



**Cour
Pénale
Internationale**

**International
Criminal
Court**

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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*. The accused Thomas Lubanga Dyilo, Germain Katanga, Mathieu Ngudjolo Chui and Callixte Mbarushimana 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. The confirmation of charges hearing in the case *The Prosecutor v. Callixte Mbarushimana* is scheduled to start on 4 July 2011.

Decisions taken between 21 - 25 March 2011

Katanga and Ngudjolo Chui case

Decision on Defence Request for Leave to Submit a Reply

Issued by Trial Chamber II on 22 March 2011

Décision sur la requête de la Défense de Germain Katanga aux fins d'être autorisée à rencontrer des témoins à La Haye (article 64-6-f du Statut)

Issued by Trial Chamber II on 22 March 2011

Mbarushimana case

Decision on matters raised at the status conference of 14 February 2011

Issued by Pre-Trial Chamber I on 21 March 2011

Decision on the "Defence Request for an order for State Cooperation Pursuant to Article 57(3) (b) of the Rome Statute"

Issued by Pre-Trial Chamber I on 24 March 2011

Situation in the Republic of Kenya

The Republic of Kenya ratified the Rome Statute on 15 March 2005, becoming a State Party. On 6 November 2009, upon receiving a letter from the Prosecutor indicating his intention to submit a request for the authorisation of an investigation *proprio motu*, the ICC's Presidency issued a decision assigning the situation in the Republic of Kenya to Pre-Trial Chamber II. On 26 November 2009, the Prosecutor submitted a request to Pre-Trial Chamber II for the authorisation to open an investigation into that situation in relation to the post-election violence of 2007-2008. On 31 March 2010, Pre-Trial Chamber II granted the Prosecutor's request. On 8 March 2011, Pre-Trial Chamber II issued, by majority, summonses to appear before the Court for six Kenyan citizens. Initial appearance hearings are scheduled on 7 and 8 April 2011.

Decisions taken between 21 - 25 March 2011

Muthaura, Kenyatta and Ali case

Decision Designating a Single Judge

Issued by Pre-Trial Chamber II on 21 March 2011

Decision Requesting the Prosecutor to Submit Observations on the Possible Reclassification of Certain Documents

Issued by Pre-Trial Chamber II on 21 March 2011

Decision Pursuant to Regulation 24(1) of the Regulations of the Court

Issued by Pre-Trial Chamber II on 24 March 2011

Ruto, Kosgey and Sang case**Decision Designating a Single Judge**

Issued by Pre-Trial Chamber II on 21 March 2011

Decision Requesting the Prosecutor to Submit Observations on the Possible Reclassification of Certain Documents

Issued by Pre-Trial Chamber II on 21 March 2011

Relevant Links

Courtroom proceedings can be followed on the ICC website: 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**United Kingdom makes contribution to Trust Fund for Victims**

Ms Elisabeth Rehn, Chair of the Trust Fund for Victims' Board of Directors accepting a contribution to the TFV from H.E. Mr Paul Arkwright, British Ambassador to the Netherlands © ICC-CPI

On 21 March 2011, the United Kingdom of Great Britain and Northern Ireland announced its contribution of £500,000 to the Trust Fund for Victims (TFV), during the Annual Meeting of the TFV Board of Directors in The Hague, The Netherlands.

"At the 2010 ICC Review Conference, the British Government made a pledge to play an active role in delivering justice to the victims of serious crimes including through its continued support for the Trust Fund for Victims. Today I can announce that the United Kingdom has made a donation of £500,000 to the Trust Fund for Victims. The UK hope that this donation will not only enable the Trust Fund to help victims and affected communities, but also encourage other States and other donors to contribute to this organisation which is making a real difference by helping the victims of serious crime rebuild their lives," states Ambassador Arkwright.

The Board of Directors of the Trust Fund for Victims (TFV) expresses its gratitude to the United Kingdom of Great Britain and Northern Ireland. Ms Rehn, Chair of the TFV Board, states that "by donating the largest single voluntary contribution to the Trust Fund for Victims

to date, the U.K. is setting a standard for other governments and donors to follow. My own direct experience meeting victim-survivors supports my conviction that the Trust Fund's programmes are extremely relevant to responding to their needs and rights but that this will require significantly more resources".

