



8 August 2011 #89 ICC Weekly Update



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* is scheduled to start on 17 August 2011.

Decisions taken between 1 - 5 August 2011

Lubanga Dyilo Case

Redacted Decision on the request by DRC-DO1-WWWW-0019 for special protective measures relating to his asylum application

Issued by Trial Chamber I on 5 August 2011

Katanga and Ngudjolo Chui Case

Decision replacing judges in the Appeals Chamber

Issued by the Presidency on 2 August 2011

Mbarushimana Case

Décision On the Presiding Judge of the Appeals Chamber in the appeal of Callixte Mbarushimana against the decision of Pre-Trial Chamber I entitled "Decision on the Second Defence Request for Interim Release"

Issued by the Appeals Chamber on 1 August 2011

Order requesting the parties to submit views and proposals on confirmation hearing

Issued by Pre-Trial Chamber I on 2 August 2011

Decision on "Prosecution's application for authorisation to disclose a document received pursuant to article 54(3)(e) in redacted form"

Issued by Pre-Trial Chamber I on 4 August 2011

Decision on the "Prosecution's request for direction in respect of potentially privileged material contained on hard drive DRC-REG-0009-0046 RED"

Issued by Pre-Trial Chamber I on 5 August 2011

Decision on Prosecution's application to bar the testimony of a Defence expert if essential documentation is not provided

Issued by Pre-Trial Chamber I on 5 August 2011

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. Confirmation of charges hearings in the following two cases: *The Prosecutor v. William Samoei Ruto, Henry Kiprono Kosgey and Joshua Arap Sang* and *The Prosecutor v. Francis Kirimi Muthaura, Uhuru Muigai Kenyatta and Mohammed Hussein Ali*, are scheduled for 1 and 21 September 2011, respectively.

Decisions taken between 1 - 5 August 2011

Ruto, Kosgey and Sang Case

Decision on the Application on behalf of the Government of Kenya for Leave to Reply to the "Prosecution's response to the 'Appeal of the government of Kenya against the Decision on the Application by the Government of Kenya Challenging the Admissibility of the Case Pursuant to Article 19(2)(b) of the Statute'"

Issued by the Appeals Chamber on 1 August 2011

Order on the filing of a response to the Republic of Kenya's "Request for an Oral Hearing Pursuant to Rule 156 (3)"

Issued by the Appeals Chamber on 5 August 2011

Decision on Victims' Participation at the Confirmation of Charges Hearing and in the Related Proceedings

Issued by Pre-Trial Chamber II on 5 August 2011

Muthaura, Kenyatta and Ali Case

Decision on the Application on behalf of the Government of Kenya for Leave to Reply to the "Prosecution's response to the 'Appeal of the government of Kenya against the Decision on the Application by the Government of Kenya Challenging the Admissibility of the Case Pursuant to Article 19(2)(b) of the Statute'"

Issued by the Appeals Chamber on 1 August 2011

Decision on the "Resubmitted Defence Request for Leave to Appeal the Redacted First Decision on the Prosecutor's Requests for Redactions and Related Requests"

Issued by Pre-Trial Chamber II on 4 August 2011

Decision on the Prosecutor's Request for Leave to Reply

Issued by Pre-Trial Chamber II on 4 August 2011

Order on the filing of a response to the Republic of Kenya's "Request for an Oral Hearing Pursuant to Rule 156 (3)"

Issued by the Appeals Chamber on 5 August 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 1 - 5 August 2011

Banda and Jerbo Case

Decision on the Presiding Judge of the Appeals Chamber in the appeal of the Prosecutor against the decision of Trial Chamber IV entitled "Decision on the Prosecution's Request to Invalidate the Appointment of Counsel to the Defence"

Issued by the Appeals Chamber on 2 August 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 President concludes an official visit to Mongolia



ICC President Judge Sang-Hyun Song meets with the Mongolian President H.E. Tsakhiagiin Elbegdorj during an official visit to Mongolia, 30 July 2011

On Saturday, 30 July 2011, the President of the International Criminal Court (ICC) Judge Sang-Hyun Song, concluded an official visit to Mongolia where he met the Mongolian President H.E. Tsakhiagiin Elbegdorj as well as several high ranking officials of the justice system of Mongolia, including Chief Justice Ts. Zorig.

The ICC President briefed the Mongolian officials on the Court's current operations and expressed his appreciation for Mongolia's long-standing support since ratification of the Rome Statute by the country in April 2002, when it became the first East Asian country to join the ICC. President Song also informed President Elbegdorj of his efforts to increase awareness about the ICC in Asia, which remains the most underrepresented continent among the States Parties to the Rome Statute.

