



1 May 2012 #125  
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*. 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. Trial Chamber I convicted Mr Lubanga Dyilo on 14 March 2012, and will hold a hearing to pronounce the sentence at a later stage. The trial in the case of *The Prosecutor v. Germain Katanga and Mathieu Ngudjolo Chui* started on 24 November 2009. On 16 December 2011, Pre-Trial Chamber I declined to confirm the charges against Mr Mbarushimana. He was released on 23 December 2011. After being granted leave to appeal by Pre-Trial Chamber I, the ICC Prosecutor appealed the decision on 12 March 2012.

### Lubanga case: Trial Chamber I to hear submissions for sentencing on 13 June

On 24 April 2012, Trial Chamber I of the International Criminal Court (ICC) issued an order fixing the date to hear oral submissions for sentencing in the case *The Prosecutor v. Thomas Lubanga Dyilo*. The hearing is scheduled to start on 13 June 2012.

The Prosecution and the legal representatives of victims are instructed by the Chamber to file submissions by 14 May 2012 on the relevant evidence presented during trial that may be applicable to the sentence, along with their views as to the sentence to be imposed on the convicted person taking into consideration, *inter alia*, any specific aggravating and mitigating factors. The Defence is instructed to respond and to file submissions on the sentence to be imposed on Mr Lubanga by 28 May 2012. In addition, the Defence is to notify the Chamber as to whether it will seek authorisation to present new evidence during the sentencing hearing.

At the 13 June 2012 hearing, the order of the oral submissions on sentence will be: the Prosecution, the participating victims, and then the Defence.

The verdict in this case was rendered on 14 March 2012. Mr Lubanga Dyilo was found guilty of conscripting and enlisting children under the age of 15 and using them to participate in hostilities.

Further information on this case is available [here](#).

Practical information for the media will follow in a media advisory in due course.

### Closing statements in the trial against Katanga and Ngudjolo Chui scheduled from 15 to 23 May

On 20 April 2012, Trial Chamber II of the International Criminal Court (ICC) issued the order on procedures for the presentation of closing statements in the case *The Prosecutor v. Germain Katanga and Mathieu Ngudjolo Chui*. The closing statements are scheduled to take place in ICC Courtroom I from 15 to 23 May 2012.

The link to the order on procedures for the presentation of closing statements can be found below (in French). A summary of the schedule is as follows:

Date	Time	Schedule for presentations
Tuesday, 15 May 2012	9:00-11:00; 11:30-13:00	Closing statement of the Prosecution
Wednesday, 16 May 2012	9:00-11:00; 11:30-13:30	Questions posed to Prosecution; Closing statement of Legal representative of victims
Monday, 21 May 2012	9:00-11:00; 11:30-13:00	Closing statement of the Defence
Tuesday, 22 May 2012	9:00-11:00; 11:30-13:00	Closing statement of the Defence
Wednesday, 23 May 2012	9:00-11:00; 11:30-13:30	Questions posed to the Defence; Prosecution and Defense have the opportunity to respond.

As indicated in the Trial Chamber's order setting the timetable, the parties and participants should be prepared at the closing hearings to entertain questions from Trial Chamber II composed of Judges Bruno Cotte (presiding), Fatoumata Dembele Diarra and Christine Van den Wyngaert, when their closing statements are delivered orally.

Germain Katanga and Mathieu Ngudjolo Chui, Congolese nationals, are charged with three counts of crimes against humanity and seven counts of war crimes allegedly committed in the context of an armed conflict in Ituri which began in Djugu territory and in the town of Mongbwalu, and in particular during the joint attack by combatants allegedly led by Mathieu Ngudjolo Chui and Germain Katanga on Bogoro village on 24 February 2003, which was part of a widespread attack and was allegedly directed not only against a military camp located in that village, but also against the civilian population of the village. The trial started on 24 November 2009.

Further information on this case is available [here](#).

### **Ordonnance relative aux modalités de présentation des conclusions orales**

#### **Decisions taken between 23 - 27 April 2012**

### **Lubanga Dyilo Case**

#### **Order fixing the date for the sentencing hearing**

Issued by Trial Chamber I on 24 April 2012

### **Katanga and Ngudjolo Chui Case**

#### **Decision on the Urgent Requests by the Legal Representative of Victims for Review of Registrar's Decision of 3 April 2012 regarding Legal Aid**

Issued by Trial Chamber II on 23 April 2012

#### **Décision relative à la requête de la Défense de Germain Katanga tendant à l'admission d'extraits du jugement prononcé dans l'affaire Lubanga**

Issued by Trial Chamber II on 26 April 2012

### **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 29 March 2012, the ICC Presidency constituted Trial Chamber V and referred to it the two cases: *The Prosecutor v. William Samoei Ruto and Joshua Arap Sang* and *The Prosecutor v. Francis Kirimi Muthaura and Uhuru Muigai Kenyatta*.