Civilians often bear the brunt of the crimes of war. Adults and children witness their loved ones being killed, tortured, and raped. Children are forced to join fighting forces. Sexual violence against women and girls has been also found to be the most common form of violence and the most widespread form of criminality. Rape has become a "weapon of war" used to punish communities for their political loyalties, or as a form of ethnic cleansing. People see their property and livelihoods destroyed. Victims feel stripped of their dignity and may be shunned by their communities. Conflict tears apart the social and economic fabric of societies.

Over the past three years, the TFV has worked with over 30 local and international partners in northern Uganda and the Democratic Republic of Congo (DRC) to support 75,000 victims under the jurisdiction of the International Criminal Court (ICC). In 2011, the TFV will start activities in the Central African Republic, focusing on victims of sexual violence.

Pieter de Baan, Executive Director of the TFV, introduced a short video taken in Bunia, eastern Congo, about a TFV-supported programme assisting young victims of sexual violence, saying that "these young girls often find themselves stigmatised, which adds insult to injury. The TFV supports them to complete their education, to receive care for their children and to find reconciliation with their family and community. Support by the ICC's Trust Fund for Victims helps victims heal and regain dignity, hope and a sense of justice".

Background: The Trust Fund for Victims (TFV)

The Trust Fund for Victims (TFV) is the first of its kind in the global movement to end impunity and promote justice. At the end of one of the bloodiest centuries in human history, the international community made a commitment to end impunity, help prevent the gravest crimes known to humanity and bring justice to victims with the adoption of the Rome Statute. In 2002, the Rome Statute came into effect and the Assembly of States Parties established the TFV under article 79 of the Rome Statute, to benefit victims of crimes and their families within the jurisdiction of the International Criminal Court (ICC). These crimes are genocide, crimes against humanity, war crimes – and in the future, crimes of aggression.

The TFV addresses and responds to the physical, psychological, or material needs of the most vulnerable victims. It raises public awareness and mobilizes people, ideas and resources. It funds innovative projects through intermediaries to relieve the suffering of the often forgotten survivors. The TFV works closely with NGOs, community groups, women's grassroots organisations, governments, and UN agencies at local, national, and international levels. By focusing on local ownership and leadership, the TFV empowers victims as main stakeholders in the process of rebuilding their lives.

With the unique roles of implementing both Court-ordered and general assistance to victims of crimes under the ICC's jurisdiction, the Trust Fund for Victims offers key advantages for promoting lasting peace, reconciliation, and wellbeing in war-torn societies. The TFV fulfils two mandates for victims of crimes under jurisdiction of the ICC:

1. *Reparations*: implementing Court-ordered reparations awards against a convicted person when directed by the Court to do so.
2. *General Assistance*: using voluntary contributions from donors to provide victims and their families in situations where the Court is active with physical rehabilitation, material support, and/or psychological rehabilitation.

Currently, the TFV is providing a broad range of support under its second mandate in northern Uganda and the Democratic Republic of Congo – including access to reproductive health services, vocational training, trauma-based counselling, reconciliation workshops, reconstructive surgery and more – to an estimated 75,000 victims of crimes under the ICC's jurisdiction. Most of our projects have incorporated both gender-specific and child-specific interventions to support the special vulnerability of women, girls, and boys.

There are currently six situations before the ICC, in *Northern Uganda*, *Democratic Republic of Congo (DRC)*, *Darfur*, *Central African Republic (CAR)*, *Kenya* and *Libya* which means that, with your help, the TFV can assist thousands of victims who come under the jurisdiction of the Court. For more information visit: <http://www.trustfundforvictims.org/homepage>.

