



Cour
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Criminal
Court

ICC-PIDS-WU-16/10_Eng

ICC Weekly Update

11 January 2010 #16

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 Dyilo case

Trial of Thomas Lubanga Dyilo: the Special Representative of the Secretary General of the United Nations for Children and Armed Conflict testifies before the Court

From 7 January, 2010, onwards, the judges of Trial Chamber I have heard the testimony of Mrs Radhika Coomaraswamy, the Special Representative of the Secretary General of the United Nations for Children and Armed Conflict, in the trial of Thomas Lubanga Dyilo before the International Criminal Court, in The Hague. She appeared before the Court upon request of the judges, who also requested to hear another expert-witness and three victims-witnesses.

Mrs Coomaraswamy testified as an expert witness on the definition of conscription or enlistment of children, and on the interpretation of the term "using them to participate actively in the hostilities."

Following her testimony, the Chamber heard Professor Kambayi Bwatshia, an expert on names and other social conventions in the Democratic Republic of the Congo.

Finally, three victims will express their views and concerns and give evidence in person, as witnesses. Two of them will testify about their alleged recruitment by the UPC (Union des patriotes congolais - Union of Congolese Patriots), when they were under the age of 15 in Ituri, and the third will give evidence on the alleged recruitment of children in Ituri.

The Defence team, led by Catherine Mabilie, will then, over the course of several months, present exculpatory evidence in its possession. In support of its theses, the Defence will call around thirty witnesses. To date, the majority of witnesses have not requested any protective measures from the Court. The witnesses will be examined by the Defence and cross-examined by the Prosecution.



Mrs Coomaraswamy, Special Representative of the Secretary General of the United Nations for Children and Armed Conflict, at the hearing ©ICC-CPI



Professor Bwatshia, expert witness, during the hearing ©ICC-CPI

The Prosecution finished presenting its evidence on 14 July, 2009. Over the course of 22 weeks, and during 74 days of hearings, the Chamber heard 28 witnesses called by the Office of the Prosecutor (OTP), including three experts and 25 witnesses under protective measures. The Chamber also called two other experts to testify. The Defence team cross-examined all the witnesses presented by the OTP.

To date, 103 victims represented by three teams of legal counsel have been authorised to participate in the trial. They have the right to express their position on matters heard before the Chamber and subject to the judge's authorisation, they may examine witnesses on specific issues.

Thomas Lubanga Dyilo faces counts of war crimes consisting of enlisting and conscripting children under the age of 15 years and using them to participate actively in hostilities in the Democratic Republic of the Congo (DRC). The trial started on 26 January, 2009.

Decisions taken between 21 December 2009 - 8 January 2010

Decision on the Legal Representatives' Joint Submissions concerning the Appeals Chamber's Decision on 8 December 2009 on Regulation 55 of the Regulations of the Court

Issued by the Trial Chamber I on the 8th January 2010

Katanga and Ngudjolo Chui case

Deuxième décision relative aux documents obtenus en vertu de l'article 54-3-e et dont la version expurgée a déjà été communiquée à la Défense

Issued by Trial Chamber II on the 21st December 2009

Motifs de la deuxième décision relative aux demandes de participation de victimes à la procédure

Issued by the Trial Chamber II on the 22nd December 2009

Corrigendum - Version publique expurgée de la « Décision concernant la requête du Procureur aux fins de suppression d'informations dans la seconde déposition du témoin à charge 249 » du 18 mai 2009 (ICC-01/04-01/07-1149-Conf-Exp)

Issued by the Trial Chamber II on the 22nd December 2009

Decision on protective measures for the exhibits associated with the testimony of P-2, P-30 and P-157

Issued by the Trial Chamber II on the 24th December 2009

Decisions taken between 21 December 2009 - 8 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. Bahr 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

Order on the Filing of a Response to the "Second Request for Participation and Observations on the Prosecution's Appeal against the Decision on the Application for a Warrant for the Arrest of Omar Hassan Ahmad al-Bashir"

Issued by the Appeals Chamber on the 6th January 2010

Décision du Greffier sur l'indigence des victimes a/0443/09, a/0444/09, a/0445/09, a/0446/09, a/0447/09, a/0448/09, a/0449/09 et a/0450/09 représentées par Maître Nicholas Kaufman

Issued by the Registrar on the 7th 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 scheduled to start on 27 April, 2010.

Decisions taken between 21 December 2009 - 8 January 2010

Bemba Case

Désignation du Bureau du conseil public pour les victimes pour la représentation légale des demandeurs a/0562/08, a/0563/08, a/0564/08, a/0565/08, a/0566/08, a/0567/08, a/0568/08, a/0569/08, a/0570/08, a/0571/08, a/0572/08, a/0573/08, a/0130/09, a/0131/09, a/0132/09, a/0133/09, a/0134/09, a/0135/09, a/0136/09, a/0137/09, a/0138/09, a/0139/09, a/0427/09, a/0432/09 et a/0652/09

Submitted by the Registrar on the 7th 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**.

Calendar

JANUARY 2010

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
11	12	13	14	15	16	17
18	19	20 Swearing –in ceremony of two new ICC judges	21	22	23	24
25	26 Katanga and Ngudjolo Chui trial resumes	27	28	29	30	31

FEBRUARY 2010

01	02	03	04	05	06	07
08	09	10	11	12	13	14

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.