President Elbegdorj assured President Song of Mongolia's unequivocal commitment to the ICC and stated that his country will continue to extend full support and cooperation to the Court. The Mongolian President stressed the ICC's important role in advancing the rule of law and the global protection of human rights by ensuring accountability for genocide and other mass atrocities.

Background

The International Criminal Court (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. The Rome Statute entered into force on 1 July 2002 after ratification by 60 countries. As of 1 August 2011, the ICC has 115 States Parties, of which 15 are from the Asia-Pacific group of States.

Complementarity

Following its consideration of the issue of complementarity as part of the Stocktaking of international criminal justice, the Review Conference adopted resolution RC/1, "Complementarity", by which it, *inter alia*, reaffirmed that the effective prosecution of the most serious crimes must be ensured by taking measures at the national level and by enhancing international cooperation; recognized the primary responsibility of States to investigate and prosecute the most serious crimes of international concern; recognized the need for additional measures at the national level as required and for the enhancement of international assistance to effectively prosecute perpetrators of the most serious crimes of concern to the international community; and encouraged the Court, States Parties and other stakeholders, including international organizations and civil society, to further explore ways in which to enhance the capacity of national jurisdictions to investigate and prosecute serious crimes of international concern.

This recognition of the importance of enhancing the national capacity of States to investigate and prosecute Rome Statute crimes in order to fulfill their legal obligations in relation to complementarity under the Statute, has led the Assembly to a more focused consideration of the topic. In particular, the role which States, the Court, and other stakeholders, including international and regional organizations and civil society, can play in enhancing the capacity of States to investigate and prosecute these crimes is of crucial importance.

To this end, the Review Conference, by resolution RC/1, and confirmed by the Assembly in resolution ICC-ASP/9/Res.3, conferred the following mandate on the Secretariat of the Assembly of States Parties:

“Requests the Secretariat of the Assembly of States Parties, in accordance with resolution ICC-ASP/2/Res.3, and, within existing resources, to facilitate the exchange of information between the Court, States Parties and other stakeholders, including international organizations and civil society, aimed at strengthening domestic jurisdictions, and requests the Secretariat of the Assembly of States Parties to report to the tenth session of the Assembly on progress in this regard”.

The Hague Working Group of the Bureau has been considering this issue under the guidance of the facilitators, Ms. Yolande Dwarika (South Africa) and Mr. Christian Nygård Nissen (Denmark) and has made good progress.

In order to discharge its mandate, the Secretariat has, as a first step, established a complementarity Extranet, which will be operational in the coming weeks. It will provide an information base on events relating to complementarity, identify the main actors and their activities, and facilitate contacts between donor States, organizations, civil society and recipient States, in order to advance the goal of strengthening national capacity, as appropriate. Designated actors would have the ability to post relevant information on the Extranet in order to share information.

The Secretariat is also consulting with actors engaged in complementarity activities with a view to having a first-hand view of these activities in order to better discharge its mandate of facilitating the exchange of information.

The designated focal point of the Secretariat for complementarity is Ms. Gaile A. Ramoutar, Legal Officer, who may be contacted at: aspcomplementarity@icc-cpi.int.

Persons in New York wishing to make contact may do so via Mr. René Holbach, Assistant to the President, at: advisor4@nyc.llv.li. Interested stakeholders are invited to convey their contact information to the above-mentioned addresses.

Source: Assembly of States Parties

Calendar

AUGUST 2011						
Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
8	9	10	11	12	13	14
15	16	17 Confirmation of charges hearing to commence in the case <i>The Prosecutor vs. Callixte Mbarushimana</i>	18	19	20	21
22	23 ICC to host Welcoming Ceremony for Grenada, 115th State Party to the Rome Statute	24	25 Closing oral statements to be made in the case <i>The Prosecutor v. Thomas Lubanga Dyilo</i>	26	27	28
29	30	31				
SEPTEMBER 2011						
Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
			1 Confirmation of charges hearing to commence in the case <i>The Prosecutor v. William Samoei Ruto, Henry Kiprono Kosgey and Joshua Arap Sang</i>	2	3	4
21 September: Confirmation of charges hearing to commence in the case <i>The Prosecutor v. Francis Kirimi Muthaura, Uhuru Muigai Kenyatta and Mohammed Hussein Ali</i>						

The calendar is subject to last minute changes.