TFV Board of Directors

Ms Elisabeth Rehn (chair) (Finland, representing Western European and Other States),
His Excellency, Bulгаа Altangerel (Mongolia, representing the Asian States),
Ms Betty Kaari Murungi (Kenya, representing African States),
Mr Eduardo Pizarro Leongómez (Colombia, representing the Americas and Caribbean State),
Her Excellency Vaira Vīķe-Freiberga (Latvia, representing Eastern European States)

Photos

<http://www.flickr.com/photos/icc-cpi/sets/72157626191311347/with/5546888050/>

YouTube for viewing

<http://www.youtube.com/watch?v=ihOJUItznEQ>

Source: Trust Fund for Victims

ICC Registrar welcomes experts from the International Center for Transitional Justice for a seminar on reparations for victims



From left to right: Seminar speaker Mr Guy Mushiata, Legal Officer in the DRC at the ICTJ; ICC officials attending the seminar; Seminar speaker Mr Ruben Carranza, Director of the Reparative Justice Program at the ICTJ © ICC-CPI

As part of a series of events on victims' issues organised by the Registrar of the International Criminal Court (ICC), Ms Silvana Arbia, the ICC hosted on 23 and 24 March 2011 a seminar at the seat of the Court in The Hague to discuss reparations for victims.

The seminar, entitled Designing and Implementing Judicial Reparations, was organised with the support of the International Center for Transitional Justice (ICTJ), represented by Mr Ruben Carranza, Director of the Reparative Justice Program at the ICTJ and Mr Guy Mushiata, Legal Officer in the Democratic Republic of the Congo at the ICTJ.

In her opening remarks, the Registrar thanked the ICTJ representatives for sharing their experience on the reparations to victims. She said, "the Court is the first international criminal judicial body to recognize the rights of victims to ask for reparations. Although the possibility for victims to participate in the proceedings is perceived by certain victims as a first recognition of their suffering and as such as a form of reparations, we should not forget that the right to reparations is a distinct one recognized in various international instruments."

The seminar then focused on five main topics:

- Comparing the contexts in which reparations programs have emerged;
- Issues in designing and implementing reparations;
- Forms of reparations, comparisons and best practices;
- Resources for reparations, funding and sustainability; and
- Case studies in judicial reparations.

A briefing on each topic was given by the two ICTJ experts, followed by discussions facilitated by the ICC Deputy Registrar, Didier Preira. During the first session, Mr Carranza explained the situations in which reparations programmes have emerged, including truth commission recommendations, peace agreements, as well as regional and domestic human rights litigation, and the implications of this on reparations through criminal courts.

The practical issues addressed included the role of victims in judicial and non-judicial contexts standards of eligibility, proof of claims and the function of written applications, the use of experts, the value of non-judicial sources of information, the timing and stages of court proceedings vis-à-vis reparations, *in-situ* hearings and outreach to victims, and gender aspects involved. Discussions on best practices focused on material reparations, rehabilitation, and collective as well as symbolic reparations.

Resources for reparations were also discussed; after a presentation of the comparative experiences in reparations funding, the discussion focused on the role of the convicted perpetrators and responsibility of the State, as well as the role of the international community.

The final session was dedicated to the case studies in judicial reparations. The first was presented by Guy Mushiata and focused on reparations from domestic courts in the Democratic Republic of the Congo, including reparations for victims of sexual and gender-based violence. The second case study was on the approach to reparations in the Extraordinary Chambers in the Courts of Cambodia (ECCC), presented by Ruben Carranza.

Background

Through this series of events, the Registrar is seeking to highlight the unprecedented right of victims to participate in ICC proceedings and request reparations for the first time in the history of international criminal justice. The Court may award reparations on an individual or a collective basis, or both. Furthermore, ICC States Parties have established the Trust Fund for Victims (TFV) responsible for supporting victims of crimes under jurisdiction of the ICC by implementing Court-ordered reparations awards against a convicted person; and using voluntary contributions to provide victims and their families with physical and psychological rehabilitation and material support. At the discretion of the TFV's Board of Directors, funds can be made available to complement the assets seized from convicted persons to support reparation orders.

Interacting with communities

ICC Outreach Unit visits Sudanese refugee camps in Darfur



Outreach coordinator talking to members in the Association of Women in Farchana camp, eastern Chad, on 4 March 2011 © ICC-CPI

Between 21 February and 18 March 2011, the International Criminal Court (ICC) Outreach Unit staff conducted, together with the Victims' Participation and Reparation Section (VPRS) a four-week mission to Chad and visited six refugee camps established by the United Nations High Commissioner for Refugee (UNHCR) in eastern Chad, near the boundaries with Darfur in Sudan. The UNHCR's recent official estimation raises the number of the Sudanese refugees residing in these camps to 285,000, the majority of which has fled the ongoing armed conflict in Darfur.

