



## IN FOCUS: Coalition Welcomes New ICC Prosecutor Ms. Fatou Bensouda

On 15 June, the Coalition congratulated Gambian lawyer Ms. Fatou Bensouda as she was sworn in as the new chief prosecutor of the International Criminal Court (ICC) at ceremony in The Hague. Switzerland and the Coalition held a **reception** immediately afterwards in honor of the new prosecutor, with ICC judges, President of the Assembly of States Parties Ambassador Tiina Intelmann, diplomats, other distinguished guests and civil society in attendance. The Coalition **called** on Prosecutor Bensouda to build on the gains of the ICC's first 10 years and consolidate the Court's position as the world's foremost instrument in the fight against impunity for grave crimes. Coalition members also issued a number of **statements** welcoming the new prosecutor. In a May 2012 **interview** with the Coalition, Ms. Bensouda reflected on her past experience and upcoming challenges as the new ICC prosecutor.

## UNSC/ICC

### Coalition urges UN Security Council to enforce its referral on crimes in Darfur

On 5 June, former ICC prosecutor Luis Moreno-Ocampo **presented** one of his biannual reports on his investigation in **Darfur**, Sudan to the United Nations Security Council (UNSC). In advance of the report, the Coalition **urged** the Council to enforce its referral on crimes in Darfur by ensuring that ICC suspects are brought to justice. Since the referral in March 2005, five public arrest warrants have been issued but all suspects remain at large.

### Coalition supports 'S-5 Resolution' on UN Security Council

On 8 May, the Coalition sent a **letter** to UN member states expressing support for part of a proposed "S-5 Resolution" that calls on permanent UNSC members to consider refraining from using a veto to block Council action aimed at preventing or ending genocide, war crimes and crimes against humanity. Disappointingly, the resolution did not receive the necessary support and was eventually withdrawn.

## CICC

### NGOs meet with key ICC officials in The Hague

From 29 May to 1 June, the 17th bi-annual roundtable meetings **took place** between the ICC and civil society, a unique and important forum for engagement on issues of mutual interest, providing an opportunity for NGOs, including those based in Africa, to interact with all organs of the Court to understand its decision-making process and for the Court to take note of the views of civil society.

## CASES AND SITUATIONS

### Libya

#### ICC staff released from detention in Libya

On 2 July, the Coalition **expressed** relief at the release of four ICC staff members detained in Libya since 7 June 2012 while on an official mission to visit ICC suspect Saif Al-Islam Qaddafi. The Coalition **called on** the international community to reaffirm its support for the Court and to work to ensure that its legally mandated activities are allowed to continue unimpeded. The ICC, the Coalition Secretariat, Coalition members, and the UNSC had issued numerous **statements** calling for the release of the staff and for Libya to respect its legal obligations under UNSC Resolution 1970 (2011) which referred the situation to the ICC. Amnesty International had also launched an online petition calling for the release of the staff, who have now been reunited with their families in The Hague.

### DRC

#### Lubanga sentencing to take place on 10 July 2012

On 10 July 2012, Trial Chamber (TC) I will **sentence** Thomas **Lubanga** Dyilo, convicted in March 2012 of war crimes in the Democratic Republic of Congo (DRC), and issue a decision on reparations for victims of his crimes. On 13 June, TC I heard aggravating and mitigating factors to determine the sentence to be imposed. The prosecutor has **requested** a 30 year sentence, or 20 years should Lubanga submit a genuine apology and commit to working to prevent future crimes and promote peace.

#### Mbarushimana: Appeals chamber dismisses OTP appeal

On 30 May, the Appeals Chamber **dismissed** the Office of the Prosecutor's (OTP) appeal against the 16 December 2011 decision by Pre-Trial Chamber (PTC) I not to confirm charges against Callixte Mbarushimana.

#### Ntaganda: OTP requests second arrest warrant

On 14 May, the OTP requested a second **arrest warrant** against Bosco Ntaganda, asking for the addition of new charges including three counts of crimes against humanity and four counts of war crimes allegedly committed in 2002-2003 in Ituri, eastern DRC.

#### Mudacumura: Judges reject first OTP arrest warrant request

On 31 May, PTC II **rejected** an OTP request for an arrest warrant against Sylvestre Mudacumura, supreme commander of Democratic Forces for the Liberation of Rwanda, for alleged crimes against humanity and war crimes in the Kivu provinces, eastern DRC. The OTP filed a new **request** for an arrest warrant on 13 June.

#### Closing statements in trial of Katanga and Ngudjolo Chui

On 15-23 May, closing statements took place in the trial of **Germain Katanga and Mathieu Ngudjolo Chui**. ICC judges will now determine the verdict.

### CAR

#### Victims Participate in Bemba Trial

On 25 June, three victims detailed their alleged suffering before TC III in the trial of **Jean Pierre**

**Bemba Gombo**. The trial, suspended for the summer recess, will recommence around 13 August 2012 with the defense presenting its case.

### KENYA

#### Kenya 4: Trial date discussed; jurisdiction appeal rejected

On 11 and 12 June, hearings took place before TC V in the cases against William Ruto, Joshua Sang, Uhuru Kenyatta and Francis Muthaura to discuss setting a date and other practicalities for their upcoming trials. A date for the start of the trials has not yet been set. On 24 May, the Appeals Chamber unanimously **rejected** appeals made by the four suspects regarding the challenges to the ICC's jurisdiction over the Kenya situation.