#### **Decisions taken between 23 - 27 April 2012**

### **Ruto and Sang case**

#### **Decision on the "Application of the Victims' Representative pursuant to Article 83 of the Regulations"**

Issued by the Appeals Chamber on 23 April 2012

#### **Decision notifying the election of the Presiding Judge**

Issued by Trial Chamber V on 26 April 2012

## Muthaura and Kenyatta case

### Decision on the "Notification regarding the Legal Representation of Participating Victims in the Appeal Proceedings"

Issued by the Appeals Chamber on 23 April 2012

### Decision notifying the election of the Presiding Judge

Issued by Trial Chamber V on 26 April 2012

## Situation in Libya

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. On 22 November 2011, Pre-Trial Chamber I formally terminated the case against Muammar Gaddafi due to his death.

### Decisions taken between 23 - 27 April 2012

## Gaddafi and Al-Senussi Case

### Decision on the "Application on behalf of Mishana Hosseinioun for Leave to Submit Observations to the Pre-Trial Chamber"

Issued by Pre-Trial Chamber I on 24 April 2012

### Decision on "Government of Libya's Appeal Against the 'Decision Regarding the Second Request by the Government of Libya for Postponement of the Surrender of Saif Al-Islam Gaddafi'" of 10 April 2012

Issued by the Appeals Chamber on 25 April 2012

### Decision on OPCD Requests

Issued by Pre-Trial Chamber I on 27 April 2012

## Statement from the Office of the Prosecutor of the International Criminal Court

Statement: 24.04.2012

Mali ratified the Rome Statute on 16 August 2000. Therefore, in accordance with Rome Statute provisions, the International Criminal Court has jurisdiction over possible war crimes, crimes against humanity or genocide that may be committed on the territory of Mali or by Malian nationals as of 1 July 2002. The Office has been closely following the developments in Mali since clashes erupted around 17 January 2012. According to several sources, including senior United Nations officials, crimes such as killings, abductions, rapes and conscription of children may have been committed by various groups in the northern part of the country. The Office will further scrutinize the possible commission of ICC crimes on Malian territory by any party and will make a decision in due course as to whether to undertake a preliminary examination of the situation under article 15 and article 53.1 of the Rome Statute.

Source: *Office of the Prosecutor*

### Relevant Links

**Courtroom proceedings** can be followed on the ICC website: [www.icc-cpi.int](http://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

### Delegations from Pakistan, Latvia and Finland visit the ICC

This week, the International Criminal Court (ICC) was honoured to host several visitors to its headquarters in The Hague. Visitors who met with the ICC President, Judge Sang-Hyun Song, included a delegation from the High Court of Pakistan on 23 April and a delegation from the Supreme Court of Latvia on 24 April. A group of prosecutors from Finland met with ICC Judge Erkki Kourula on 26 April 2012.



A delegation from the High Court of Pakistan visits the ICC © ICC-CPI



A delegation from the Supreme Court of Latvia visits the ICC © ICC-CPI



A delegation of Prosecutors from Finland visits the ICC © ICC-CPI

### City University of Hong Kong wins the ICC Trial Competition (English version)



ICC Judges Silvia Fernández de Gurmendi (centre), Sanji Mmasenono Monageng (left) and Sylvia Steiner (right) with the winners of the ICC Trial Competition (English version), representing City University of Hong Kong, at the seat of the Court in The Hague © ICC-CPI

City University of Hong Kong is the winner of the ICC Moot Court Competition – English version. The final round was held on 27 April 2012, in Courtroom I of the ICC in The Hague. The winning team is composed of (from left to right in above photo): Theo Jiani Li, Bettina Zhen Yuan Wang, Jacky Wai Nam Fung, Nathan Hin Che Ma, Brian Man Ho Chok and Coach Dr Mark D. Kielsgard. Kaplan Law School (United Kingdom) and Osgoode Hall Law School of York University (Canada) won, respectively, the second and third places. The award for the Best Speaker went to Nathan Hin Che Ma from City University of Hong Kong.

