



Situation in Libya

On 26 February 2011, the United Nations Security Council decided unanimously to refer the situation in Libya since 15 February 2011 to the ICC Prosecutor. On 3 March 2011, the ICC Prosecutor decided 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. On 22 November 2011, Pre-Trial Chamber I formally terminated the case against Muammar Gaddafi due to his death. The remaining suspects are not in the custody of the Court. On 31 May 2013, Pre-Trial Chamber I rejected Libya's challenge to the admissibility of the case against Saif Al Islam Gaddafi and reminded Libya of its obligation to surrender the suspect to the Court.

Saif Al-Islam and Al-Senussi Case

ICC Pre-Trial Chamber I rejects Libyan challenge to the admissibility of the case against Saif Al Islam Gaddafi

عربي

On 31 May 2013, the Pre-Trial Chamber I of the International Criminal Court (ICC) rejected the challenge to the admissibility of the case against Saif Al Islam Gaddafi suspected of crimes against humanity of murder and persecution, allegedly committed in Libya from 15 February 2011 until at least 28 February 2011. The Chamber reminded Libya of its obligation to surrender the suspect to the Court. The Libyan authorities may appeal this decision or submit another challenge to the admissibility in accordance with article 19(4) of the Rome Statute.

A challenge to the admissibility of the case is granted if the case is being investigated by a State which has jurisdiction over it, unless the State is unwilling or unable genuinely to carry out the investigation or prosecution. The challenge to the admissibility of the case against Mr. Gaddafi was submitted by Libya on 1 May 2012 and the Chamber conducted an assessment of the evidence presented by the parties and the participants.

The Chamber concluded that it has not been sufficiently demonstrated that the domestic investigation cover the same case that is before the Court.

In addition, the Chamber recognized Libya's significant efforts to rebuild institutions and to restore the rule of law. The Chamber, however, stressed that the Libyan State continues to face substantial difficulties in exercising fully its judicial powers across the entire territory. Namely, the Libyan authorities have not been able to secure the transfer of Mr Gaddafi into State custody and impediments remain to obtain the necessary evidence, and secure legal representation for Mr Gaddafi.

Pre-Trial Chamber I is composed of Judges Silvia Fernandez de Gurmendi, Presiding, Hans-Peter Kaul, and Christine Van den Wyngaert.

Summary of the decision (also available in **Arabic**)



ICC Audio-visual programme, "News from the Court": **English – Arabic** ; and for download: MP4 (**English – Arabic**) and MP3 (**English – Arabic**).

More information on this case, please click **here**.

Decisions and orders

Decision on the request of Abdullah Al-Senussi for access to all confidential filings in the record of the case

Issued by Pre-Trial Chamber I on 27 May 2013

Public redacted-Decision on the admissibility of the case against Saif Al-Islam Gaddafi

Issued by Pre-Trial Chamber I on 31 May 2013

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 Uhuru Muigai Kenyatta is scheduled to start on 9 July 2013. The date for the opening of the trial against William Samoei Ruto and Joshua Arap Sang is to be confirmed.

Ruto and Sang case

Decision granting the Government of Kenya leave to reply

Issued by Trial Chamber V(a) on 30 May 2013

Kenyatta Case

Decision granting the Government of Kenya leave to reply

Issued by Trial Chamber V(b) on 30 May 2013

Decision on the Defence application concerning professional ethics applicable to prosecution lawyers and Concurring separate opinion of Judge Eboe-Osuji

Issued by Trial Chamber V(b) on 31 May 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

Decision on the "Second Further Revised Defence Submissions on the Order of Witnesses" (ICC-01/05-01/08-2644) and on the appearance of Witnesses D04-02, D04-09, D04-03, D04-04 and D04-06 via video-link

