



**Cour
Pénale
Internationale**

**International
Criminal
Court**

ICC-PIDS-WU-94/11_Eng

12 September 2011 #94 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 16 September 2011.

Mbarushimana Case

Practical information for media on the opening of the confirmation of charges hearings in the case against Callixte Mbarushimana on 16 September

The opening of the confirmation of charges hearings in the case *The Prosecutor v. Callixte Mbarushimana* will take place in Courtroom II, on Friday, 16 September 2011, at 09:00 (The Hague local time). The hearings are scheduled from 16 to 21 September, before Pre-Trial Chamber I of the International Criminal Court (ICC) 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*.



Callixte Mbarushimana © ICC-
CPI/Jerry Lampen

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

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

Decisions taken between 5 - 9 September 2011

Decision on the resubmission of lists of evidence

Issued by Pre-Trial Chamber I on 7 September 2011

Decision on the representation of participating victims formerly represented by Mr Hervé Diakiese

Issued by Pre-Trial Chamber I on 9 September 2011

Decision on the “Requête urgente portant recours contre la Décision du Greffier sur la radiation d’un conseil et sollicitant une suspension immédiate des effets de cette décision”

Issued by the Presidency on 9 September 2011

Lubanga Dyilo Case

Decisions taken between 5 - 9 September 2011

Decision on the “Requête urgente portant recours contre la Décision du Greffier sur la radiation d’un conseil et sollicitant une suspension immédiate des effets de cette décision”

Issued by the Presidency on 9 September 2011

Situation in the Libyan Arab Jamahiriya

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. The three suspects remain at large.

ICC Prosecutor requesting INTERPOL Red Notice for Gaddafi

8 September 2011

The Prosecutor of the International Criminal Court (ICC), Luis Moreno-Ocampo, requested that INTERPOL issue a Red Notice to arrest Muammar Gaddafi for the alleged crimes against humanity of murder and persecution. “Arresting Gaddafi is matter of time”, said Prosecutor Moreno-Ocampo.

An INTERPOL Red Notice seeks the provisional arrest of a wanted person with a view to extradition or surrender to an international court based on an arrest warrant or court decision. The Prosecutor also requested Red Notices for the arrest of Saif Al-Islam Gaddafi and Abdullah Al-Senussi.

On 9 September 2011, Prosecutor Moreno-Ocampo was in Brussels to update EU Ambassadors on the work of the Office and discuss other matters.

The Office continues its impartial investigation in Libya. “These are crimes which will not be ignored by the international community,” said the Prosecutor.

The International Criminal Court is an independent, permanent court that investigates and prosecutes persons accused of the most serious crimes of international concern, namely genocide, crimes against humanity and war crimes.

For more information:

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Source: Office of the Prosecutor

Decisions taken between 5 - 9 September 2011

Decision on the OPCD “Requête relative aux propos publics de Monsieur le Procureur et au respect de la présomption d’innocence”

Issued by Pre-Trial Chamber I on 8 September 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. 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.

Decisions taken between 5 - 9 September 2011

Ruto, Kosgey and Sang Case

Decision on the “Motion from Victims a/0041/10, a/0045/10, a/0051/10 and a/0056/10 requesting the Pre-Trial Chamber to Reconsider the Appointment of Common Legal Representative Sureta Chana for All Victims”

Issued by Pre-Trial Chamber II on 9 September 2011

Muthaura, Kenyatta and Ali Case

Decision on the “Defence Application for a limited Extension of Time to file its List of Evidence”

Issued by Pre-Trial Chamber II on 5 September 2011

Decision on the “Request by Defence of Uhuru Kenyatta for the Pre-Trial Chamber to vary the status of Ex Parte Confidential Annexes 1 and 2 of the ‘Application by the Defence for Uhuru Kenyatta under Articles 61(3) and 67(1)(a) for Adjournment of the Confirmation Hearing Scheduled for 21 September 2011 and Request for Alteration to their Selected Viva Voce Witnesses’ to Confidential Inter Partes”

