



## 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. The trial in the case *The Prosecutor v. Jean-Pierre Bemba Gombo* started before Trial Chamber III on 22 November 2010, for two charges of crimes against humanity and three charges of war crimes, and the submission of evidence in the case is now closed. On 20 November 2013, a warrant of arrest for *Jean-Pierre Bemba Gombo, Aimé Kilolo Musamba, Jean-Jacques Mangenda Kabongo, Fidèle Babala Wandu, and Narcisse Arido* was issued by the ICC for offences against the administration of justice allegedly committed in connection with the case *The Prosecutor v. Jean-Pierre Bemba Gombo*. On 25 November 2013, Fidèle Babala Wandu and Aimé Kilolo Musamba were transferred to the ICC Detention Centre. On 27 November 2013, Aimé Kilolo Musamba, Fidèle Babala Wandu, and Jean-Pierre Bemba Gombo made their initial appearance before the ICC. Jean-Jacques Mangenda Kabongo was transferred to the ICC Detention Centre on 4 December 2013 and made his initial appearance before the ICC on 5 December 2013. Narcisse Arido was transferred to the ICC Detention Centre on 18 March 2014 and made his initial appearance on 20 March 2014. On 21 October 2014, Pre-Trial Chamber II reviewed motu proprio the detention of the suspects and ordered the release of Aimé Kilolo Musamba, Jean-Jacques Mangenda Kabongo, Fidèle Babala Wandu and Narcisse Arido. The decision on the confirmation of the charges will be made in writing in due course.

## Bemba Case

### Closing oral statements in the Bemba trial scheduled for 12 and 13 November 2014:

#### Practical information



On 4 November 2014, Trial Chamber III of the International Criminal Court (ICC) scheduled the closing oral statements in the case *The Prosecutor v. Jean-Pierre Bemba Gombo* for Wednesday 12 and Thursday 13 November 2014 from 09:30 to 16:00 (The Hague local time).

The Prosecution and Defence will have approximately three hours each and the Legal Representative of Victims one and a half hours to make their final submissions. The closing oral statements should be limited to issues arising from the evidence admitted in the Bemba case and the participants' written closing statements.

Following these closing statements, the judges will commence their deliberations and the judgment will be pronounced in due course.

Further information on this case can be found [here](#).

## Decisions and orders

### Order on closing oral statements

Issued by Trial Chamber III on 4 November 2014

## Bemba, Kilolo et al. Case

## Decisions and orders

### Decision on the "Réquête de la Défense de M. Fidèle BABALA WANDU en vue de solliciter la reclassification de ICC-01/05-01/13-694-Conf-Anx3 et ICC-01/05-01/13-696-Conf" submitted by Mr Babala on 27 October 2014

Issued by Pre-Trial Chamber II on 4 November 2014

### Decision on filings requesting access to the transcript of the 26 March 2014 Status Conference (ICC-01/05-01/13-734-Anx1, ICC-01/05-01/13-736)

Issued by Pre-Trial Chamber II on 7 November 2014

### 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 confirmed the charges only 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 in the case *The Prosecutor v. William Samoei Ruto and Joshua Arap Sang* started on 10 September 2013. On 19 September 2014, Trial Chamber V(b) vacated the trial commencement date in the case *The Prosecutor v. Uhuru Muigai Kenyatta*, which had been provisionally scheduled for 7 October 2014. The Chamber also convened two public status conferences for 7 and 8 October 2014 to discuss the status of cooperation between the Prosecution and the Kenyan Government and issues raised in the Prosecution's Notice of 5 September 2014, respectively. On 2 October 2013, Pre-Trial Chamber II unsealed an arrest warrant in the case *The Prosecutor v. Walter Osapiri Barasa*, initially issued on 2 August 2013, for several offences against the administration of justice, consisting of corruptly influence or attempting to corruptly influence ICC witnesses. Mr Barasa is not in the Court's custody.

