

# BULLETIN

of the  
COALITION FOR THE INTERNATIONAL CRIMINAL COURT

## IN FOCUS: Muammar Gaddafi Dies; NTC Urged to Join the ICC and Arrest Remaining ICC Suspects

Former Libyan leader Muammar Gaddafi died in Libya on 20 October 2011. Gaddafi was **wanted** by the International Criminal Court (ICC) for crimes against humanity allegedly committed in Libya from 15 February 2011 onwards. ICC arrest warrants remain outstanding for Saif Al-Islam Gaddafi and Abdullah Al-Senussi, both reportedly still alive. In a **public letter** to the president of the National Transitional Council (NTC) on 27 October 2011, the Coalition **urged** Libya's interim leaders to move quickly to ratify key international human rights and humanitarian law treaties, in particular the Rome Statute (RS) and called on them to fulfil their obligation to arrest the two fugitives. On 31 October 2011, the **Arab Center for the Independence of the Judiciary and the Legal Profession** also **called on** the NTC to ratify the RS.



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## ICC ELECTIONS

### Search Committee for the Position of ICC Prosecutor Releases Shortlist

On 25 October 2011, the **Search Committee** for the position of ICC Prosecutor **presented the following names** to the Bureau of the Assembly of States Parties (ASP): Fatou B. Bensouda, ICC deputy prosecutor; Andrew T. Cayley, Extraordinary Chambers in the Courts of Cambodia international co-prosecutor; Mohamed Chande Othman, chief justice of Tanzania; Robert Petit, counsel in the Crimes Against Humanity and War Crimes Section of the Canadian Department of Justice. The Committee had received expressions of interest from 52 individuals, eight of whom were interviewed. It was established by the ASP in

February 2011 to facilitate the nomination and election by consensus of the next prosecutor, due to take place in December 2011. As part of its global **Campaign on ICC Elections**, the Coalition has been actively monitoring the Search Committee process and advocating for further transparency, greater information sharing and additional opportunities for civil society participation.

### Independent Panel on ICC Judicial Elections Issues Report

On 26 October 2011, the Independent Panel on ICC Judicial Elections issued its **report** on the 19 candidates for the December 2011 ICC judicial elections. The report concludes that 15 of the 19 nominees fulfil the requirements

of **Article 36 of the RS** for the list to which they were nominated. The Coalition **established** the Panel in December 2010 to address concerns about ICC elections, especially the nomination of candidates that do not meet the legal requirements of the RS.

### Coalition Campaign on ICC Elections

The Coalition convened a **panel discussion** in New York with 10 ICC judicial nominees, chaired by the **International Federation for Human Rights**. The discussion provided an opportunity for the press, states and civil society to probe the candidates on their suitability and motivation in seeking judicial office, complementing their responses to **questionnaires** circulated by the Coalition.

## CASES AND SITUATIONS

### DRC

#### Katanga and Ngudjolo Chui Testify

On 27 September 2011, **Germain Katanga** testified before Trial Chamber (TC) II in his own defense. This followed the testimony of eight defence witnesses for Mathieu Ngudjolo Chui, who is also expected to testify in his own defence in November 2011.

#### Key Hearing in Mbarushimana Case

On 16-21 September 2011, the **confirmation of charges hearing** in the case against Callixte Mbarushimana was held before Pre-Trial Chamber (PTC) I to determine whether it should move to trial. A decision is expected around mid-December 2011.

### CAR

#### Bemba: Prosecution Evidence Continues

In the case against Jean-Pierre **Bemba Gombo**, the prosecution has presented 31 of a possible 40 witnesses. On 26 September 2011, TC III **denied** Bemba's application for provisional release.

### Kenya

#### Confirmation Hearings Held in Two Kenya Cases

On 8 September and 5 October 2011 respectively, PTC II concluded **confirmation of charges hearings** in the Ruto/Kosgey/Sang and the Muthaura/Kenyatta/Ali cases. PTC II has also announced it will issue its decisions on whether to send the cases to trial **on the same date** around January 2012.

### Darfur, Sudan

#### Judges Request Observations on Failure to Arrest Al-Bashir

On 19 October 2011, PTC I **requested observations** from Malawi, an ICC state party, on its failure to arrest ICC suspect Sudanese President Omar Al-Bashir during his visit on 14 October 2011.

### Côte d'Ivoire

#### Prosecutor Authorized to Open Investigation

On 3 October 2011, PTC III **authorized** the ICC prosecutor to open an investigation into

### Rome Statute

Signatures: 139    Ratifications: 119  
Most Recent: **Cape Verde**  
(10 October 2011)

### APIC

Signatures: 62    Ratifications: 69  
Most Recent: **Chile** (26 September 2011)  
**Malta** (21 September 2011)

### Universal Ratification Campaign (URC) 2011

November – **Vietnam**  
December – **Rwanda, South Sudan**

war crimes and crimes against humanity allegedly committed in Côte d'Ivoire following the presidential election of 28 November 2010. PTC III also **requested** that the prosecutor submit within one month any additional information on potentially relevant crimes committed between 2002 and 2010.

