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International
Criminal
Court

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ICC Weekly Update

1 February 2010 #19



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.

Lubanga case

Trial of Thomas Lubanga Dyilo: Defence set out the main lines of its case before commencing

On 27 January, 2010, the Defence counsel in the case of *The Prosecutor v. Thomas Lubanga Dyilo* provided an opening explanation setting out the main lines of the case for the Defence before commencing with its evidence.

[Audio](#) | [Video](#) | [Youtube](#)

Katanga and Ngudjolo Chui case

The trial of Germain Katanga & Mathieu Ngudjolo Chui resumed on 26 January, 2010

The trial in the case of *The Prosecutor v. Germain Katanga & Mathieu Ngudjolo Chui* resumed on 26 January, 2010. The hearing before Trial Chamber II started with the deposition of an expert witness, Mr Zoran Lesic, visual technician at the International Criminal Tribunal for the former Yugoslavia, who testified in English.

In the courtroom:

Gilles Dutertre, trial attorney
Zoran Lesic, expert witness
Andreas O'Shea, defense counsel
Eric MacDonald, senior trial attorney
Witness 250

[Audio](#) | [Video](#)

Decisions taken between 25 - 29 January 2010

Décision prononçant des mesures de protection au profit du témoin 323 lors de sa déposition à l'audience - Version publique expurgée

Issued by the Trial Chamber II on the 27th January 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 is scheduled to start on 27 April, 2010.

Decisions taken between 25 - 29 January 2010

Bemba Case

Decision on the "Prosecution's Request for Leave to Appeal the Trial Chamber's Oral Ruling Denying Authorisation to Add and Disclose Additional Evidence after 30 November 2009"

Issued by the Trial Chamber III on the 28th January 2010

Decision on the "Prosecution's Submissions on the Trial Chamber's 8 December 2009 Oral Order Requesting Updating of the In-Depth -Analysis Chart"

Issued by the Trial Chamber III on the 29th January 2010

Situation in Darfur, Sudan

In the situation in Darfur, Sudan, three 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*; and *The Prosecutor v. Bahar Idriss Abu Garda*. Three warrants of arrest have been issued by Pre-Trial Chamber I for Harun, Kushayb and Al Bashir for crimes against humanity and war crimes. 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. The hearing of confirmation of charges took place from 19 to 29 October 2009.

Al Bashir Case

Appeals Chamber to deliver on 3 February, 2010, its judgment on the Prosecutor's appeal against the arrest warrant decision

On Wednesday, 3 February, 2010, at 10:30 a.m. (The Hague local time), the Appeals Chamber of the International Criminal Court will deliver, in public session, its judgment on the Prosecutor's appeal against the "Decision on the Prosecution's Application for a Warrant of Arrest against Omar Hassan Ahmad Al Bashir".

In that decision dated 4 March, 2009, the majority of Pre-Trial Chamber I found that the material provided by the Prosecutor in support of his application for a warrant for the arrest of Omar Al Bashir failed to provide reasonable grounds to believe that Omar Al Bashir had the specific intent to destroy, in whole or in part, the Fur, Masalit and Zaghawa groups. Consequently, the crime of genocide was not included in the warrant issued for the arrest of Omar Al Bashir.

On 6 July, 2009, the Prosecutor appealed the decision, in relation to that charge, submitting to the Appeals Chamber that the majority of Pre-Trial Chamber I erred when requiring that the existence of reasonable grounds to believe that the person has committed the alleged crime must be the only reasonable conclusion from the evidence presented by the Prosecutor.

Decisions taken between 25 - 29 January 2010

Decision on the Second Application by Victims a/0443/09 to a/0450/09 to Participate in the Appeal against the "Decision on the Prosecution's Application for a Warrant of Arrest against Omar Hassan Ahmad Al Bashir"

Issued by the Appeals Chamber on the 28th January 2010

Decision on the Observations Submitted by the ad hoc Counsel for the Defence in relation to Applications a/0443/09 to a/0450/09 for Participation in the Proceedings

Issued by the Pre-Trial Chamber I on the 28th January 2010

Relevant links

Courtroom proceedings can be followed on the ICC website: www.icc-cpi.int

You can also consult the **hearings schedule**.