## Ratifications/accessions

Rome Statute: 121

Most Recent: **Guatemala** (2 April 2012)

APIC: 71

Most Recent: **Bosnia and Herzegovina**  
(24 January 2012)

Universal Ratification Campaign 2012

April: **Bahamas, Jamaica, Kazakhstan**

May: **Egypt, Thailand**

June: **Mauritania, Turkey**

July: **Indonesia, Ukraine**

## CASES AND SITUATIONS

### CÔTE D'IVOIRE

#### Key hearing postponed in Gbagbo case

On 12 June, at the request of suspect Laurent

Gbagbo, PTC I postponed the commencement of a confirmation of charges hearing to 13 August 2012. Originally scheduled to start on 18

June, the postponement of the hearing is intended to give the defense more preparation time.

## REGIONAL

### AFRICA

**African Court**—On 3 May, 49 NGOs wrote to African ICC states parties to share concerns on the proposed expansion of the jurisdiction of the African Court of Justice and Human Rights to the prosecution of individuals for crimes including, but not limited to, genocide, war crimes and crimes against humanity.

**Malawi**—On 8 June, African civil society and international organizations with a presence in Africa, including the Coalition, commended Malawi for standing with victims of grave crimes in its decision not to invite Sudanese president and ICC suspect Omar Al-Bashir to the 19th African Union (AU) summit it was to host. ASP President Tiina Intelmann and nine Malawian NGOs similarly commended the government for upholding its obligations under the ICC's Rome Statute (RS). The AU subsequently withdrew the right for Malawi to host the summit.

**South Africa**—On 8 May, in a case launched by Coalition member the South African Litigation Centre, a court ordered the South African authorities to investigate under the country's domestic ICC act documented crimes against humanity committed in Zimbabwe in 2007.

### AMERICAS

On 4 June, the Organization of American States (OAS) adopted its annual resolution on the promotion of the ICC which highlighted Guatemala's recent RS ratification, the election of two ICC judges from the region and the signing of a cooperation agreement between the Inter-American Commission on Human Rights and the ICC in April 2012. The resolution also continued to call on OAS member states to ratify and implement the RS, as well as to commemorate the ICC's 10th anniversary. Also in June, the Union of South American Nations (UNASUR) commemorated the 10th anniversary, called on ICC states parties to ratify the 2010 Kampala

amendments, and highlighted cooperation efforts of UNASUR members with the Court.

### ASIA

**Responsibility to Protect**—On 17-18 May, a UN Asia-Pacific meeting on the "Responsibility to Protect" (RtoP) principle took place in Bangkok, Thailand, highlighting efforts at the global, regional and national levels in the promotion and implementation of RtoP.

**Indonesia**—On 25 May, the Indonesian government accepted the UN Human Rights Council's recommendation to ratify the RS.

**Thailand**—On 1-3 May, Coalition Asia-Pacific Coordinator Evelyn Balais-Serrano attended a seminar on the ICC sponsored by the Thai parliament and met with the ministers of justice and foreign affairs. These and other local initiatives continue to garner support for Thailand's ratification and implementation of the RS.

**Philippines**—On 17 April, the Philippines became the 63rd state party to the Optional Protocol to the Convention against Torture, the fourth ICC state party from the Asia-Pacific region to do so.

### EUROPE

**Belgium**—On 16 May, the Vrije Universiteit Brussel's Institute for European Studies (IES) organized a lecture on the politics of the ICC as part of a series entitled "The ICC's Second Decade: Quo Vadis?", covering the Court's relationship with the UN Security Council and the risks of politicization in light of events in Libya and Sudan. Speakers included representatives of the European External Action Service, the Coalition and the IES.

On 5 June 2012, the Belgian Interministerial Commission for Humanitarian Law organized a workshop entitled 'From Rome to Kampala - the first two amendments to the RS,' in commemoration of the 10th anniversary of the Statute's entry into force.

**Kazakhstan**—From 22-23 May 2012, the Norwegian Helsinki Committee and the Coalition organized a seminar on the ICC in Almaty, Kazakhstan. NGOs from Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan were introduced to the RS system and the ICC. They discussed country-specific needs and identified priorities for the promotion of RS ratification and implementation and wider understanding of the Court in the region. At the session's conclusion, the participants committed to actively promote RS ratification and implementation.

**Switzerland**—From 21 May to 4 June, the 13th session of the UN Human Rights Council's Universal Periodic Review took place in Geneva, Switzerland. In advance of the session, the Coalition sent letters to ICC states parties encouraging them to make recommendations on the ICC to states coming up for review, and invited them to promote the universal ratification of the RS and Agreement on Privileges and Immunities of the Court, as well as implementation into national legislations.

### MENA

**Egypt**—On 6-7 May, the Coalition and the Arab Center for the Independence of the Judiciary and Legal Profession facilitated a meeting with Egyptian civil society representatives and ASP President Intelmann during an official visit to Cairo.

**Morocco**—On 16 May, during an official visit to Rabat by ASP President Intelmann, the Coalition and Le Forum des Initiatives de Développement et Consolidation de la Primauté du Droit organized a "Civil Society Consultative Group Meeting" on the role of the ICC in the rule of law and the fight against impunity in Morocco. The ASP president was in Morocco to participate in a regional consultative conference on universality organized by Coalition Steering Committee member Parliamentarians for Global Action and the Moroccan parliament.

## GLOBAL PARTNERS

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