



**Cour
Pénale
Internationale**

**International
Criminal
Court**

ICC-PIDS-WU-116/12_Eng

20 February 2012 #116 ICC Weekly Update



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 13 - 17 February 2012

Bemba Case

Order on the lifting of redactions in prosecution filings

Issued by Trial Chamber III on 13 February 2012

Public Redacted Version of the Partly Dissenting Opinion of Judge Kuniko Ozaki on the First decision on the prosecution and defence requests for the admission of evidence of 15 December 2011

Issued by Judge Kuniko Ozaki on 14 February 2012

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 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. 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.

Decisions taken between 13 - 17 February 2012

Katanga and Ngudjolo Chui Case

Décision modifiant les modalités de présentation des conclusions écrites

Issued by Trial Chamber II on 14 February 2012

Décision relative à la nature du « Procès-verbal de l'opération de transport judiciaire en République démocratique du Congo »

Issued by Trial Chamber II on 14 February 2012

Décision sur la demande de prorogation de délai du dépôt des conclusions écrites du Représentant légal commun du groupe principal de victimes

Issued by Trial Chamber II on 15 February 2012

Décision sur les demandes des parties et des participants aux fins d'extension du nombre de pages accordées pour leurs conclusions écrites finales

Issued by Trial Chamber II on 17 February 2012

Situation in Darfur, Sudan

There are four 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*; and *The Prosecutor v. Abdallah Banda Abakaer Nourain and Saleh Mohammed Jerbo Jamus*. Four warrants of arrest have been issued by Pre-Trial Chamber I for Messrs Harun, Kushayb and Al Bashir. The three 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 hearing of confirmation of charges, in February 2010, Pre-Trial Chamber I declined to confirm the charges. Mr Abu Garda is not in the custody of the ICC. 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's 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.

Decisions taken between 13 - 17 February 2012

Banda and Jerbo Case

Scheduling Order for the Judgment on the appeal of the Prosecutor against the decision of Trial Chamber IV of 12 September 2011 entitled "Reasons for the Order on translation of witness statements (ICC-02/05-03/09-199) and additional instructions on translation"

Issued by the Appeals Chamber on 13 February 2012

Redacted Order on the defence Application for Leave to Reply to the "Prosecution's Response to the 'Defence Request for a Temporary Stay of Proceedings' and to the 'Defence Request for an Oral Hearing'"

Issued by Trial Chamber IV on 16 February 2012

Judgment on the appeal of the Prosecutor against the decision of Trial Chamber IV of 12 September 2011 entitled "Reasons for the Order on translation of witness statements (ICC-02/05-03/09-199) and additional instructions on translation"

Issued by the Appeals Chamber on 17 February 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 13 - 17 February 2012

Gaddafi and Al-Senussi Case

Decision on the 'Application of Mishana Hosseinioun for Leave to Appeal Against Decision on Application under Rule 103'

Issued by Pre-Trial Chamber I on 14 February 2012

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**

Interacting with communities

Central African Republic (CAR): The ICC and media professionals meet again this week in Bangui

On Monday, 13 February 2012, staff from the Outreach Unit of the International Criminal Court (ICC) invited CAR media professionals to take part in another press briefing to inform them of the latest developments at the Court and provide a full update on the case of *The Prosecutor v. Jean-Pierre Bemba Gombo*.

The briefing, attended by 36 journalists, was held in the 2nd *arrondissement* of the capital, at the Jean XXXIII Centre. The first half addressed current developments concerning the Court at the international level. Journalists were briefed in detail on each of the situations currently before the ICC. The presentation included the screening of video summaries on the situations in the Democratic Republic of the Congo and the Republic of Côte d'Ivoire. The second half of the briefing focussed exclusively on the case of *The Prosecutor v. Jean-Pierre Bemba Gombo*. Outreach staff gave a comprehensive update on different aspects of the ongoing trial: the resumption of hearings on Monday, 30 January, after the judicial recess; the testimony of the penultimate

of the 40 prosecution witnesses; the possibility for legal representatives of the victims to then call some of their clients to testify; the representation of 2,287 victims to date in proceedings; and clarification of reparations mechanisms at the ICC. This information was followed by a 45-minute video summarising the trial of Jean-Pierre Bemba over the last few weeks. Journalists asked a great many questions and at the close of the briefing expressed satisfaction with the quality of information received.

These meetings with CAR media representatives are held on a regular basis and form part of the Outreach Unit's extensive media outreach programme, which, over the past three years, has aimed to familiarise the CAR public with the functioning and activities of the International Criminal Court and the ongoing judicial proceedings in the case of *The Prosecutor v. Jean-Pierre Bemba Gombo*.