Video summaries can be found at our **Youtube channel**.

Events

ICC holds official meeting with UN Legal Counsel and Under-Secretary-General for Legal Affairs

On 25 January, 2010, high representatives of the International Criminal Court (ICC) met with Legal Counsel of the United Nations, Under-Secretary-General for Legal Affairs Ms Patricia O'Brien. The ICC President, Judge Sang-Hyun Song discussed with Ms O'Brien co-operation strategies between the ICC and the UN, especially in view of the upcoming Review Conference of the Rome Statute to be held in Kampala, Uganda, at the end of May, this year. The Legal Counsel also met with the ICC Prosecutor, Luis Moreno-Ocampo, and the Registrar, Silvana Arbia, to discuss matters of common interest.

President Song expressed his appreciation for the excellent relationship between the ICC and the UN, particularly for Secretary-General Ban Ki-moon's ongoing support, and gave his assurance that the Court will maintain close contacts with UN Tribunals, reiterating an offer to host the residual mechanisms and archives of the ad hoc tribunals that are coming to a close. He also briefed the UN Legal Counsel on the current judicial activities of the Court and provided her with a summary of the outcome of the preparatory work for the Review Conference.



ICC President Song meets with the UN Under-Secretary-General for Legal Affairs, Ms Patricia O'Brien©ICC-CPI

"The Rome Statute has joined the Charter of the United Nations and the Statute of the International Court of Justice as the third principal pillar on which the system of international justice is constructed," said President Song. "As such, the United Nations and the International Criminal Court are inherent allies in the realisation and advancement of this system, and I am extremely glad to note such a close and strong relationship between the two institutions."

Under-Secretary-General O'Brien briefed President Song about current co-operation issues and offered the United Nations' assistance to build up momentum for the Review Conference.

After the meeting with President Song, Ms O'Brien said: "Secretary-General Ban has a genuine interest in advancing the cause of international criminal justice, and in particular the ICC. In my meeting with President Song, I have reiterated the UN's strong support for the ICC. I have asked President Song how we can best assist the Court and the ASP to lay the foundations of a successful outcome of the Review Conference."

For this occasion, UN Secretary-General Ban Ki-moon requested the Legal Counsel to convey his warm personal regards to the ICC President, along with his assurances that the Court could always count on the strong support of the United Nations for its noble mission. In an address on 11 January, 2010, to the UN General Assembly, the Secretary-General urged the General Assembly to show resolve and determination in the fight against impunity, labeling the ICC the centrepiece of our system of international criminal justice. In this speech, the UN Secretary-General publicly announced that he will travel to Kampala in May to open the Review Conference in his capacity as Convenor.

Since the beginning of official ICC-UN co-operation in late 2004, the United Nations Office of Legal Affairs is the Secretary-General's designated point of entry for all ICC-UN related matters. The International Criminal Court and the United Nations co-operate on the basis of a Relationship Agreement signed in 2004, as well as relevant General Assembly and ASP resolutions.

The President of the Assembly of States Parties to the Rome Statute interacts with war-affected communities in the Acholi sub-region of northern Uganda

As part of the preparations for the Review Conference of the Rome Statute scheduled to take place in Kampala, Uganda from 31 May until 11 June, 2010, the President of the Assembly of States Party (ASP) visited Uganda for a three-day mission. In order to raise awareness and publicise this Review Conference, the Outreach Unit of the ICC, in partnership with *No Peace Without Justice*, the *Human Rights Network of Uganda* and the *Uganda Coalition for the International Criminal Court* organised a community outreach meeting in Tingkidi village, in the Acholi sub-region of northern Uganda. The activity was attended by over 800 people from the surrounding villages of Gaya, Choke Awee, Aboo, Pamineano, Palwong, Wiyanono, Jeng-Gara, Lamogi and Pagak.

Addressing the community, the ASP President, Mr Christian Wenaweser, noted that interaction with affected communities, providing them with the opportunity to share their views and concerns with regard to the work of the International Criminal Court was very crucial at this stage as the Assembly prepares to convene a Review Conference of the Rome Statute in Uganda. He noted that in

addition to the crime of aggression due to be amended during the conference, a stocktaking exercise to discuss the impact of the work of the Court on victims will also be a key agenda item. Commenting on the significance of the conference taking place in Uganda, a country currently under investigation by the Court, the ASP President noted that it "would give a voice to those who are affected by the crimes being investigated by the Court".



