



# 15 August 2011 #90 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.

## Mbarushimana Case

### Practical information for media on the opening of the confirmation of charges hearings in the case against Callixte Mbarushimana

The confirmation of charges hearings in the case *The Prosecutor v. Callixte Mbarushimana* will take place in Courtroom II, from Wednesday, 17 August to Friday, 19 August 2011. According to the [schedule](#) made public on Friday, 12 August 2011, by Pre-Trial Chamber I the public hearings will commence every day at 09:30 and will end at 16:00.

The schedule is available [here](#).

Pre-Trial Chamber I is composed of Judges Sanji Mmasenono Monageng (Presiding), Sylvia Steiner and Cuno Tarfusser.

A confirmation of charges hearing is a public hearing during which the ICC's Pre-Trial Chamber will decide whether or not to confirm all or any of the charges brought against the suspect by the Prosecutor and, if confirmed, to commit him for trial before a Trial Chamber.

Mr Mbarushimana, a 47 year old alleged national of Rwanda, is allegedly criminally responsible, for five counts of crimes against humanity (murder, torture, rape, inhumane acts and persecution) and six counts of war crimes (attacks against the civilian population, destruction of property, murder, torture, rape and inhuman treatment) allegedly committed in the context of an armed conflict which waged in the Kivu Provinces of the Democratic Republic of the Congo in 2009. He is alleged to have been, since July 2007, the Executive Secretary of the *Forces Démocratiques pour la Libération du Rwanda - Forces Combattantes Abacunguzi*.

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

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

### Decisions taken between 8 - 12 August 2011

#### Decision on "Prosecution's Request for clarification regarding Defence List of Evidence, filing ICC-01/04-01/10-322"

Issued by Pre-Trial Chamber I on 9 August 2011

### **Order setting a time limit for the Prosecution to respond to the “Defence request to deny the use of certain incriminating evidence at the confirmation hearing”**

Issued by Pre-Trial Chamber I on 10 August 2011

### **Decision on the 138 applications for victims’ participation in the proceedings**

Issued by Pre-Trial Chamber I on 11 August 2011

### **Decision on the schedule of the confirmation hearing**

Issued by Pre-Trial Chamber I on 12 August 2011

### **Decision requesting further information on the “Defence request to deny the use of certain incriminating evidence at the confirmation hearing”**

Issued by Pre-Trial Chamber I on 12 August 2011

### **Decision requesting observations on interim release**

Issued by Pre-Trial Chamber I on 12 August 2011

## **Katanga and Ngudjolo Chui Case**

### **Decision on the Presiding Judge of the Appeals Chamber for the proceedings with respect to the “Urgent Request for Directions” of the Kingdom of the Netherlands**

Issued by the Appeals Chamber on 9 August 2011

### **Order to provide confirmation of full implementation of Decision ICC-01/04-01/07-3033**

Issued by Trial Chamber II on 10 August 2011

### **Decision on the Defence to Defence Evidence List Request to Vary Time Limit for Addition to Defence Evidence List**

Issued by Trial Chamber II on 12 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**

### **Decision on the admissibility of the “Appeal of the Government of Kenya against the ‘Decision on the Request for Assistance Submitted on Behalf of the Government of the Republic of Kenya Pursuant to Article 93(10) of the Statute and Rule 194 of the Rules of Procedure and Evidence’”**

Issued by the Appeals Chamber on 10 August 2011

## **Ruto, Kosgey and Sang Case**

### **Decision on the “Urgent Defence Application for Postponement of the Confirmation Hearing and Extension of Time to Disclose and List of Evidence”**

Issued by Pre-Trial Chamber II on 12 August 2011

### **Decision on the Presiding Judge of the Appeals Chamber in the appeal of Ms Moraa Gesicho against the “Decision on the ‘Request by Ms. Moraa Gesicho to Appear as Amicus Curiae’”**

Issued by the Appeals Chamber on 12 August 2011

## **Muthaura, Kenyatta and Ali Case**

### **Order to the Defence to Reduce the Number of Witnesses to Be Called to Testify at the Confirmation of Charges Hearing and to Submit an Amended List of Viva Voce Witnesses**