### Decisions and orders

#### Kenyatta Case

##### Decision on the application of the National Council of Elders Kenya to submit amicus curiae observations

Issued by Trial Chamber V(b) on 6 November 2014

### Situation in Darfur, Sudan

There are five 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 *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. 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. On 4 October 2013, Trial Chamber IV terminated the proceedings against Saleh Jerbo after receiving evidence pointing towards the death of Mr Jerbo on 19 April 2013. On 11 September 2014, Trial Chamber IV issued an arrest warrant against Abdallah Banda Abakaer Nourain. The Chamber also vacated the trial date previously scheduled to open on 18 November 2014 and directed the ICC Registry to transmit the new requests for arrest and surrender to any State, including the Sudan, on whose territory Mr Banda may be found.

### Decisions and orders

#### Al Bashir Case

##### Decision on the "Prosecution's Urgent Notification of Travel in the Case of The Prosecutor v Omar Al Bashir"

Issued by Pre-Trial Chamber II on 4 November 2014

## 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 ICC's custody. 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 against 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. On 7 March 2014, Trial Chamber II **convicted** Germain Katanga, as an accessory, of one count of crime against humanity and four counts of war crimes committed during the attack on the village of Bogoro, Ituri, on 24 February 2003. The Prosecutor and the Defence had appealed the judgment, but discontinued the appeals on 25 June 2014. On 23 May 2014, Trial Chamber II, ruling in the majority, sentenced Germain Katanga to a total of 12 years' imprisonment. The time spent in detention at the ICC – between 18 September 2007 and 23 May 2014 – will be deducted from the sentence. Decisions on possible reparations to victims will be rendered later. 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 to the Court 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 was held from 10 to 14 February 2014. On 9 June 2014, Pre-Trial Chamber II unanimously confirmed charges consisting in 13 counts of war crimes and 5 counts of crimes against humanity against Bosco Ntaganda and committed him for trial before a Trial Chamber. The trial in the Ntaganda case is scheduled to open on 2 June 2015.

### Decisions and orders

#### Ngudjolo Chui Case

##### Order on the submission of proposed redactions to certain documents founding the Prosecutor's third ground of appeal

Issued by the Appeals Chamber on 6 November 2014

### 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**.



## Other Statements and Events

### Statement of the Prosecutor of the International Criminal Court, Fatou Bensouda, on concluding the preliminary examination of the situation referred by the Union of Comoros: "Rome Statute legal requirements have not been met"

عربي عبرت Türkçe

#### Audio-visual statement:

- [YouTube](#) (for viewing)
- [Video \(MPEG-4\)](#) for viewing and download (14.4 MB)
- [Audio \(MPEG-3\)](#) for download (4.1 MB)

On 14 May 2013, a referral was received by my Office from the authorities of the Union of the Comoros, a State Party to the Rome Statute. The same day, I announced the opening of a preliminary examination "with respect to the 31 May 2010 Israeli raid on the Humanitarian Aid Flotilla bound for [the] Gaza Strip."

Following a thorough legal and factual analysis of the information available, I have concluded that there is a reasonable basis to believe that war crimes under the jurisdiction of the International Criminal Court ("ICC" or the "Court") were committed on one of the vessels, the *Mavi Marmara*, when Israeli Defense Forces intercepted the "Gaza Freedom Flotilla" on 31 May 2010. However, after carefully assessing all relevant considerations, I have concluded that the potential case(s) likely arising from an investigation into this incident would not be of "sufficient gravity" to justify further action by the ICC. The gravity requirement is an explicit legal criteria set by the Rome Statute.

Without in any way minimizing the impact of the alleged crimes on the victims and their families, I have to be guided by the Rome Statute, in accordance with which, the ICC shall prioritize war crimes committed on a large scale or pursuant to a plan or policy.

In the final analysis, I have, therefore, concluded that the legal requirements under the Rome Statute to open an investigation have not been met and I am announcing that the preliminary examination has been closed.

My Office's assessment of the situation referred by the Comoros was based on open and other reliable sources, which we subjected to our strict practice of independent, impartial and thorough analysis.

Under the Rome Statute, the referring State, in this case, the Union of the Comoros, has the right to request the Judges of the ICC to review my decision not to proceed to open an investigation, pursuant to article 53(3)(a) of the Statute.

