



## Situation in 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 in two separate cases, six Kenyan citizens voluntarily appeared before Pre-Trial Chamber II on 7 and 8 April 2011. The confirmation of charges hearings in the two cases took place from 1 to 9 September 2011, and 21 September to 5 October 2011, respectively. On 23 January 2012, the judges declined to confirm the charges against Henry Kiprono Kosgey and Mohammed Hussein Ali. Pre-Trial Chamber II confirmed the charges against William Samoei Ruto, Joshua Arap Sang, Francis Kirimi Muthaura and Uhuru Muigai Kenyatta and committed them to trial. On 18 March 2013, the charges against Francis Kirimi Muthaura were withdrawn. The trial against William Samoei Ruto and Joshua Arap Sang is scheduled to start on 28 May 2013 and the trial against Uhuru Muigai Kenyatta is scheduled to start on 9 July 2013.

## Statement by the Office of the Prosecutor

5 April 2013

The Office of the Prosecutor of the International Criminal Court (ICC), today issued the following statement relating to the situation in the Republic of Kenya:

"The Office of the Prosecutor deplores the recent stream of sensationalist reports in the Kenyan media, on the level of witness cooperation. Witness protection remains one of our highest priorities. The Office will therefore not be drawn into any public speculation on the status of witnesses. The courage and integrity of witnesses are essential to the Court's determination of the truth, which is at the heart of justice. It is in the interest of all concerned to allow justice to take its course."

Source: Office of the Prosecutor

## Decisions and orders

### Kenyatta Case

#### Order authorising disclosure of lesser redacted versions of victims' applications

Issued by Trial Chamber V on 2 April 2013

## 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 and orders

### Bemba Case

#### Public Redacted version of the "Decision on 'Defence Motion for authorisation to hear the testimony of Witness Do4-21 via video-link'"

Issued by Trial Chamber III on 3 April 2013

## 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*; *The Prosecutor v. Abdallah Banda Abakaer Nourain and Saleh Mohammed Jerbo Jamus*; and *The Prosecutor v. Abdel Raheem Muhammad Hussein*. Five warrants of arrest have been issued by Pre-Trial Chamber I for Messrs Harun, Kushayb, Al Bashir and Hussein. The four 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 confirmation of charges hearing, in 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, Pre-Trial Chamber I unanimously decided to confirm the charges of war crimes brought by the ICC 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. The trial in the case *The Prosecutor v. Abdallah Banda Abakaer Nourain and Saleh Mohammed Jerbo Jamus* is scheduled to start on 5 May 2014.

### Decisions and orders

#### Banda and Jerbo Case

##### Decision replacing a judge in the Appeals Chamber

Issued by the Presidency on 28 March 2013

##### Decision on the Presiding Judge of the Appeals Chamber in the appeal of Mr Abdallah Banda Abakaer Nourain and Mr Saleh Mohammed Jerbo Jamus against the decision of Trial Chamber IV entitled "Decision on the Defence's Request for Disclosure of Documents in the Possession of the Office of the Prosecutor"

Issued by the Appeals Chamber on 4 April 2013

#### Relevant Links

Courtroom proceedings can be followed on the ICC website: [www.icc-cpi.int](http://www.icc-cpi.int), where you can also consult the [hearing schedule](#)



## Events

### ICC Prosecutor marks Genocide Awareness Month

2 April 2013

In 2010, the International Criminal Court (ICC) issued its first warrant of arrest for genocide; a warrant which remains outstanding. Judges found that the evidence presented by the Prosecutor showed reasonable grounds to believe that Sudanese President Omar al Bashir is responsible for genocide by killing, causing serious bodily injury or mental harm and by deliberating inflicting conditions of life calculated to bring about the physical destruction of the Fur, Masalit and Zaghawa ethnic groups in Darfur.

Unfortunately for the victims in Darfur, their suffering continues because of lack of implementation of the arrest warrant. This April marks genocide awareness month and I call on all States, whether parties to the Rome Statute or not, to cooperate with the ICC in seeking/pursuing accountability for genocide. As we observe a moment of silence for past genocides, we must not forget victims of the Darfur genocide.

To the Government of Sudan and other parties to the conflict, I remind you of your legal obligations to comply with Security Council Resolution 1593 adopted under Chapter VII of the UN Charter. To ICC States Parties, I remind you of your cooperation duties under the Rome Statute. The Office of the Prosecutor appreciates the cooperation it has received to date from many states and international and regional organisations. But more can, must and should be done. Consistent concerted efforts are needed to enforce the warrants and ensure justice at last for the victims in Darfur.

To Contracting Parties to the Genocide Convention I recall article VI of the Convention which calls for persons charged with genocide to be tried "by a competent tribunal of the State in the territory of which the act was committed, or by such international penal tribunal as may have jurisdiction".

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. The Office of the Prosecutor is currently investigating and prosecuting such crimes in Uganda, the Democratic Republic of Congo, Central African Republic, the Darfur region of Sudan, Kenya, Libya, Ivory Coast and Mali. The Office is also conducting preliminary examinations in Colombia, Georgia, Afghanistan, Nigeria, Honduras, Guinea and South Korea.

Source: Office of the Prosecutor

## Calendar

### Judicial developments

- **28 May 2013**  
Scheduled opening of the trial against *William Samoei Ruto and Joshua Arap Sang*
- **9 July 2013**  
Scheduled opening of the trial against *Uhuru Muigai Kenyatta*
- **23 September 2013**  
Scheduled start of the confirmation of charges hearing in the case against *Bosco Ntaganda*
- **5 May 2014**  
Scheduled opening of the trial against *Abdallah Banda Abakaer Nourain and Saleh Mohammed Jerbo Jamus*

View the online [ICC hearings calendar](#)

### Forthcoming events

- **12 April 2013**  
ICC President Judge Sang-Hyun Song to address a meeting of the Committee on Juridical and Political Affairs of the Permanent Council of the Organization of American States in Washington, D.C. (USA)
- **15 - 16 April 2013**  
ICC First Vice-President Judge Sanji Mmasenono Monageng to participate in a workshop on the Ratification and Implementation of the Kampala Amendments to the Rome Statute of the ICC, Gaborone (Botswana) \*
- **16 April 2013**  
Ground-breaking Ceremony for the International Criminal Court's Permanent Premises, The Hague (The Netherlands)
- **18 April 2013**  
Solemn Undertaking Ceremony of new ICC Registrar Herman von Hebel, The Hague (The Netherlands)

\* The ICC is grateful to the organizers for covering the costs of the Court's participation.

The calendar is subject to last-minute changes.