The teams competed before ICC Judges Silvia Fernández de Gurmendi (presiding), Sanji Mmasenono Monageng and Sylvia Steiner on a fictitious case, presenting oral arguments during an appeals hearing in the roles of Prosecution, Defence and the Counsel for a Government. The finalists' peers and coaches were seated in the Court's public galleries. The final round of the ICC Trial Competition was also web streamed live on the Court's official website. Following the decision rendered by the Chamber on the winners of the competition, the ICC hosted an awards ceremony for the winners and participants.

The ICC Judges presiding over the hearing and other senior officials of the Court delivered awards to the best teams and top speakers.

This year, 102 students from 26 universities representing 20 countries from all continents participated in the competition throughout their five days in The Hague. The competition offers to the students a unique opportunity to come together in an exciting setting and to meet with eminent personalities of the international law scene.

This simulation exercise on the applicable law and jurisprudence of the ICC is organised by the International Criminal Law Network (ICLN) with the institutional support of the ICC and direct support from several institutions and organisations. The University of Utrecht, Pace University and Leiden University are also cooperating in the project.

The Court is also supporting the Chinese, Russian and Spanish-language versions of the ICC Trial Competition this year. The finals for these competitions will take place at the ICC on 1 June (in Chinese and Russian) and 22 June (in Spanish). It is envisaged that, in the medium and long term, the ICC Trial Competition will also be expanded, in cooperation with others, to the other official languages of the Court: French and Arabic.

Photos of the competition and awards ceremony are [here](#).

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## Call for Comments on Amendments to the Regulations of the Registry

On 27 April 2012, the Registrar of the International Criminal Court (ICC) launched a one-month call for comments on the recent amendments to the Regulations of the Registry. The amendments aim to adapt the identified regulations to the current practice – in particular those pertaining to the detained persons and victims – and would have a strong impact on the judicial proceedings of the Court. The Registry will consider and aim to incorporate all comments received by the end of May 2012 in the final amendments.

### Proposed amendments

The Regulations of the Registry exist to guide this organ of the Court in fulfilling its mandates, and the amendments reflect the Court's 10 years of experience as well as adaptations tailored to current practices. For example, restrictions would be applied on detainees' use of some facilities for the security and good order of the Detention Centre. Victims' rights to participate and be recognized would also be reinforced, by strengthening the mechanism of their legal representation as regulated by the Rome Statute, the Rules of Procedure and Evidence and the Regulation of the Court.

### Review process

Today's call for comments is an essential step in the amendment process, and ensures that the Registry benefits from external consultations (including web consultations) with individual experts, scholars, civil societies, NGOs and other institutions with relevant expertise. After the call for comments, at the end of June 2012, the Registry will convene a workshop for additional discussion among experts. The Registry will then consult with other organs of the Court – the Office of the Prosecutor and Chambers – and submit the final amendments to the Presidency for approval.

The present amendments were proposed by Registry staff whose daily activities are regulated by this text, and can be found here: [English](#) | [French](#).

For further information, please click [here](#).

Calendar

MAY 2012						
Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
	1	2	3	4	5	6
		Judge Anita Ušacka to participate in the 11th Biennial International Conference titled "Keeping Safe, Keeping Well", hosted by the International Association of Women Judges (IAWJ), London (UK) <sup>1</sup>			Judge Hans-Peter Kaul to speak on the ICC at the annual conference of the Arbeitskreis Völkerstrafrecht (Cologne) and at the International Academy of Nuremberg Principles (Nuremberg, Germany) <sup>2</sup>	
7	8	9	10	11	12	13
	Judge Silvia Fernández de Gurmendi, at the invitation of the ICTJ, to deliver a lecture on the ICC at a training course for the Guatemalan Supreme Court Judges, New York (USA) <sup>2</sup>					
14	15	16	17	18	19	20
	Closing Statements in the case against Germain Katanga and Mathieu Ngudjolo Chui					
	ICC First Vice-President, Judge Sanji Monageng, to speak at the 2 <sup>nd</sup> Regional East African Judicial Officers Training Workshop: International Criminal Justice, Counter-Terrorism and Transnational Crimes (Mauritius) <sup>2</sup>					
21	22	23	24	25	26	27
Closing Statements in the case against Germain Katanga and Mathieu Ngudjolo Chui						
28	29	30	31			
- 29 May – 1 June: ICC to host NGO Roundtable - 13 June: Trial Chamber I to hear submissions for sentencing in the case against Thomas Lubanga Dyilo - From 18 June 2012: Confirmation of charges hearing in the case against Laurent Gbagbo						

1. Travel costs covered by the Judge.
2. The ICC is grateful to the organizers for covering the costs of the Court's participation.

The calendar is subject to last minute changes.