I have made it clear in the past and I will repeat it here: my Office will execute its mandate, without fear or favour, where the Court's jurisdiction is established; and will vigorously pursue those – irrespective of status or affiliation – who commit mass crimes that shock the conscience of humanity. We will do so with unyielding commitment to end impunity for mass crimes and in total independence, but we can only do so in strict conformity with the Rome Statute legal framework.

### Background

The Union of the Comoros has been a State Party to the ICC since 18 August 2006. The Court may therefore exercise jurisdiction over Rome Statute crimes committed on the territory of Comoros or by its nationals as of 1 November 2006.

On 14 May 2013, the Office of the Prosecutor received a referral on behalf of the authorities of the Comoros with respect to the 31 May 2010 Israeli interception of a humanitarian aid flotilla bound for the Gaza Strip. On the same day, the Prosecutor announced that her Office had opened a preliminary examination of the referred situation. On 5 July 2013, the Presidency assigned the situation to Pre-Trial Chamber I.

Of the eight vessels in the flotilla, only three were registered in States Parties. The Court has territorial jurisdiction under article 12(2)(a) of the Rome Statute ("State of registration of that vessel") over crimes committed on board these three vessels, registered respectively in the Comoros (the *Mavi Marmara*), Cambodia (the *Rachel Corrie*) and Greece (the *Eleftheri Mesogios/Sofia*). Cambodia and Greece are States Parties to the ICC since 11 April 2002 and 15 May 2002, respectively. The situation forming the subject of the referral began on 31 May 2010 and encompasses all alleged crimes flowing from the interception of the flotilla by the Israeli forces, including the other related interception of the *Rachel Corrie* on 5 June 2010.

The Office analysed the supporting materials and documentation accompanying the referral along with, among other things, the reports published by the four commissions that have previously examined the 31 May 2010 incident. It should be recalled that the Office does not have investigative powers at the preliminary examination stage. Not having collected evidence itself, the Office's analysis in the report must not be considered to be the result of an investigation. The Office's conclusions may be reconsidered in the light of new facts or evidence.

- [Article 53\(1\) Report on the situation on Registered Vessels of Comoros, Greece and Cambodia](#)
- [Information on the Office's preliminary examinations](#)
- [Statement, 'The Public Deserves to know the Truth about the ICC's Jurisdiction over Palestine'](#)

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Source: *Office of the Prosecutor*

### The Prosecutor of the International Criminal Court, Fatou Bensouda, attends 7<sup>th</sup> Colloquium of International Prosecutors



From the 4<sup>th</sup> to the 5<sup>th</sup> of November 2014, the Prosecutor of the International Criminal Court (ICC), Fatou Bensouda, attended the 7<sup>th</sup> Colloquium of International Prosecutors held in Arusha, Tanzania.

The Colloquium organised by the United Nations International Criminal Tribunal for Rwanda (ICTR) focused on local prosecutions of international crimes. The Colloquium gathered prosecutors from international courts and tribunals, national prosecutors from a number of States Parties and States not Party to the Rome Statute, from Africa, Europe and other parts of the world, as well as representatives of civil society.

In her opening remarks, Prosecutor Bensouda recalled that the Rome Statute system gave States Parties the primary responsibility to investigate, prosecute and prevent atrocities. "In all our cases in Africa and beyond, the ICC should be seen as an extension of national efforts to end impunity for mass crimes", said the Prosecutor. As a court of last resort, the ICC can only investigate and prosecute crimes within its jurisdiction where States are unwilling or unable to do so.

As host of the Colloquium, ICTR Prosecutor, Mr. Hassan Jallow said "much of the success of the past two decades in this area has been the product of an effective partnership between international and local justice mechanisms; and that the future lies in consolidating and enhancing that partnership." He added that "the process of international criminal justice must always remain an option for the international community for it has, despite some of its limitations, the distinct advantage of ensuring accountability in cases where local justice is unable or unwilling to act."

The Colloquium provided for a forum to exchange information and share experiences between seasoned prosecutors on how to investigate and prosecute international crimes at the national level.

