



**Cour
Pénale
Internationale**

**International
Criminal
Court**

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23 January 2012 #112 ICC Weekly Update



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, six Kenyan citizens voluntarily appeared before Pre-Trial Chamber II on 7 and 8 April 2011. The confirmation of charges hearing in the case *The Prosecutor v. William Samoei Ruto, Henry Kiprono Kosgey and Joshua Arap Sang* took place from 1 to 9 September 2011. The confirmation of charges hearing in the case *The Prosecutor v. Francis Kirimi Muthaura, Uhuru Muigai Kenyatta and Mohammed Hussein Ali* took place from 21 September to 5 October 2011. On 23 January 2012, the Judges declined to confirm the charges against Mr Kosgey and Mr Ali. Pre-Trial Chamber II confirmed the charges against Mr Ruto, Mr Sang, Mr Muthaura and Mr Kenyatta and committed them to trial.

Kenya situation: Decisions on the confirmation of charges issued on 23 January

On Monday, 23 January 2012, Pre-Trial Chamber II of the International Criminal Court (ICC) issued its decisions on the confirmation of the charges in the case of *The Prosecutor v. William Samoei Ruto, Henry Kiprono Kosgey and Joshua Arap Sang* and in the case of *The Prosecutor v. Francis Kirimi Muthaura, Uhuru Muigai Kenyatta and Mohammed Hussein Ali*. The confirmation of charges hearings in these two cases were held from 1 to 8 September 2011 and from 21 September to 5 October 2011, respectively.

The decisions were notified in writing to the parties and participants in both cases. Thereafter, the Judges of Pre-Trial Chamber II appeared publicly in Courtroom I at 11:30 (The Hague time) for the sole purpose of informing the public about the outcome of their decisions. Neither the parties nor the participants were present in the Courtroom during this public appearance.

The Judges declined to confirm the charges against Mr Kosgey and Mr Ali. Pre-Trial Chamber II confirmed the charges against Mr Ruto, Mr Sang, Mr Muthaura and Mr Kenyatta and committed them to trial.

Decision in the case *The Prosecutor v. Francis Kirimi Muthaura, Uhuru Muigai Kenyatta and Mohammed Hussein Ali*

Issued by Pre-Trial Chamber II on 23 January 2012

Decision in the case *The Prosecutor v. William Samoei Ruto, Henry Kiprono Kosgey and Joshua Arap Sang*

Issued by Pre-Trial Chamber II on 23 January 2012

Press conference by ICC Prosecutor Luis Moreno-Ocampo at 12:00 on Tuesday, 24 January, related to the Kenyan situation

On Tuesday, 24 January 2012, at 12:00 (The Hague local time), the Prosecutor of the International Criminal Court (ICC), Mr Luis Moreno-Ocampo, will hold a press conference in relation to the situation in Kenya, in the ICC's Press Briefing Room.

Practical information for journalists here.

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 taken between 16 - 20 January 2012

Bemba Case

Order on the reclassification of documents

Issued by the Trial Chamber III on 19 January 2012

Public Redacted Version of the 6 January 2012 Decision on the defence's 28 December 2011 "Requête de Mise en liberté provisoire de M. Jean-Pierre Bemba Gombo"

Issued by the Trial Chamber III on 19 January 2012

Decision shortening time for observations on the «Requête de Mise en liberté provisoire de M. Jean-Pierre Bemba Gombo»

Issued by the Trial Chamber III on 28 December 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

ICC hosts welcome ceremony honouring Cape Verde as a new State Party

The International Criminal Court (ICC) held a ceremony on 19 January 2012 at the seat of the Court in The Hague to welcome Cape Verde as the 119th State Party to the Rome Statute, the ICC's founding treaty. Cape Verde is also the 33rd African State Party, the first Lusophone country in Africa and the 12th member of the Economic Community of West African States to adhere to the Rome Statute, which took effect in the country on 1 January 2012.

During the ceremony, ICC President Sang-Hyun Song presented the Ambassador of Cape Verde, H.E. Ms Maria de Jesus Veiga Miranda Mascarenhas, with a special edition of the Rome Statute, as a symbol of their joint commitment to the rule of law.



ICC President Sang-Hyun Song, in the presence of ASP Vice-President, H.E. Ambassador Markus Börlin, presents Cape Verde's Ambassador, H.E. Ms Mascarenhas, with a special edition of the Rome Statute © ICC-CPI

ICC President Song recounted that Cape Verde had amended its constitution to ratify the Rome Statute, and that its National Assembly unanimously approved ratification. On the day of ratification to the Rome Statute, Cape Verde also joined a number of other important treaties, such as the Convention on the Prevention and Punishment of the Crime of Genocide. "This," said the President, "is an unequivocal demonstration of Cape Verde's commitment to international law and the protection of human rights".