More than 2000 refugees interacted directly with the Outreach staff inside the camps of Gaga, Farchana, Bredjing, Treguine, Goz Amer and Djabal. The mission team travelled hundreds of kilometres between camps in order to reach out to refugees in remote camps. The refugees who met with the Court were briefed on the judicial developments in the Situation in Darfur since the referral by the United Nations Security Council (UNSC) in 2005. VPRS also informed the refugees on the rights provided for victims by the Rome Statute, in particular the rights of participation, legal representation and reparations. More than 300 women attended these interactive sessions and expressed their points of view openly regarding the work of the Court in relation to the Situation in Darfur. The refugees in general were also interested in the new UNSC referral to the ICC of the crimes allegedly committed in Libya.

In the six camps visited by the mission team, the Outreach Unit organised trainings for teachers to realize the School Club project, through which the work and mandate of the ICC would be included in the curricula of the refugee schools based on simplified messages and basic information. Hundreds of copies of information fact sheets about the Situation in Darfur and, and of the booklet "Understanding the ICC", were handed to the directors of schools for educational use. Copies of audio-visual materials including summaries of the hearings of Sudanese cases heard before the Court, and a drama series "Adam will not go to school this Saturday" produced by the Public Information and Documentation Section (PIDS) of the Court in 2008, were handed to the owners of the "Television Clubs" in each camp for regular screening.

The Outreach Unit's key messages were the fairness of proceedings and the conduct of trials before the Court. Legal representation of victims was also a particular focus of the VPRS presentation, which included a survey on the refugees' need in this regard. Various topics were discussed with the leaders (Sheikhs and Sheikhas) of each camp, mainly the means of implementation of the Court's decisions including

the warrants of arrest. The mission team managed to ease the expectations of the refugees by explaining the reasons behind the length of proceedings and the limited capacities of the Court regarding the implementation of the warrants of arrest.

Background

The situation in Darfur was referred to the ICC by UNSC resolution 1593 on 31 March 2005, under article 13(b) of the Rome Statute.



Outreach coordinator training teachers at a refugee school in Gaga camp, eastern Chad, on 2 March 2011 © ICC-CPI

Four cases were opened in relation with this Situation. The suspects Ahmad Harun, Ali Kushayb and Omar Ahmad Al Bashir, in the first two cases remain at large. In the third case, Bahar Idriss Abu Garda appeared voluntarily before the ICC on 18 May 2009. The confirmation of charges hearing took place from 19 to 29 October 2009. On 8 February 2010, Pre-Trial Chamber I declined to confirm the charges against him.

In the fourth case, Abdallah Jerbo and Saleh Banda appeared voluntarily before the Court on 17 June 2010, in compliance with summonses to appear issued by Pre-Chamber I. On 8 December 2010, the Chamber held the hearing on the confirmation of the charges in the absence of Saleh Jerbo and Abdallah Banda who, on 4 and 15 November, respectively, waived their rights to be present at that hearing. On 7 March 2011, Pre-Trial Chamber I unanimously decided to confirm the charges of war crimes brought against Abdallah Banda and Saleh Jerbo, and committed them to trial.

Calendar

MARCH 2011							
Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday	
28	29	30	31				
APRIL 2011							
Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday	
				1	2	3	
4	5	6	7	8	9	10	
ICC hosts fifteenth strategic NGO roundtable meeting				ICC gives 20 th briefing to the members of the diplomatic community			
			Initial appearance scheduled for William Samoei Ruto, Henry Kiprono Kosgey and Joshua Arap Sang	Initial appearance scheduled for Francis Kirimi Muthaura, Uhuru Muigai Kenyatta and Mohammed Hussein Ali			
11	12	13	14	15	16	17	
ASP's Committee on Budget and Finance to hold its 16 th session at the Court				Final round of the ICC Trial Competition (English version) at the seat of the ICC			
Deputy Prosecutor to participate in the Expert meeting on complementarities between international refugee law, international criminal law, and international human rights law, organised by ICTR and UNHCR, Arusha (United Republic of Tanzania)							
18	19	20	21	22	23	24	
25	26	27	28	29	30		

The calendar is subject to last minute changes.