Issued by Trial Chamber III on 31 May 2013

Situation in the Democratic Republic of the Congo

The Democratic Republic of the Congo (DRC) ratified the Rome Statute on 11 April 2002. On 3 March 2004, the Government of the DRC referred the situation in its territory to the Court. After a preliminary analysis, the Prosecutor initiated an investigation on 21 June 2004. In this situation, six cases have been brought before the relevant Chambers: *The Prosecutor v. Thomas Lubanga Dyilo*; *The Prosecutor v. Bosco Ntaganda*; *The Prosecutor v. Germain Katanga*; *The Prosecutor v. Mathieu Ngudjolo Chui*; *The Prosecutor v. Callixte Mbarushimana*; and *The Prosecutor v. Sylvestre Mudacumura*. Thomas Lubanga Dyilo, Germain Katanga and Bosco Ntaganda are currently in the custody of the ICC. Sylvestre Mudacumura remains at large. The trial in the case *The Prosecutor v. Thomas Lubanga Dyilo* started on 26 January 2009. On 14 March 2012, Trial Chamber I convicted Mr Lubanga Dyilo and he was sentenced on 10 July 2012 to a total period of 14 years of imprisonment. On 7 August 2012, Trial Chamber I issued a decision on the principles and the process to be implemented for reparations to victims in the case. All three decisions are currently subject to appeal. The trial in the case *The Prosecutor v. Germain Katanga and Mathieu Ngudjolo Chui* started on 24 November 2009 and closing statements were heard from 15 to 23 May 2012. On 21 November 2012, Trial Chamber II decided to sever the charges against Mathieu Ngudjolo Chui and Germain Katanga. On 18 December 2012, Trial Chamber II acquitted Mathieu Ngudjolo Chui of the charges of war crimes and crimes against humanity and ordered his immediate release. On 21 December 2012, Mr Ngudjolo Chui was released from custody. The Office of the Prosecutor has appealed the verdict. The verdict regarding Germain Katanga will be delivered at a later stage. On 16 December 2011, Pre-Trial Chamber I declined to confirm the charges in the case *The Prosecutor v. Callixte Mbarushimana*. Mr Mbarushimana was released on 23 December 2011. On 22 March 2013, Bosco Ntaganda surrendered himself voluntarily and is now in the ICC's custody. His initial appearance hearing took place before Pre-Trial Chamber II on 26 March 2013. The confirmation of charges hearing in the case is scheduled to start on 23 September 2013.

Decisions and orders

Lubanga Dyilo Case

Decision on the Prosecutor's request for non-disclosure in relation to document "OTP/DRC/COD-190/JCCD-pt"

Issued by the Appeals Chamber on 27 May 2013

Order on the reclassification of documents

Issued by the Appeals Chamber on 30 May 2013

Ntaganda Case

Decision Establishing Principles on the Victims' Application Process

Issued by Pre-Trial Chamber II on 28 May 2013

Decision Requesting the Victims Participation and Reparations Section to Submit Observations

Issued by Pre-Trial Chamber II on 26 April 2013

Ngudjolo Chui Case

Order on the filing of further submissions on the Registrar's List of participating victims

Issued by the Appeals Chamber on 27 May 2013

Order on the filing of public redacted versions of documents related to Mr Ngudjolo's request of 8 February 2013

Issued by the Appeals Chamber on 27 May 2013

Order on the filing of responses to the request by the Victims to have access to certain documents related to the third ground of appeal

Issued by the Appeals Chamber on 29 May 2013

Relevant Links

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



Events

President of Germany visits the ICC



H.E. Mr Joachim Gauck, the President of Germany meeting the ICC President, Judge Sang-Hyun Song and other Court Principals, at the seat of the Court in The Hague. From left to right: ICC Registrar Herman von Hebel, ICC Judge Hans-Peter Kaul, President of Germany H.E. Joachim Gauck, ICC President Judge Sang-Hyun Song, and ICC Deputy Prosecutor James Stewart © ICC-CPI

On 30 May 2013, the President of Germany, H.E. Mr Joachim Gauck, visited the International Criminal Court (ICC), to meet with the ICC President, Sang-Hyun Song, and other high-level officials of the Court.

President Song thanked President Gauck for Germany's longstanding support and assistance to the ICC, in particular expressing his appreciation for the "unwavering support that Germany provides to the global fight against impunity and the International Criminal Court in particular". "We warmly welcome the fact that Germany, with its rich legal tradition and powerful engagement in building global respect for the rule of law, is also one of our strongest supporters in pursuing our common goal of global justice for victims of the most atrocious crimes", he said.

