

BULLETIN

of the
Coalition for the International Criminal Court



DARFUR: ICC ISSUES ARREST WARRANT AGAINST SITTING HEAD OF STATE

On 4 March 2009, Pre-Trial Chamber I of the International Criminal Court (ICC) issued an arrest warrant for Sudanese President Omar Hassan Ahmad Al-Bashir for crimes against humanity and war crimes allegedly committed in Darfur. This is the Court's first case against a sitting head of state. The Sudanese government has openly refused to cooperate with the Court and instead expelled humanitarian aid groups from Sudan. CICC members condemned these measures and held a series of advocacy meetings, press briefings and issued **statements** in support of the Court's fight against impunity in Sudan. The CICC also issued **public letters** to key United Nations officials and African states, urging them to support the Court.

ASP/ICC

Five New Judges Take Office – Judge Song is New ICC President

On 11 March 2009, Judges Joyce Aluoch, Sanji Mmasenono Monageng Fumiko Saiga, Cuno Tarfusser and Christine Van den Wyngaert were **sworn in** at the seat of the ICC in The Hague following **elections** at the first resumption of the Seventh Assembly of States Parties (ASP) in January 2009. The judges' plenary **elected** Judge Sang-hyun Song (Republic of Korea) as the new ICC President and Judge Fatoumata Dembele Diarra (Mali) and Judge Hans-Peter Kaul (Germany) as First and Second Vice-President, respectively.

Passing of Judge Saiga

On 24 April 2009, Judge **Fumiko Saiga**

died of heart failure. **Saiga**, a Japanese national, served as an ICC judge since January 2008 and was re-elected in January 2009 for a nine-year term.

NGOs and ICC Hold Biannual Strategy Meetings

From 24-26 March 2009 some 40 CICC member NGOs met with ICC officials of the presidency, registry, OTP, OPCD/V, TFV and ASP Secretariat in The Hague for strategic meetings on pressing issues faced by the Court. Additionally, CICC members met with Hague diplomats during a briefing held at the CICC offices.

CICC Active on Trust Fund for Victims Issue

On 15 April 2009, the CICC TFV Team

submitted **recommendations** regarding criteria for the nomination and election of the Board of Directors of the **ICC Trust Fund for Victims** (TFV) to states parties. Elections will be held at the eighth ASP and the nomination period runs from 20 May to 11 August 2009.

CICC Submitted Recommendations to Committee of Budget and Finance

On 20 April 2009, the CICC team on budget and finance presented its **recommendations** to the Committee on Budget and Finance (CBF), a subsidiary body of the ASP set up to help with the budget process though recommendations and reports.

CASES AND SITUATIONS

DRC

Lubanga trial: 17 Witnesses To Date

Since the opening of the Court's **first trial** on 26 January 2009 in its case against Congolese warlord **Thomas Lubanga Dyilo** for the enlistment and conscription of child soldiers, Trial Chamber I has held 44 days of hearings and heard from 17 of 34 witnesses. Apart from two expert witnesses, a clinical psychologist and a historian, witnesses are primarily former child soldiers or family members.

ICC's Second Trial to Begin in September

The trial of Congolese rebel leaders **Germain Katanga** and Mathieu Ngudjolo Chui will start on 24 September 2009, ICC Trial Chamber II has decided. This is the second case in the **DRC** situation and the second trial to be opened at the ICC. **Katanga and Ngudjolo** are both accused of war crimes and crimes against humanity allegedly committed between January and March 2003 in the village of Bogoro in the Ituri district of eastern DRC.

CAR

Bemba case: Prosecution Submits Amended Document Containing Charges

On 30 March 2009, the OTP submitted an **amended document** containing the charges to include superior responsibility (pursuant to Art 28 of the Rome Statute) as an alternative to, not in substitution of, individual criminal responsibility (Art 25 (3)(a) of the RS). If the judges confirm the charges, **Bemba** will stand trial.

Amnesty Submits Amicus Curiae in Bemba case

On 9 April 2009, Amnesty International was granted the right to submit an **amicus curiae** brief on the issue of superior responsibility.

UGANDA

ICC Decides Case against Kony is Admissible

On 10 March 2009, ICC Pre-trial Chamber II determined that the case of the *Prosecutor v. Kony* and others is **still admissible** given the “total inaction on the part of the national Ugandan authori-

ties” to implement the February 2008 Agreement and the “Annexure to the Agreement on Accountability and Reconciliation between the Government of the Republic of Uganda and the Lord’s Resistance Army/Movement,” which foresees the establishment of a special division of the Ugandan High Court.

REGIONAL UPDATES

AFRICA

DRC

- From 9-11 March 2009, the **Women’s Initiatives for Gender Justice** hosted the “Women Shaping Justice and Peace” workshop for 35 women’s rights activists from eastern DRC and CAR.
- On 28 and 29 March 2009, the DRC Coalition for the ICC organized a capacity building training for 60 lawyers and magistrates in the Kongo Central Province to discuss issues related to the ICC, including cooperation and implementing legislation.
- Also in March, **Parliamentarians for Global Action (PGA)** held a **parliamentary seminar** on Rome Statute implementation in Kinshasa.
- On 16-20 April 2009, the DRC Coalition for the ICC launched its first ICC documentary festival in L’shi and Kowelsi.

Kenya

On 23-24 April 2009, PGA held a **workshop** on reforming legislation on the basis of the Rome Statute of the ICC in east Africa at the parliament of Kenya, Nairobi.

South Africa

In mid-April, the International Bar Association’s (IBA) ICC Monitoring and Outreach Programme co-hosted the seminar “**Bringing the International Criminal Court to South African legal professionals**” in Cape Town and Johannesburg.

EUROPE

Belgium

On 29 April 2009, the CICC co-organized a screening of Skylight Pictures’ new documentary film “**The Reckoning: The Epic Story of the Battle for the International Criminal Court**” in Brussels.

ASIA AND PACIFIC

Thailand

On 27-28 April 2009, the **International Institute of Higher Studies in Criminal Sciences (ISISC)** co-hosted the ‘Asia Regional Conference on Fighting Impunity and Promoting International Justice’ in Bangkok, Thailand.

LAC

Chile

On 7 April 2009, the Chilean Senate unanimously approved a **draft bill** seeking to incorporate crimes against humanity, the crime of genocide and war crimes into national legislation, demonstrating the country’s first step to ratifying the Rome Statute. This bill still needs approval by the Chamber of Deputies and presidential signature to become law.

Peru

The CICC and its members **welcomed** the 7 April 2009 unanimous decision of a three-judge special panel of the Peruvian Supreme Court of Justice, which found former President Alberto Fujimori guilty of two counts of murder and serious injury amounting to crimes against humanity.

Rome Statute

Signatures: 139 Ratifications: 108
Most Recent: **Cook Islands** (18 July 2008)

APIC

Signatures: 62 Ratifications: 59
Most Recent: **Colombia** (15 April 2009)

URC, 2009 Targets

March: **Lebanon**

April: **Nepal**

El Salvador

CICC Member NGO Human Rights Commission of El Salvador launched a new publication entitled “The Rome Statute: A Pending Debt for El Salvador”, urging the newly elected President Mauricio Funes to ratify the Rome Statute.

MENA

Morocco

From 29 April to 2 May 2009, the **International Criminal Bar (ICB)**, in conjunction with University Moulay Isamil – Meknès and the Meknès Bar, organized an advocacy training for lawyers interested in appearing before the ICC.

Iran

On 21-22 April 2009, the Iranian judiciary organized a conference in Tehran on IHL, ICL and Gaza. Seventy judicial delegations were present from all OIC member states and other countries.