Issued by Pre-Trial Chamber II on 5 September 2011

Decision on the Extension of Time Limit for Disclosure under Rule 121(6) of the Rules of Procedure and Evidence

Issued by Pre-Trial Chamber II on 5 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 5 - 9 September 2011

Bemba Case

Decision on the Presiding Judge of the Appeals Chamber in the appeal of Mr Jean-Pierre Bemba Gombo against the “Summary of the Decision on the ‘Demande de mise en liberté provisoire de M. Jean-Pierre Bemba Gombo afin d’accomplir ses devoirs civiques en République Démocratique du Congo’” of Trial Chamber III

Issued by the Appeals Chamber on 2 September 2011

Order on the time limit for the filing of the Prosecutor’s response to the document in support of the appeal

Issued by the Appeals Chamber on 5 September 2011

Order to Strike a Document from the Case Record

Issued by Trial Chamber III on 6 September 2011

Public Redacted Version of the Decision on the “Demande de mise en liberté provisoire de M. Jean-Pierre Bemba Gombo afin d’accomplir ses devoirs civiques en République Démocratique du Congo” of 2 September 2011

Issued by Trial Chamber III on 6 September 2011

Order on the filing of submissions by victims and by Mr Bemba Gombo and the Prosecutor

Issued by the Appeals Chamber on 6 September 2011

Decision setting a timeline for the filing of observations on pending victims’ applications

Issued by Trial Chamber III on 9 September 2011

Decision (i) ruling on legal representatives’ applications to question Witness 33 and (ii) setting a schedule for the filing of submissions in relation to future applications to question witnesses

Issued by Trial Chamber III on 9 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 5 - 9 September 2011

Banda and Jerbo Case

Order to the prosecution to finalise its review pursuant to Article 67(2) and Rule 77 concerning Witnesses 441, 466 and Witnesses 314 and 433

Issued by Trial Chamber IV on 5 September 2011

Order inviting the Registrar to appoint a common legal representative

Issued by Trial Chamber IV on 6 September 2011

Order to the prosecution and the Registry on translation issues

Issued by Trial Chamber IV on 7 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

Incoming President of the Assembly first visit to The Hague



Ambassador Tiina Intelmann (Estonia), who has been recommended by the Bureau for the post of President of the Assembly of States Parties ("the Assembly"), visited The Hague from 7 to 9 September 2011. During her visit she held informal meetings with the heads of the three organs of the Court, with the Vice-President of the Assembly and several of the facilitators of the Bureau's Hague Working Group, as well as with representatives of the host State, in order to have an initial exchange of views of the challenges to be addressed in the coming weeks, as preparations for the tenth session of the Assembly take place.

Her conversations with the diplomatic community focused on a range of issues, including some short-term issues such as the proposed budget for 2012, as well as more strategic, medium and long-term topics such as complementarity, governance, interim premises, as well as victims and affected communities. Furthermore, there were discussions on how the Assembly could provide greater support for the Court and how to enhance the dialogue among all stakeholders in the Rome Statute system.

Ambassador Intelmann would be elected as the new President for the next triennium at the first meeting of the tenth session of the Assembly, to be held in New York from 12 to 21 December 2011.

Press release from July:

[The Bureau recommends Ambassador Tiina Intelmann \(Estonia\) for President of the Assembly for the next triennium.](#)

Source: Assembly of States Parties

Calendar

SEPTEMBER 2011						
Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
12	13	14	15	16 Confirmation of charges hearing to commence in the case <i>The Prosecutor v. Callixte Mbarushimana</i> (scheduled until 21 September) ICC to host welcoming ceremony for Tunisia	17	18 Open Day: ICC opens its doors on The Hague International Day
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 Kirihi Muthaura, Uhuru Muigai Kenyatta and Mohammed Hussein Ali</i> (scheduled until 4 October)		ICC to launch the "Calling Arab Lawyers" campaign in Tunisia		
26	27	28	29	30		
3 - 6 October: ICC to host NGO Roundtable Meeting						

The calendar is subject to last minute changes.