President Gauck stated: "International law plays an indispensable role in the endeavour to protect, strengthen and enforce human rights. International criminal law in particular symbolizes the international community's pledge that those responsible for genocide, crimes against humanity and war crimes will be brought to justice. Germany will continue to work towards universal recognition of the International Criminal Court's jurisdiction and to lend its important activities every possible support".

President Gauck's visit to the ICC highlights Germany's continuous support to the ICC and the joint efforts deployed in the fight against impunity of the perpetrators of the most serious crimes that affect the international community as a whole.

Photographs of the visit are available [here](#).

Visit Of President Joachim Gauck: Tfv Expresses Appreciation Of German Support, press release, *Trust Fund for Victims*, 31 May 2013

ICC underlines impartiality, reiterates commitment to cooperation with the African Union

29 May 2013

The Presidency of the International Criminal Court (ICC) issues the following statement in light of reports on discussions concerning the ICC at the recent Summit of the African Union held in Addis Ababa, Ethiopia:

"The International Criminal Court acknowledges and respects the African Union's important role as the continent's main regional organization. As an impartial international judicial institution, the ICC, including its independent Office of the Prosecutor, strives to maintain good working relationships with all relevant international and regional bodies, including the African Union. The ICC's relationship with Africa is all the more important considering that 34 African countries are States Parties to the Rome Statute of the ICC. In addition, the majority of the Court's current investigations were initiated following referrals or requests from the African States in question.

The ICC operates strictly within the mandate and legal framework created by the Rome Statute, the founding treaty of the Court, and cannot take political factors into account. Decisions are taken independently on the basis of the law and the available evidence and are not based on regional or ethnic considerations. Judges are the guarantors of the fairness of proceedings before the Court, from the authorisation of investigations to the confirmation or non-confirmation of charges and decisions on guilt or innocence.

It must be recalled that cases before the ICC are not only about the suspects or the accused; they also concern the thousands of victims affected by the events under the ICC's jurisdiction, many of whom are represented in the various proceedings with the help of legal assistance provided by the Court.

The ICC does not replace national jurisdictions; it only complements them when necessary. The Rome Statute defines the criteria for deciding whether cases should be tried before the ICC or in a national judicial system, and this determination is made through a judicial process by independent judges of the ICC. In all proceedings before the ICC, suspects as well as concerned States have the possibility to address these matters in accordance with the Rome Statute and the Rules of Procedure and Evidence.

While the Rome Statute gives the United Nations (UN) Security Council powers of referral and deferral in relation to the ICC, the exercise of these powers by the Security Council is governed by the UN Charter. The ICC is autonomous from the United Nations and does not participate in the Security Council's decision-making. However once the Security Council refers a situation to the ICC, the investigation and proceedings that may arise from that situation are governed by the Rome Statute and the Rules of Procedure and Evidence of the ICC and are not influenced by the Security Council or any other external body.

The Presidency stresses that the ICC is an independent institution that has a specific, judicial mandate created by States determined to end impunity and to contribute to the prevention of the most serious crimes of concern to the international community as a whole. The ICC counts on the continued support and cooperation of its States Parties in accordance with the Rome Statute and remains fully committed to a constructive and cooperative relationship with the African Union."

President Intelmann meets with UNHCHR Navi Pillay and participates in Panel "Strengthening accountability in the field of human rights"

31 May 2013

The President of the Assembly of States Parties ("the Assembly"), Ambassador Tiina Intelmann, visited Geneva 27 and 28 May 2013. The President met with the United Nations High Commissioner for Human Rights, Ms. Navi Pillay, and with the Vice-President of the International Committee for the Red Cross, Ms. Christine Beerli. Challenges of the Rome Statute system and activities of the States Parties in support of the Rome Statute system, including domestic implementing legislation were addressed at both meetings. President Intelmann also met with members of the diplomatic community accredited to the United Nations.

President Intelmann participated in a discussion, “Strengthening accountability in the field of human rights”, co-organized by the delegations of Costa Rica, Estonia and Switzerland. In her remarks, Ambassador Intelmann explained how the ICC contributes to the fight against impunity and the prevention of future atrocities. She stressed the importance of highlighting the work of the International Criminal Court within the United Nations Human Rights Council and commended States on the use of the Universal Periodic Review to promote universality of the Rome Statute.

