



## IN FOCUS: Four Kenya Post-Election Violence Suspects to Face ICC Trial

On 23 January 2012, International Criminal Court (ICC) Pre-Trial Chamber (PTC) II **decided** to move cases against William Ruto, Joshua Sang, Francis Muthaura and Uhuru Kenyatta to trial for alleged crimes against humanity committed during post-election violence in 2007-2008 in **Kenya**. Judges declined to confirm charges against Henry Kosgey and Mohammed Ali. The decisions were taken by majority of the chamber, with Judge Hans-Peter Kaul dissenting. Various appeals are pending. Following the decisions to send the four to trial, the Kenyan government announced its intention to establish a mechanism at the national level to address the post-election violence of 2007-2008. On 26 January 2012, Kenyatta resigned from his position as Kenya's finance minister, while Muthaura stood down from his positions as head of the Kenyan civil service and as secretary to the cabinet. The date for the start of trial proceedings has not yet been set.

## CASES AND SITUATIONS

### LIBYA

#### Libyan Authorities Submit Observations on the Arrest and Detention of Saif Al-Islam Gaddafi

On 23 January 2012, the Libyan authorities **submitted** confidential observations on the arrest and detention of Saif Al-Islam Gaddafi. Al-Islam Gaddafi is wanted by the ICC for crimes against humanity allegedly committed in Libya as of 15 February 2011. On 2 February 2012, PTC I **rejected** applications for leave to submit amicus curiae observations by Mishana Hosseinioun and Aisha Gaddafi, as well as their subsequent requests for leave to appeal. The applicants have also appealed directly to the Appeals Chamber on issues of jurisdiction and admissibility.

### CAR

#### Bemba Trial Resumes

On 30 January 2012, the trial of Jean-Pierre Bemba Gombo resumed before ICC Trial Chamber (TC) III. The prosecution is set to present the last of its 40 witnesses.

### Darfur, Sudan

#### Banda and Jerbo Request Temporary Stay of Proceedings

On 6 January 2012, Abdallah Banda and Saleh Jerbo's defense counsel **requested** a temporary stay of proceedings to TC IV in order to safeguard the fair trial rights of the accused, as it argues it has not been able to secure the cooperation of the Sudanese government. A decision is pending. The trial is expected to start in 2013.

### Côte d'Ivoire

#### ICC Expands Scope of Côte d'Ivoire Investigation to 2002-2010

On 22 February 2012, PTC III **expanded** its authorization for the ICC prosecutor's investigation in Côte d'Ivoire to include crimes within the jurisdiction of the Court allegedly committed between 19 September 2002 and 28 November 2010. NGOs had long been **calling** on the ICC to investigate crimes allegedly committed during the Ivorian conflict from 2002 onward.

#### Possible Collective Victims' Applications in Gbagbo Case

On 6 February 2012, PTC III **ordered** the Registry to produce an initial mapping report on the feasibility of a collective approach to victims' applications for participation in the case against Laurent Gbagbo, the former president of Côte d'Ivoire suspected of crimes against humanity. The confirmation of charges hearing in his case is scheduled for 18 June 2012, when judges will decide whether or not to move the case to trial.

### DRC

#### Lubanga Verdict to be Delivered on 14 March 2012

On 29 February 2012, ICC TC I **announced** that it will deliver its verdict in the trial of Thomas Lubanga Dyilo, the ICC's first, in a public hearing on 14 March 2012 at 10:00 a.m. (CET).

#### Katanga and Ngudjolo: Extension for Final Written Submissions

On 14 February 2012, TC II **granted** the participants in the trial of Germain Katanga and Mathieu Ngudjolo Chui more time to make their final written submissions. Closing oral statements remain scheduled for 15 May 2012.

## ASP/ICC

#### Coalition Publishes ASP 10 Report

In February 2012, the Coalition released its **report** on the key outcomes of the **10th Assembly of States Parties (ASP)**, which took place from 12-21 December 2011 at the United Nations in New York.

#### Search for ICC Deputy Prosecutor

The ICC published a **vacancy** for the position of deputy prosecutor on 24 January 2012. The

deadline for applications is 31 March 2012. The deputy will be elected by ICC states parties at the November 2012 ASP from a list of three candidates identified by the ICC prosecutor.