The Vice-President of the Assembly of States Parties and Ambassador of Switzerland to the Netherlands, H.E. Mr Markus Börlin, stated that Cape Verde's ratification "also conveys a strong message to the international community to further strengthen its efforts to ensure that the most heinous crimes should be investigated and justice dispensed".

Ambassador Mascarenhas expressed Cape Verde's support for the ICC, stating: "We heartily acknowledge the International Criminal Court's progress in fulfilling its mandate, which is to bring to justice the perpetrators of the most serious crimes of concern to the international community. However, despite its best efforts, many challenges remain, with continuing acts of violence, especially those perpetrated against women and children, still being a major concern. [...] I wish to assure you, once again, of my country's commitment to support the Court's efforts in fighting impunity, establishing accountability and developing international criminal law".

The ceremony was held in the presence of the Second Vice-President of the Court, Judge Hans-Peter Kaul, Judge Erkki Kourula, Judge Sylvia Steiner, Judge Ekaterina Trendafilova, Judge Daniel Nsereko, Judge Joyce Aluoch, Judge Sanji Monageng, Judge Cuno Tarfusser, the Registrar, Ms Silvana Arbia, the Deputy Registrar, Mr Didier Preira and a representative of the Office of the Prosecutor, Senior Legal Adviser Ms Shamila Batohi.

Speech of the President of the ICC, Judge Sang-Hyun Song

Speech of the Vice-President of the Assembly of States Parties, the Ambassador of Switzerland to the Netherlands, H.E. Mr Markus Börlin

Speech of the Ambassador of Cape Verde, H.E. Ms Maria de Jesus Veiga Miranda Mascarenhas

Click [here](#) for photos and [here](#) for videos of the event.

Mali becomes first African state to sign an agreement on the enforcement of sentences with the ICC

On Friday, 13 January 2012, the International Criminal Court (ICC) and the Republic of Mali concluded an agreement on the enforcement of sentences of imprisonment. The agreement was signed by Judge Fatoumata Dembele Diarra, First Vice-President of the ICC, and Mr Soumeylou Boubeye Maiga, Minister of Foreign Affairs and International Cooperation of the Republic of Mali, in the nation's capital, Bamako. Mali is the first state in Africa to conclude such an agreement with the ICC.



Judge Fatoumata Dembele Diarra, First Vice-President of the International Criminal Court (L) after signing the agreement © ICC-CPI

“The enforcement of sentences is a crucial element of a well-functioning justice system, and the ICC is grateful to every State Party that expresses its willingness to accept persons convicted by the Court”, Judge Diarra remarked. “This agreement with Mali – the first to be signed by an African State – is particularly significant considering the principle enshrined in the Statute and Rules of the ICC that States Parties should share the responsibility for enforcing sentences of imprisonment, in accordance with principles of equitable geographical distribution”.

Minister Maiga expressed Mali's firm commitment to the ICC, saying: “Through this ceremony, Mali wishes to reaffirm its unfailing commitment to human rights and the ideals of international peace and justice on which the ICC was founded. Signing this agreement is an ideal means of conveying Mali's determination to honour the commitments it made by signing and ratifying the Rome Statute.

Furthermore, this is a modest, symbolic contribution from Mali to assist the Court in best serving its mandate, in particular in the fight against impunity for international crimes the world over”.

The Rome Statute, the founding treaty of the ICC, provides that sentences handed down by judges “shall be served in a State designated by the Court from a list of States which have indicated to the Court their willingness to accept sentenced persons”.

In addition to the agreement with Mali, the ICC has signed agreements on the enforcement of sentences with the governments of Austria, the United Kingdom, Belgium, Denmark, Finland, Serbia and Colombia.

Calendar

JANUARY 2012						
Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
23	24 ICC Prosecutor to hold press conference related to Kenyan situation at 12:00	25	26	27	28	29
30	31					
FEBRUARY 2012						
Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
		1	2	3	3	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
President, Deputy Prosecutor and Registrar of the Court to participate in the Conference "Justice for all? 10 year review of the ICC" and side events in Sydney, Australia*						
*The ICC gratefully acknowledges the financial support of the organisers for the Court's participation						

The calendar is subject to last minute changes.