## AFRICA

**Cape Verde**—On 10 October 2011, Cape Verde became the 119th ICC state party and the 33rd state in Africa to join the RS. The Coalition and its various partners in Cape Verde have long been working towards this goal in conjunction with the government and people of Cape Verde, despite various internal and external obstacles.

**Sierra Leone**—On 3 October 2011, Sierra Leonean President H.E. Dr. Ernest Koroma called on the ICC to assist in monitoring political campaigns leading up to the 2012 general elections in order to deter possible political violence. Civil society welcomed this development as a potential window of opportunity to implement the RS into domestic law.

## AMERICAS

**Nicaragua**—In September and October 2011, Coalition member the **Centro Nicaragüense de Derechos Humanos** (CENIDH), with the Coalition's support, promoted RS ratification on **radio stations** in Nicaragua, reaching a significant portion of the population. CENIDH aims to extend the ratification debate beyond the political and academic circles.

**Colombia**—On July 2011, **Avocats sans frontières-Canada** hosted a meeting in Bogota to discuss the establishment of a network of academic experts and counsel in the Americas to work on ICC implementation and **complementarity** and on the investigation and prosecution of grave crimes. The meeting also focused on addressing challenges with the Peace and Justice Law, and highlighted the importance of ensuring that the OTP develops more transparent policies for preliminary examinations.

## ASIA-PACIFIC

**The Philippines and Maldives**—On 30 August and 21 September 2011 respectively, the

**Philippines** and the **Maldives** ratified the RS. This follows many years of civil society advocacy in the region on ending impunity and in promotion of international justice. Campaigning efforts also gathered momentum after ICC President Judge Sang Hyun **Song's visits to several Asian countries** in March 2011.

## EUROPE

**Georgia**—From 24-28 October 2011, the **Georgian Young Lawyers Association** (GYLA) organised a series of events aimed at raising awareness about the ICC and the role of the OTP, in particular in relation to situations under **preliminary examination**. Activities included roundtables with NGOs and media representatives in Tbilisi and Gori, and discussions with law students and international law experts. The Coalition's Europe section took part in the meetings and met with a number of stakeholders, including representatives of local civil society, regional and international organizations, and the Georgian government.

**Poland**—In the framework of the 2011 **Organisation for Security and Co-operation in Europe** (OSCE) **Human Dimension Implementation Meeting** (HDIM) that took place in Warsaw from 26 September to 7 October 2011, the **Norwegian Helsinki Committee** organized a side event on the lack of accountability for grave abuses in Georgia, Kyrgyzstan, Russia and Uzbekistan where participants discussed ways to strengthen justice mechanisms and the role of international actors, such as the ICC and the OSCE. The Coalition participated in the event as well as in the HDIM segment covering rule of law commitments by OSCE member states.

**San Marino**—On 26 September 2011, San Marino became the first state to ratify the **Kampala amendment to Article 8** of the RS. The amendment extends the jurisdiction of

the ICC to the war crimes of employing certain weapons and substances in armed conflicts not of an international character.

**Netherlands**—On 4-6 October 2011, the 16th bi-annual roundtable meeting between the ICC and civil society took place in The Hague.

## MENA

**Palestine**—On 23 September 2011, Palestinian Authority President Mahmoud Abbas began an application for United Nations (UN) membership. If the Palestinian application is approved by the UN Security Council (UNSC), Palestine would be able to accede to international treaties such as the RS. Likewise, if Palestine gains recognition as a UN observer state through General Assembly resolution it is likely that the UN Secretary-General would accept its instruments of ratification or accession to international treaties

**Yemen**—On 14 October 2011, the UNSC voted unanimously in favor of a resolution to end months of Yemeni government crackdowns on civilians and urged President Saleh to leave office. This request echoed the **Gulf Cooperation Council** proposal, backed by the US and the EU, to offer immunity from prosecution in return for Saleh's resignation. On 24 October, Saleh publicly stated that he welcomed the resolution and was ready for negotiations.

**Syria**—On 16 October 2011, the **Arab League** (AL) gave Syria a 15-day deadline to enact a cease-fire and engage in dialogue with the opposition Syrian National Council, following a seven-month uprising in which over 3,000 have been killed. On 28 October 2011, the AL sent an "urgent message" to the Syrian government, denouncing "the continued killings of civilians" taking part in protests. However, attempts at a UNSC resolution on the situation were blocked by Russian and Chinese vetoes in early October.

## GLOBAL PARTNERS

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