

IN FOCUS: ICC Opens Investigation into Libya

On 3 March 2011, the prosecutor of the International Criminal Court (ICC) **opened a formal investigation** into the situation in **Libya**, following a preliminary examination of available information. The **prosecutor's announcement** comes after the United Nations Security Council (UNSC) adopted a resolution (1970) on 26 February 2011, which referred the situation in Libya, a state not party to the Rome Statute, to the ICC. Libya is the sixth situation under investigation by the Court and the second such referral by the UNSC. Depending on the outcome of his investigation, the prosecutor will present his case to ICC judges, who will decide whether or not to issue summonses to appear or arrest warrants based on the evidence. The prosecutor has also been invited to address the UNSC within two months and every six months thereafter on the progress made.

CASES AND SITUATIONS

KENYA

ICC Issues Summonses to Appear for six Kenyans

On 8 March 2011, ICC Pre-Trial Chamber II **issued summonses** to appear for six individuals for crimes against humanity allegedly committed during the 2007-2008 Kenyan post-election violence. William Samoei Ruto, Henry Kiprono Kosgey, Joshua Arap Sang, Francis Kirimi Muthaura, Uhuru Muigai Kenyatta and Mohamed Hussein Ali were summoned to appear before the ICC on 7 April 2011 for an initial hearing.

DRC

New Suspect Transferred to The Hague

On 25 January 2011, Callixte Mbarushimana was **transferred** to the ICC, where he is wanted for alleged war crimes and crimes against humanity in the Kivus Provinces of the Democratic Republic of the Congo (DRC). He was arrested on 11 October 2010 by French authorities pursuant to an ICC arrest warrant issued under seal on 28 September 2010. Mbarushimana made his initial appearance on 28 January 2011, and the **confirmation of charges hearing** has been scheduled for 4 July 2011.

Two Victims Testify in Katanga/Ngudjolo Trial

The prosecution has completed presenting its case in the trial against **Germain Katanga and Mathieu Ngudjolo Chui**, and the legal representatives for victims are now presenting two witnesses in the case. The defense is scheduled to begin presenting its case on 21 March 2011.

Lubanga Trial Scheduled to Resume on 21 March 2011

The trial against Thomas **Lubanga** Dyilo was put **on hold for 6 weeks** due to vari-

ous challenges brought by the defense, in particular regarding the disclosure of the identity of witnesses and participating victims. On 23 February 2011, Trial Chamber I **rejected** the defense's application for a stay of proceedings, and the trial has been scheduled to resume on 21 March 2011. Judgment in the case is expected to be pronounced by the end of 2011.

CAR

Bemba Trial Ongoing at ICC

The trial of former DRC Vice President Jean-Pierre **Bemba** Gombo for alleged war crimes and crimes against humanity committed in the Central African Republic (CAR) is currently ongoing before ICC Trial Chamber III. Since the trial opened on 22 November 2010, the prosecution has presented 13 of its 24 planned witnesses.

DARFUR

Banda and Jerbo to Face ICC Trial

On 7 March 2011, ICC Pre-Trial Chamber I **confirmed charges** of war crimes against **Abdallah Banda Abakaer Nourain (Banda)** and **Saleh Mohammed Jerbo Jamus (Jerbo)**, sending their case to trial. Banda and Jerbo are alleged to have been involved in an attack on peacekeepers of the African Union Mission in Sudan at the Haskanita Military Group Site in North Darfur, Sudan, on 29 September 2007.

AU/ICC

Kenya and the AU Fail to Uphold Commitments to Justice

At its 16th Summit held on 24-31 January 2011 in Addis-Ababa (Ethiopia), the African Union (AU) endorsed a request by Kenya to the UNSC for a deferral of the ICC's inves-

tigation and maintained its call on African states not to cooperate with the ICC in the arrest of Sudanese President Al-Bashir. The Coalition expressed its disappointment and called on Kenya and the AU to **uphold their commitments to justice**. Kenya is currently seeking a deferral in order to complete its judicial reform process so that its domestic courts can have competence over cases of post-electoral violence, and consequently claim complementarity, which would halt the ICC proceedings. In this respect, on 4 March the Government of Kenya presented a letter regarding its request for deferral to the Chinese Permanent Mission to the UN in its capacity as UNSC President and to the UN Secretary General.