ICC Outreach Coordinator in CAR facilitating the meeting with the CAR media. © ICC-CPI

10th anniversary of the Court

Senior ICC officials reach out to the Asia-Pacific and discuss gender justice at events in Sydney

From 14 to 15 February 2012, the President of the International Criminal Court (ICC), Judge Sang-Hyun Song, the ICC Deputy Prosecutor and Prosecutor-elect, Ms Fatou Bensouda, and the ICC Registrar, Ms Silvana Arbia, participated in the international conference "[Justice for all? The International Criminal Court - 10 year review of the ICC](#)" at the University of New South Wales (UNSW) in Sydney, Australia. The President of the Assembly of States Parties to the Rome Statute, Ambassador Tiina Intelmann, also took part in the events.

On Tuesday, 14 February, in his opening keynote remarks, President Song thanked the organisers for sponsoring the Court's participation in the conference which brought together a large number of experts not only from the Pacific region but also many parts of Asia to discuss the ICC's work and impact in its first decade, focusing on gender justice and on the involvement of the Asia-Pacific, which remains the most underrepresented group of the States in the Rome Statute system.



Three ICC Officials at events in Sydney, Australia © ICC-CPI
Front row, from left: ICC Deputy Prosecutor and Prosecutor-elect, Fatou Bensouda, ICC President Sang-Hyun Song and ICC Registrar Silvana Arbia

On the same day, as part of the Conference activities, President Song gave the annual Wallace Wurth Memorial Lecture at UNSW, titled "From Punishment to Prevention: Reflections on the Future of International Criminal Justice". President Song discussed in his lecture how the ICC can contribute to the prevention of atrocity crimes through deterrence, timely intervention, stabilization and norm-setting. At the same time, he noted that the ICC is part of a wider array of mechanisms crucial for peace, stability and the protection of human rights, and stressed that a realistic understanding of the possibilities as well as limitations of international justice is a prerequisite to its success.

On the morning of 14 February, [the ICC Registrar, Ms Arbia](#), participating in the debate on the ICC's work in its first 10 years, explained how the Court has become a developed institution while underlining that it is crucial to address the current challenges and, especially, to ensure that the ICC receives cooperation from States and adequate resources to fulfil its mandate.

That afternoon, participating in the sessions on gender justice and lessons from Africa, Deputy Prosecutor and Prosecutor-elect Bensouda stated that "gender crimes are prominent in our prosecutions because they are prominent in the contexts being prosecuted [...] This Office will make sure that victims of sexual and gender crimes see the crimes they have suffered from being punished; their perpetrators being arrested and prevented from committing additional crimes. This is a commitment that I make as the new incoming Prosecutor of the ICC". Ms Bensouda also stressed that: "The world increasingly understands the role of the Court; Africa understood it right from the start. As Africans, we know that impunity is not an academic, abstract notion. This African commitment to ending impunity is a reality and we have to find the way to focus our attention on that".



ICC President, Judge Sang-Hyun Song, speaks at "Justice for All?" conference at UNSW in Sydney, Australia © ICC-CPI

On 15 February, in her statement at the Conference, the President of the Assembly of States Parties, Ambassador Tiina Intelmann, emphasized the importance of consolidating the numerous achievements of the Rome Statute system, while also seeking to expand the number of States Parties, in particular from Asia and the Pacific Islands, as well as to continue concerted efforts to ensure that States Parties have adequate implementing legislation in place in order to cooperate fully with the Court.

On Thursday, 16 February, the ICC President, Deputy Prosecutor and Prosecutor-elect, and Registrar participated in a full-day roundtable on the ICC with delegates from 11 member states of the Pacific Islands Forum (PIF), organised by the governments of Australia and New Zealand and the Commonwealth Secretariat, with the participation of the PIF Secretary-General and former ICC judge, Mr Tuiloma Neroni Slade. The participants discussed the involvement of PIF states in the ICC and progress toward accession and full implementation of the Rome Statute in the region. Of the 16 PIF member states, 8 have thus far joined the ICC.



ICC Deputy Prosecutor and Prosecutor-elect, Ms Fatou Bensouda, speaks at "Justice for All?" conference at UNSW in Sydney, Australia © ICC-CPI

[President Song's Wallace Wurth Memorial Lecture](#)

Calendar

FEBRUARY 2012

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
20	21	22	23	24	25	26
27	28	29				

March 2012

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
			1	2	3	4
5	6	7	8	9	10	11
				Solemn Undertaking Ceremony for the newly elected ICC Judges		

- From 15 May 2012: Closing Statements in the case against Germain Katanga and Mathieu Ngudjolo Chui
- From 18 June 2012: Confirmation of charges hearing in the case against Laurent Gbagbo

The calendar is subject to last minute changes.