

BULLETIN of the

COALITION FOR THE INTERNATIONAL CRIMINAL COURT



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IN FOCUS: Coalition Calls on States to Nominate the Most Highly-Qualified Judicial Candidates to the ICC

On 13 June 2011, the nomination period opened for candidates for upcoming International Criminal Court (ICC) judicial elections, scheduled to take place at the Assembly of States Parties (ASP) in December 2011. States parties to the Rome Statute (RS) have until 2 September 2011 to put forward candidates to fill six judicial vacancies at the ICC. As part of its global **Campaign on ICC Elections**, the Coalition **called** on States to nominate the most highly-qualified judicial candidates through a fair, transparent and merit-based election process to ensure the independence and effectiveness of the Court. In order to enhance and promote the nomination process, the Coalition has been publicizing and raising awareness of the elections and judicial candidates. The Coalition as a whole does not endorse or oppose individual candidates but advocates for the integrity of the nomination and election procedures. Moreover, the Coalition established an **Independent Panel on ICC Judicial Elections** in December 2010 to provide independent assessments of judicial candidates and to report whether each candidate fulfills the qualifications prescribed by Article 36 of the RS.

CASES AND SITUATIONS

DRC

Mbarushimana Confirmation Hearing Postponed; Interim Release Request Refused

On 31 May 2011, ICC Pre-Trial Chamber (PTC) I **postponed** the commencement of the confirmation of charges hearing in the Callixte Mbarushimana case to 17 August 2011. On 19 May 2011, PTC I **refused** to grant Mbarushimana interim release.

LIBYA

ICC Issues Arrest Warrants in Libya Situation

On 27 June 2011, PTC I **issued** warrants of arrest for Libyan leader Muammar Mohammed Abu Minyar Gaddafi, his son Saif Al-Islam Gaddafi, Libyan government spokesman, and Abdullah Al-Senussi, Director of Military Intelligence, for alleged crimes against humanity committed in Libya since 15 February 2011.

KENYA

Kenya Appeals Admissibility Challenge Rejection

On 6 June 2011, the Kenyan government **appealed** against the 30 May 2011 **decision** of PTC II rejecting its challenges to the admissibility of the two cases brought before the Court in the Kenya situation. The Appeals Chamber must now make a final determination on the admissibility of the cases. On 3 June 2011, PTC II requested observations from cases' participants on the desirability of conducting the confirmation hearings for both cases in Kenya.

Decision Against Holding Confirmation Hearings in Kenya

On 29 June 2011 PTC II **held** that confirmation of charges hearings will not be held in Kenya in the case against Ruto, Kosgey and Sang. A decision is pending in the second case. The chamber has received observations from the participants in the two cases on the desirability of conducting the confirmation hearings in situ.

CÔTE D'IVOIRE

ICC Prosecutor Requests Opening of Investigation in Côte d'Ivoire

On 23 June 2011, the ICC prosecutor **requested** authorization from PTC II to open an investigation into war crimes and crimes against humanity allegedly committed in Côte d'Ivoire following the disputed presidential election of 28 November 2010. Judges of PTC II will now consider whether there is a reasonable basis to proceed with an investigation and whether the matter falls within the Court's jurisdiction. Victims, or their legal representatives, were also **invited** to make representations to PTC II on whether an investigation should be opened.

UN—ICC

ICC Prosecutor Reports to UNSC on Darfur

On 8 June 2011, the ICC prosecutor **presented** his periodic report to the United Nations Security Council (UNSC) on the Court's investigation of the situation in **Darfur**, Sudan. UNSC Resolution 1593, which referred the situation in Darfur to the ICC, requests the prosecutor to report to the Council every six months on the Darfur investigation. In advance of the prosecutor's report, the Coalition **called on** States and the UNSC to fulfill their obligation to cooperate with the Court.

Rome Statute

Signatures : 139 Ratifications : 116

Most Recent: **Tunisia** (24 June 2011)

APIC

Signatures : 62 Ratifications : 67

Most Recent: **Tunisia** (29 June 2011)

Universal Ratification Campaign (URC) Targets 2011

July – **Indonesia**

August – **Nepal**

September – **Guatemala, Nicaragua, El Salvador**

October – **Thailand**

CICC

In a **public letter**, dated 6 July 2011, in advance of the publication of the Court's 2012 budget, the Coalition urged ICC states parties to ensure that the Court receives a sufficient budget to deliver justice in a robust, fair, effective and meaningful manner. The letter was sent in the context of ongoing concern that, despite the obvious need for a significant increase in the Court's in 2012, some states parties are signaling once again that they will demand zero budgetary growth.

AU—ICC

In advance of the 17th African Union (AU) summit in Equatorial Guinea from 23 June to 1 July 2011, 124 civil society organizations **called on** African ICC states parties to reaffirm support for the Court and implement a number of related actions at the summit.