ASP President, Mr Christian Wenaweser and the Field Outreach Team meet with community members of Tingkidi village ©ICC-CPI

Pertinent issues raised by members of the community included the co-operation of States Parties in enforcing arrest warrants issued by the ICC; the provision of adequate resources to assist the rehabilitation processes of victims; and questions as to why the ICC is targeting only Africans for prosecution. States Parties delegates from Sierra Leone, Denmark, South Africa and Kenya, whose attendance was facilitated by the NGO partner No Peace Without Justice also helped to clarifying any misperceptions and concerns raised by the community.

In his closing remarks, the Chairman of Local Council 111 of the Lamogi sub-county, the Honourable Mr Dennis Rom, thanked the President and the other delegates for the unique opportunity that was accorded them to speak with officials of the ASP. "This visit has created confidence and trust amongst the affected community and shows that the Court cares", said Mr Rom.

ICC meets with Rwandan Minister of Justice

On 27 January, 2010, senior officials of the International Criminal Court (ICC) met with the Minister of Justice and Attorney General of Rwanda, Tharcisse Karugarama, accompanied by the Rwandan Ambassador to the Netherlands, Jean Pierre Bizimana, at the seat of the Court, in The Hague. During the meeting the President of the ICC, Judge Sang-Hyun Song, inquired about the prospects of the Republic of Rwanda acceding to the Rome Statute.

After reiterating the principle of states' sovereignty in deciding whether or not to become a State Party, President Song underlined the Court's commitment to assist in any appropriate way to ensure that the government and people of Rwanda become familiar with its mandate. He also invited Rwanda to send their representatives, and to contribute to greater discussions on the Rome Statute during the Review Conference held in Kampala, Uganda, from 31 May to 11 June, this year.

The Prosecutor, Luis Moreno-Ocampo, and the Registrar, Silvana Arbia, also held meetings with the Rwandan high representatives.



President Sang-Hyun Song with the Minister of Justice of Rwanda, Tharcisse Karugarama © ICC-CPI

Interacting with communities

The International Criminal Court holds outreach sessions for the people of Bossembélé, Central African Republic

The International Criminal Court (ICC) continues its outreach and information campaign in the Central African Republic. Following the meeting with the administrative and religious authorities in the Bossembélé area, Ombella-Mpoko Prefecture, in late 2009, ICC staff returned to that same town to meet a much wider audience at two sessions held at the local youth and cultural centre.



The ICC holds an outreach session for the women of Bossembélé ©ICC-CPI Gombo.

The first session on 26 January 2010 brought together some 171 women seeking information about the role, mandate, functioning and activities of the International Criminal Court. The 27 January session, which was open to the general public, was attended by 181 people. At these two meetings, a presentation on the Court by Outreach Unit staff was followed by the screening of a video - produced entirely in Sango, the most widely spoken language in the Central African Republic - which reviewed the various stages in the proceedings in the case of *The Prosecutor v. Jean-Pierre Bemba*

These two meetings were held in conjunction with the Victims Participation and Reparations Section. Participants were thereby able to express their concerns and ask questions, a great many of which related to how the victims of serious crimes committed in 2002-2003 may participate in proceedings before the Court and seek reparations for harm suffered. The audience's other main concern was how they would be able to follow the trial of Jean-Pierre Bemba, scheduled to commence on 27 April 2010. The Outreach Unit reassured them, explaining that the trial would receive extensive coverage in the Central African media, mainly in the form of weekly summaries broadcast by radio stations. Court staff also stated that they intended to return to Bossembélé to screen the initial footage of the Bemba trial.

The outreach campaign in the interior of the country will continue in February with meetings between the International Criminal Court and the people of Bossangoa (Ouham Prefecture) and Sibut (Kémo Prefecture).

Calendar

FEBRUARY 2010						
Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
01	02	03	04	05	06	07
08	09	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
Future events: 27 April: Trial of Jean-Pierre Bemba Gombo is scheduled to start 31 May – 11 June: First Review Conference of the Rome Statute, Kampala, Uganda.						

The calendar is subject to last minute changes.