joint commitment to the rule of law.

ICC President Song remarked, "Today, you have joined a community of States which have not only 'promised' support and cooperation, but have also created a permanent court of judges who will always be thereto help people bring to justice those who commit serious crimes of concern to the international community as a whole".

Upon welcoming Tunisia as a State Party, President Song stated, "This Court is now yours".

Commending Tunisia's decision at this time of fundamental change in the region, the Vice-President of the Assembly of States Parties and Ambassador of Mexico, H.E. Mr Jorge Lomónaco, stated: "With its decision to accede to the Rome Statute as well as to other international human rights instruments, Tunisia sends a strong and unequivocal message to the international community that it is embracing its shifting times and that it wishes to commit to human rights and the rule of law. Tunisia has demonstrated its unflinching commitment to enter into a new era where society is guided by clear rules as well as by the principle of equality before the law".

Referring to the revolution of 14 January 2011 as well as Tunisia's upcoming elections in October, H.E. Ambassador Mohamed Karim Ben Becher expressed Tunisia's "commitment to supporting the efforts of the court in order to put an end to impunity, promote accountability, broaden its scope of action and enshrine its universal character".

As an example of this support, the Ambassador referred to the upcoming regional seminar of the ICC's Rome Statute system, to be hosted in Tunisia from 19 to 23 September, under the patronage of His Excellency the President of the Republic. The seminar will provide interactive training on the Rome Statute to over 50 leading law professionals from across the Maghreb region and the Middle East, with a view to enhancing States' cooperation with the Court.

The ceremony was held in the presence of the Second Vice-President of the Court, Judge Hans-Peter Kaul, Judge Erkki Kourula, Judge Anita Ušacka, Judge Ekaterina Trendafilova, the Registrar, Ms Silvana Arbia, and the Director of JCCD in the Office of the Prosecutor, Phakiso Mochochoko.

Speech of the President of the ICC, Judge Sang-Hyun Song: [Français](#)

Speech of the Vice-President of the Assembly of States Parties, the Ambassador of Mexico, H.E. Mr Jorge Lomónaco: [English](#), [Français](#), [عربي](#)

Speech of the Ambassador of Tunisia, H.E. Ambassador Mohamed Karim Ben Becher: [Français](#)

Click here for [photos](#) and [video](#) footage of the events.

Open Day success: 500 people welcomed at the ICC



Visitors viewing the Courtroom on a guided tour of the ICC © ICC-CPI

Five hundred people visited the International Criminal Court (ICC) on Sunday, 18 September, when it opened its doors for The Hague International Day. The ICC also had 350 visitors to its information booth at the International Community Fair at the World Forum. The Hague International Day was organised by the Municipality of The Hague and gave the public the opportunity to learn more about the functioning and aims of the international institutions and non-governmental organisations based in the city.

Judge Sang-Hyun Song, the ICC President, remarked: “Visitors are always welcome at the ICC to follow our court proceedings, but The Hague International Day provided a special opportunity to offer information to people from in and around our host city. We were very pleased to engage with so many interested guests and to respond to questions on the ICC’s mandate and activities”.

He explained, “The ICC conducts fair trials and is determined to end impunity for crimes of international concern, thereby protecting the innocent from violent atrocities. Raising public awareness of and support for the Court is essential, and I hope that many of Sunday’s visitors will continue their involvement in matters of international criminal justice”.

At the ICC, visitors took guided, one-hour interactive tours, and ICC officials offered visitors briefings in English on the various aspects of the Court’s work. With the support of videos and photos, visitors learned about:

- The ICC and its mandate, structure, judges, States Parties, and premises;
- Investigations and how they are conducted by the Office of the Prosecutor;
- The protection of victims and witnesses;
- The Courtroom, as viewed from the Public Gallery; and
- The Court’s Outreach activities to connect with communities affected by the crimes under investigation.



ICC information booth at the World Forum © ICC-CPI

Visitors to the ICC were men, women and children of different ages and nationalities, including Dutch nationals and members of the international community based in The Hague.

At the World Forum, the ICC and over 20 other international organisations active in the areas of peace, justice, or security participated in the International Fair. Some 350 people received informational brochures and spoke with ICC representatives at the Court’s information booth.

The International Criminal Court is the only permanent international court established with the mission to help put an end to impunity for the perpetrators of the most serious crimes of concern to the international community as a whole, namely the crime of genocide, crimes against humanity and war crimes, and thus to contribute to the prevention of such crimes.

Delegation of Nepalese MP’s and PGA Members visit the ICC

On 15 September 2011, a delegation from Nepal visited the ICC, and met with the ICC President, Judge Sang-Hyun Song. The delegation also had meetings with representatives of the Office of the Prosecutor as well as with the ICC Registrar, Ms Silvana Arbia. The delegation comprised Members of different parties of the Nepalese Parliament as well as members of the NGO Parliamentarians for Global Action (PGA).



ICC President Song with delegation of Nepalese MP’s and PGA Members at the seat of the Court in The Hague © ICC-CPI

Calendar

SEPTEMBER 2011						
Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
19	20	21	22	23	24	25
ICC to host Regional Seminar “Understanding the ICC system” in Tunisia						
		Confirmation of charges hearing to commence in the case <i>The Prosecutor v. Francis Kirimi Muthaura, Uhuru Muigai Kenyatta and Mohammed Hussein Ali</i> (scheduled until 4 October)		ICC Registrar Ms Silvana Arbia continues the “Calling Arab Lawyers” Campaign in Tunis		
26	27	28	29	30		
			ICC Registrar Ms Silvana Arbia to call on African female lawyers in Niger			
OCTOBER 2011						
Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
					1	2
3	4	5	6	7	8	9
ICC to host NGO Roundtable Meeting						
10	11	12	13	14	15	16

The calendar is subject to last minute changes.

www.icc-cpi.int | This is not an official document. It is intended for public information only.

International Criminal Court: Maanweg, 174; 2516 AB, The Hague, The Netherlands. Postal address: Po Box 19519; 2500 CM, The Hague, The Netherlands. Tel. + 31 (0)70 515 8515; Fax. +31 (0)70 515 8555. Youtube Channel: www.youtube.com/IntlCriminalCourt; Twitter account: www.twitter.com/IntlCrimCourt