[Opening Remarks, ICC Prosecutor Fatou Bensouda](#)

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Source: *Office of the Prosecutor*

### Seminar on cooperation with the ICC concludes in Benin



From left to right: H.E. Ambassador Jan-Lucas van Hoorn, Permanent Representative of the Netherlands to the Organisation for the Prohibition of Chemical Weapons (OPCW) and the ICC, ICC-OTP Head of international cooperation section Amady Ba, ICC Judge Silvia Fernández de Gurmendi, Keeper of the Seals and Minister of Justice, Legislation and Human Rights of Benin H.E. Valentin Djènontin-Agossou, ICC Registrar Herman von Hebel and H.E. Ambassador of Norway to the Netherlands Anniken Krutnes, during the seminar on fostering cooperation with the Court in Cotonou, Benin, on 3 November 2014. ©Didier Dossou Dadjo

support, as well as legal and operational cooperation. It should also be recognised that a good knowledge and proper understanding of the activities of the Court, and of the States' experiences and difficulties in their relations with the Court, are a prerequisite for cooperation". "In order to be able to assist the Court, one must know the Court and understand it", the Judge said.

Representing the seminar's host state, H.E. Valentin Djènontin-Agossou, Keeper of the Seals and Minister of Justice, Legislation and Human Rights of Benin, stated that the seminar was essential for a "better understanding of the mutual benefits of a closer collaboration between States and the ICC".

Speaking before the seminar participants, ICC Registrar Herman von Hebel highlighted that 34 African States have ratified the Rome Statute, thus constituting the largest regional group at the Assembly of States Parties, and that the majority of cases before the Court have been referred independently by the African States concerned. "The support of African States is essential to fulfilling the mandate of the court," he stressed. "In order for countries to take ownership of this Court, it would be important to make ourselves available to discuss cooperation with relevant national stakeholders and increase exchanges in order to answer legitimate questions about our functioning, procedures and mechanisms for cooperation", the Registrar said.

Speaking on behalf of ICC Prosecutor Fatou Bensouda, Mr. Amady Ba, Head of the international cooperation section in the Office of the Prosecutor, recognized "the essential and irreplaceable role that the participants of this seminar can play to reinforce cooperation between the Court and States, which is indispensable to the building and the strengthening of international criminal justice, and the mandate and effectiveness of the ICC".

In all of its activities, the ICC relies on the cooperation of States and international organisations, including in the arrest and surrender of suspects, freezing and seizure of assets, enforcing sentences of imprisonment pronounced by the Court, interim release of detainees, and relocation of witnesses. The Court may enter into arrangements or agreements to provide such cooperation.

The event was organised by the ICC in close cooperation with the Norwegian Embassy to the Kingdom of the Netherlands and the Permanent Representative of the Netherlands to the ICC, funded by the European Commission, the Governments of the Netherlands and Norway, and supported by the Government of Benin.

The International Criminal Court is an independent, permanent court that tries persons accused of the most serious crimes of concern to the international community as a whole, namely the crime of genocide, crimes against humanity, war crimes and the crime of aggression.



On Wednesday, 5 November 2014, H.E. John Neary, Ambassador of Ireland, visited the ICC, meeting with ICC President Judge Sang-Hyun Song. © ICC-CPI

On Thursday, 6 November 2014, H.E. Vusi Bruce Koloane, Ambassador of South Africa, visited the ICC, meeting with ICC President Judge Sang-Hyun Song. © ICC-CPI



## Interacting with Communities



On Wednesday, 5 November 2014, the ICC's Outreach Unit was invited to a debate called *L'Appatam des Droits de l'Homme : les défis de la justice post-crise* (debate on human rights issues and the challenges of post-crisis justice), organised by the NGO *Observatoire Ivoirien des Droits de l'Homme* (OIDH) in collaboration with the Youth Resource Center on Human Rights (CODAP – *Centre de conseils et d'appui pour les jeunes en matière de Droits de l'Homme*) in Abidjan, Côte d'Ivoire.

## Calendar

## Judicial developments

- **12 - 13 November 2014**  
Closing oral statements in the case *The Prosecutor v. Jean-Pierre Bemba Gombo*

View the online [ICC hearing schedule](#)

The calendar is subject to last-minute changes.