#### Submissions on ICC Legal Aid Review

The Coalition's Team on Legal Representation submitted a set of **recommendations** to the ICC related to an ongoing internal review

of the legal aid system at the Court. Coalition members, ICC legal representatives and bar associations have also issued a number of **statements and recommendations**. Legal aid is financial assistance provided by the ICC for the legal representation of defendants and victims who cannot afford to pay for representation themselves and is a crucial mechanism to ensure fair trials and meaningful participation in ICC proceedings.

## AFRICA

African Union—Prior to the 18th summit of the African Union (AU)—which took place from 29-30 January 2012 in Addis Ababa, Ethiopia—over 30 civil society organizations from approximately 20 African countries wrote to African ICC states parties urging them to support the Court's efforts to combat grave international crimes. However, in its summit conclusions, the AU reiterated its position not to cooperate with the ICC.

Rwanda—On 15 February 2012, Rwanda's Superior Council of the Judiciary established a special chamber at the High Court to try persons accused of international crimes transferred from abroad and from the International Criminal Tribunal for Rwanda.

## AMERICAS

Guatemala—On 26 January 2012, Guatemala's congress voted to accede to the Rome Statute (RS), a historic step in the country's fight against impunity that follows years of advocacy by civil society. The deposit of the accession instrument at the United Nations (UN) is expected in late March 2012. 26 January also witnessed another important landmark, when former Guatemalan president General Efraín Ríos Montt appeared before a criminal court to face charges of genocide and crimes against humanity allegedly committed during his nine month rule in 1982.

Argentina—On 26 October 2011, a federal court in Buenos Aires convicted 16 former high-ranking officers of the Argentine armed forces for crimes against humanity committed at the Navy Mechanics School (ESMA) during the 1976-1983 military regime. Recent trials of former military junta members for crimes against humanity have been possible largely due to the repeal in 2003 of several amnesty laws.

## ASIA AND THE PACIFIC

Australia—In February 2012, several Coalition members attended an international conference entitled "Justice for All? A 10 year review of the ICC," hosted by the Australian Human Rights Centre, the Faculty of Law and the Faculty of Arts & Social Sciences at the University of New South Wales. Afterward, the Women's Initiatives for Gender Justice facilitated a capacity-building workshop on RS implementation to advance gender justice.

Indonesia—In November 2011, as one of its numerous advocacy activities to promote the ICC and RS accession among key stakeholders, the Indonesian Coalition for the ICC held a two-day workshop on the ICC for 20 journalists in Jakarta.

## MENA

Syria—In a statement to the UN General Assembly on 13 February 2012, UN High Commissioner for Human Rights Navi Pillay said she had encouraged the UN Security Council to refer the situation in Syria to the ICC. Pillay also stated that the UN Fact-Finding Mission, the UN Commission of Inquiry on Syria and her office have all concluded that crimes against humanity are likely to have been committed the country. Numerous Coalition members have called for justice for grave crimes allegedly committed in Syria.

Darfur, Sudan—On 10 January 2012, the Coalition sent a letter to European Union High Representative for Foreign Affairs and Security Policy Catherine Ashton concerning the reported travel of Sudanese president and ICC suspect Omar al-Bashir to Libya on 7 January 2012. The letter urged Ashton to issue a statement or other communication to the Libyan government insisting that Libya cooperate with the requirements of UN Security Council Resolutions 1970 and 1973

## Ratifications/accessions

Rome Statute: 120

Most Recent: Vanuatu (2 December 2012)

APIC: 71

Most Recent: Bosnia and Herzegovina  
(24 January 2012)

Universal Ratification Campaign 2012

March: Monaco, Cote d'Ivoire

April: Bahamas, Jamaica, Kazakhstan

May: Egypt, Guatemala\*

*\*It is likely that Guatemala will have ratified the RS by May 2012 and will therefore not be a country of focus.*

which addressed the occurrence of crimes against humanity in Libya and referred the situation to the ICC.

## EUROPE

Bosnia and Herzegovina—On 24 January 2012, Bosnia and Herzegovina joined the Agreement on the Privileges and Immunities of the ICC (APIC). 39 states in the greater Europe and Central Asia region have now ratified or acceded to the APIC.

Germany—In February 2012, the Nuremberg Human Rights Centre published a booklet entitled "From Nuremberg to The Hague—The Road to the International Criminal Court" on the origins and the structure of the ICC, in both English and German.

Switzerland—On 1 January 2012, new provisions implementing the RS into Swiss law entered into force. The Swiss Coalition for the ICC has launched a petition to call on the Swiss government to establish a special war crimes unit.

## GLOBAL PARTNERS

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