Issued by Pre-Trial Chamber II on 10 August 2011

### **Decision on the “Urgent Defence Motion for Extension of Time to File Observations on Applications to Participate in the Proceedings”**

Issued by Pre-Trial Chamber II on 10 August 2011

### **Decision on the Extension of Time Limit to File Observations on Victims’ Applications for Participation in the Proceedings**

Issued by Pre-Trial Chamber II on 12 August 2011

### Decision on the Presiding Judge of the Appeals Chamber in the appeal of Ms Moraa Gesicho against the “Decision on the ‘Request by Ms. Moraa Gesicho to Appear as Amicus Curiae’”

Issued by the Appeals Chamber on 12 August 2011

#### 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 President visits Mozambique to encourage ratification of Rome Statute



Gala dinner of the SADC LA AGM, with (from left) Ms Thoba Poyo-Dlwati, President of the SADC Law Association; Judge Sang-Hyun Song, ICC President; Ms Benvinda Levy, Minister of Justice of Mozambique and Dr Gilberto Correia, President of the Mozambique Bar Association © ICC-CPI

The President of the International Criminal Court (ICC) Judge Sang-Hyun Song concluded an official visit to Maputo, Mozambique on Sunday, 7 August 2011. President Song was there to raise awareness about the ICC and address the 12th Annual General Meeting (AGM) of the Southern African Development Community Lawyers’ Association (SADC LA), where over 350 lawyers took part in the three day event. Of the 15 SADC Member States, 4 have yet to join the ICC. Mozambique is one of them, having signed the Rome Statute of the ICC in 2000, but not yet having ratified it.

President Song also met with top government officials to encourage Mozambique’s ratification of the Rome Statute. He spoke with the Speaker of Parliament, Ms Verónica Macamo, the Minister of Justice, Ms Maria Benvinda Levy and the President of the Constitutional Council, Mr Hermenigildo Gamito. President Song briefed these officials on the various expert NGOs and intergovernmental organizations, such as the Commonwealth Secretariat, available to provide technical assistance towards ratification and domestic implementation of the Rome Statute.

“We must never forget the plight of countless victims and survivors who continue to suffer from heinous acts such as mass murder, rape and torture every year”, stressed President Song. “The ICC is the only permanent international Court set up to prosecute individuals for these atrocities which tear at our social fabric. This is why the ICC is central to the international criminal justice movement, and why the Court’s membership continues to expand in every continent of the world”.

The President of the Mozambique Bar Association, Dr Gilberto Correia, expressed his steadfast support of the ICC saying, “As part of our mandate to promote the rule of law, human rights and democracy, we invited President Song to Mozambique to update our members on the ICC. His presence this week in our capital city of Maputo has added great momentum to our campaign to see Mozambique become the next State Party to the Rome Statute, and to join our SADC neighbours in the global fight to end impunity of mass atrocities”.

During the visit, on Friday, 5 August 2011, President Song addressed an audience of members of the legal community from the SADC LA and Mozambique Bar Association to launch the “Calling African Female Lawyers Campaign” at the annual event. President Song highlighted that few African female lawyers are currently admitted on the ICC List of Counsel and Assistants to Counsel authorized to

represent either victims or defendants who appear before the Court. He encouraged the audience to apply for admission to these lists, stating: “Whether you are championing the due process rights of suspects and accused persons or applying your expertise on gender-based violence to ensure effective representation of victims of sexual crimes your participation contributes to ensuring the Court’s proceedings meet the highest standards of justice and fairness”.

During his stay in Maputo, President Song gave several radio and television interviews. At a special ceremony at the final gala dinner of the SADC LA AGM, 40 newly called lawyers of the Mozambique Bar were awarded their professional certificates by President Song, Justice Minister Levy and Dr Correia, among other top officials.

## Calendar

AUGUST 2011						
Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
15	16	17 Confirmation of charges hearing to commence in the case <i>The Prosecutor vs. Callixte Mbarushimana</i> (scheduled until 19 August)	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> (scheduled until 20 September)	2	3	4
5	6	7	8	9	10	11
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> (scheduled until 11 October)						

The calendar is subject to last minute changes.