Source: *Assembly of States Parties*

Sun Yat-sen University wins the Chinese version of the ICC Trial Competition



On 31 May 2013, Sun Yat-sen University (Guangzhou, China) won the final round of the International Criminal Court (ICC) Trial Competition, Chinese version. Pictured here is the winning team in ICC Courtroom I in The Hague (Netherlands) © ICC-CPI

On 31 May 2013, Sun Yat-sen University (Guangzhou, China) won the final round of the International Criminal Court (ICC) Trial Competition, Chinese version, held in ICC Courtroom I in The Hague (Netherlands). China University of Political Science and Law (Beijing, China) and China Foreign Affairs University (Beijing, China) won, respectively, second and third place. The Best Speaker award went to Wei Wang of Sun Yat-sen University. The winning team was composed of Zhixiong Chao, Wei Wang, Zhifan Zheng, Danni Zheng, and Zhiming Wang.

Fifteen teams from China participated in this year’s simulation exercise on the applicable law and jurisprudence of the ICC. Before a bench composed of ICC officials Bruno Zehnder (presiding), Cynthia Chamberlain and Doreen Scholz, the teams competed on a fictitious case, presenting oral arguments during an appeals hearing in the roles of Prosecution, Defence and Legal Representatives of Victims.

After a break for deliberations, the ICC officials announced the bench’s decision and an awards ceremony was held for all participants. The finalists’ peers attended the event in the Court’s public galleries and the event was web streamed live on the Court’s official website.

This version of the ICC Trial Competition is organised by Professor Yan Ling of the China University of Political Science and Law with the institutional support of the ICC and direct support from several institutions and organisations.

In the context of its Academic Programme, the ICC supports the organisation of ICC Trial Competitions in English, Spanish, Russian and Chinese. These initiatives play a critical role in galvanising interest in the Court’s work with academic communities as well as in enhancing promotion and respect for international criminal law.

View photographs of the event [here](#).

Kyiv National University wins the Russian version of the ICC Trial Competition

On 31 May 2013, Institute of International Relations of Taras Schevchenko Kyiv National University (Ukraine) won the final round of the International Criminal Court (ICC) Trial Competition, Russian version, held in ICC Courtroom I in The Hague (Netherlands). Immanuel Kant Baltic Federal University (Kaliningrad, Russia) and Lomonosov Moscow University (Russia) won, respectively, second and third place. The Best Speaker award went to Ian Iankov of Immanuel Kant Baltic Federal University. Kyiv National University’s winning team was composed of Kateryna Busol, Olena Kucher, Anton Moiseienko, and Vitaly Nabukhotny.

11 teams from Ukraine and Russia participated in this year’s simulation exercise on the applicable law and jurisprudence of the ICC. Before a bench composed of ICC officials Ania Salinas Cerda (presiding), Rogier Bartels and Bruno Zehnder, the teams competed on a fictitious case, presenting oral arguments during an appeals hearing in the roles of Prosecution, Defence and Legal Representatives of Victims.

After a break for deliberations, the ICC officials announced the bench’s decision and an awards ceremony was held for all



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participants. The finalists' peers attended the event in the Court's public galleries and the event was web streamed live on the Court's official website.

This version of the ICC Trial Competition is organised by Professor Gennady Esakov of the Department of Criminal Law, Higher school of Economics, National Research University with the institutional support of the ICC and direct support from several institutions and organisations.

In the context of its Academic Programme, the ICC supports the organisation of ICC Trial Competitions in English, Spanish, Russian and Chinese. These initiatives play a critical role in galvanising interest in the Court's work with academic communities as well as in enhancing promotion and respect for international criminal law.

View photographs of the event [here](#).

On 31 May 2013, International Criminal Court (ICC) Judge Christine van den Wyngaert received an honorary doctorate ("eredoctoraat") from the University of Maastricht for her achievements in the field of International and European criminal law and justice.

Picture: Harry Heuts



Calendar

Judicial developments

- **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

- **10-14 June 2013**
ICC to hold roundtable with NGOs (The Hague, Netherlands)
- **17-21 June 2013**
ICC Seminar for Fostering Cooperation (Nuremberg, Germany)

The calendar is subject to last-minute changes.