CICC

Coalition Announces Global Campaign on ICC Elections

The Coalition has launched a **global campaign** on the **ICC elections**, in view of crucial elections to be held in 2011 and 2012, including the election of six new judges, a new prosecutor and a new ASP president, among others. The campaign aims to promote the nomination and election of the most highly qualified officials through fair, merit-based and transparent processes. It also aspires to uphold the Rome Statute principles of a fair, effective and independent ICC representing all of the world's regions and major legal systems and maintaining equitable gender representation. Planned activities include a global advocacy campaign involving civil society partners around the world, governments, international and regional institutions and media outreach, in order to identify the best candidates from each region and

provide transparent and accurate information on the qualifications and background of candidates put forward by states parties. The Coalition will in particular send questionnaires to candidates and conduct

interviews in an effort to promote the election's transparency. The Coalition has also established a high-level experts' panel to provide a competent, fair and independent assessment of the candidates.

REGIONAL UPDATES

AFRICA

Liberia – On 9 February 2011, the Legislature of Liberia in collaboration with **Parliamentarians for Global Action** organized a regional roundtable discussion on the implementation of the Rome Statute (RS) in Monrovia, Liberia. Parliamentarians from Côte d'Ivoire, Ghana, Guinea, Liberia, Mali, Sierra Leone and Ireland discussed questions related to the ICC and the advancement of implementing legislation at the domestic level. ICC Deputy Prosecutor Fatou Bensouda, representatives from the American Embassy, the EU delegation in Liberia, the UN Mission in Liberia and civil society also took part in the event.

AMERICAS

Honduras – On 20-25 February 2011, the Coalition's Regional Coordinator for the Americas, Francesca Varda, conducted a mission to Honduras to meet with government representatives and civil society organizations and learn of the different initiatives underway to investigate and prosecute crimes that could fall under the ICC's mandate. Ms. Varda also held extensive interviews with the media. Honduras is currently under preliminary examination by the ICC to determine whether an investigation into alleged crimes linked to the 2009 coup is warranted.

Peru – The ad-hoc Parliamentary Committee in charge of reviewing and amending the Peruvian Criminal Code ("*Comisión Revisora del Código Penal*") recently approved a bill which would implement RS crimes. The next step is for the President of the *Comisión Revisora* to submit the bill to parliament in plenary for final approval. The referral to the plenary often requires a favorable vote from a relevant Parliamentary Committee, which Coalition members in Peru have stated could be delayed due to the April 2011 presidential and parliamentary elections.

ASIA

Philippines – The Philippines has recently advanced its ratification process, with all the relevant government agencies endorsing RS ratification. On 7 March 2011, President H.E. Benigno Aquino III announced that he had transmitted the ICC documents to the Senate for its approval, which is the final step to complete the process.

EUROPE

Turkey – On 12 February 2011, the Turkish Coalition for the ICC organized a public demonstration in Istanbul's Galatasaray Square to mark Child Soldiers Day. Demonstrators **gathered** to condemn the recruitment and use of child soldiers and call for the perpetrators of such crimes to be brought to justice.

Rome Statute

Signatures: 139 Ratifications: 114
Most Recent: **Moldova** (12 October 2010)

APIC

Signatures: 63 Ratifications: 63
Most Recent: **Gabon** (20 September 2010)

Universal Ratification Campaign (URC) Targets

January 2011: **Malaysia**
February 2011: **Togo & the Philippines**
March 2011: **Turkey**
April 2011: **United Arab Emirates, Bahamas & Granada**

Moldova – On 11 February 2011, the ICC held a **ceremony** to welcome Moldova as the 114th RS state party. In his **speech**, ICC President Sang-Hyun Song expressed appreciation to all stakeholders who contributed to this success and expressed in particular strong recognition of the Coalition for the ICC and the national civil society coalition in Moldova, which worked hard to ensure that the ICC remained on the national agenda.

MENA

Tunisia – Following the first Cabinet meeting of Tunisia's Interim Government on 2 February 2011, Minister of Education and Interim Government Spokesperson Mr. Taieb Bacouch indicated that the interim government was prepared to adhere to important international human rights treaties and conventions, **including the RS**. On 19 February 2011, the government approved Tunisia's accession to the ICC and to the **APIC**. Final procedural steps remain before Tunisia becomes a state party to these instruments.

GLOBAL PARTNERS

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