EUROPE

European Parliament—On 1 June 2011, under the leadership of Ms. Marietje Schaake (MEP) and in collaboration with Parliamentarians for Global Action (PGA), several MEPs as well as representatives from the European Union (EU), civil society, and the ICC gathered at a **roundtable** on the fight against impunity and the EU's support for the ICC. The discussion centered on the new EU Action Plan on the ICC, intended to give effect to the 2011 EU Decision on the ICC.

Georgia—On 23 May 2011, the Norwegian Helsinki Committee (NHC) issued a report entitled “**Unable or unwilling? Georgia's faulty investigation of crimes committed during and after the Russo-Georgian war of August 2008**”. The report concludes that Georgian authorities are at least both partly unable and partly unwilling to conduct an effective investigation into alleged crimes committed during and after the August 2008 war.

Europe/Africa— Recommendations aimed at strengthening the fight against impunity were adopted following a seminar organized by the EU on ‘Accountability and Justice’ in Pretoria from 11-12 April 2011.

ASIA

Maldives—On 14 June 2011, the Maldives parliament adopted a bill enabling accession to the RS. Maldives is expected to submit the instrument of accession to the UN, the final step in the process. Maldives was the **focus of the Coalition's Universal Ratification Campaign (URC) in May 2011** and CICC Asia-Pacific Coordinator Evelyn Balais-Serrano conducted a mission to Maldives from 16-23 June 2011 to press the government to finalize its process and to engage civil society regarding the ICC.

Thailand—During the 5th Princess Maha Chakri Sirindhorn Lecture on International Humanitarian Law held on 13 June 2011 in Bangkok, the Hon. Justice Richard Goldstone highlighted the significance of the ICC's es-

tablishment and called on Thailand and other Asian countries to ratify the RS.

AFRICA

DRC—A sub-committee of the DRC parliament is currently considering a bill to implement the RS into national law. Coalition members continue to liaise with the sub-committee members and government officials to ensure that the implementation process is completed without undue delay.

Cape Verde—On 1 July 2011, after many years of Coalition advocacy and facilitation, the National Assembly of Cape Verde unanimously approved its ratification bill of the RS. Cape Verde is expected to deposit its instrument of accession at the UN in the coming weeks, completing the ratification process.

MENA

Tunisia—On 24 June 2011, Tunisia **acceded** to the RS, boosting the underrepresented MENA region at the Court. Tunisia also acceded to the **Agreement on Privileges and Immunities (APIC)** of the ICC and other important human rights treaties.

Qatar—On 24-25 May 2011, a **Regional Diplomatic Conference on the ICC** was held in Doha, Qatar. The conference, sponsored by the State of Qatar and undertaken together with the Arab League in cooperation with the ICC, aimed at providing information on the ICC, its founding treaty and legal framework. The ICC took the opportunity to launch the “**Calling Arab Lawyers**” campaign aimed at increasing the number of Arab counsel authorized to practice before the Court.

Lebanon—On 30 May 2011, Special Tribunal for Lebanon officials participated in a **conference on international justice** in Beirut organized by the **Scientific Association for the Dissemination of Legal Culture in the Arab World and Justice without Frontiers**. The organizers called on Arab countries to join the ICC, on Arab civil

society to disseminate the culture of human rights, as well as on legal professionals and academics to engage with and contribute to international criminal justice.

AMERICAS

El Salvador—On 13-14 June 2011, the Coalition held its Regional Strategy Meeting for the Americas in San Salvador. It brought together Coalition Steering Committee Members International Federation for Human Rights (FIDH), Andean Commission of Jurists and Amnesty International and 12 member organizations from Colombia, Honduras, Nicaragua, Guatemala, El Salvador and Mexico, a representative from the International Committee of the Red Cross (ICRC) and the Coalition Secretariat. Building on the presence of the international delegation, the El Salvador Coalition for the ICC organized a national forum calling the Salvadoran government to ratify the RS. A number of recommendations were adopted.

Trinidad and Tobago—On 16-17 May 2011, Trinidad and Tobago organized a **CARICOM Seminar on the ICC** in Port of Spain bringing together representatives from St. Lucia, Suriname, Haiti, Antigua and Barbuda, Belize, Grenada, St. Vincent and the Grenadines and Jamaica to discuss how to strengthen ICC ratification and implementation efforts in the region. Participants included leading personalities such as the Hon. ANR Robinson, former prime minister of Trinidad and Tobago, the Hon. Winston Anderson, judge at the Caribbean Court of Justice, ICC President Song, ASP President Wenaweser, ICRC officials and Coalition representatives.

Grenada—On 19 May 2011, Grenada **acceded** to the RS. With Grenada's accession and the ratification of Saint Lucia in August 2010, only three states in the CARICOM have yet to ratify the Statute: the Bahamas, Jamaica and Haiti.

GLOBAL PARTNERS

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