



## IN FOCUS: Congolese Militia Leader Released Following Acquittal in Second ICC Trial

On 21 December 2012, the International Criminal Court (ICC) released Congolese militia leader Mathieu Ngudjolo Chui from detention in The Hague following his [acquittal](#) of all charges of war crimes and crimes against humanity in the Court's second trial. On 18 December, Trial Chamber (TC) II [found](#) that it could not be established beyond all reasonable doubt that Ngudjolo Chui was responsible for the commission of the alleged crimes—including murder, sexual and gender-based violence—during an attack on Bogoro village in the Ituri region of eastern Democratic Republic of Congo (DRC) in February 2003. The judges emphasized that their decision did not mean that no crimes were committed in Bogoro or that the people of the community had not suffered during the attack. While the ICC prosecutor has [appealed](#) the verdict, the Appeals Chamber has [decided](#) that Ngudjolo Chui will not remain in detention during the appeals phase. Nevertheless, he is to remain temporarily in the Netherlands until a travel ban imposed by the United Nations is lifted. He has expressed a desire to return to the DRC if the security situation permits, or to Belgium. A verdict in the case against Germain Katanga, who is charged with the same crimes, is expected later in 2013 (see below). [Read](#) Coalition member reactions to the Ngudjolo Chui acquittal.

## CASES AND SITUATIONS

### DRC

#### **Katanga and Ngudjolo Chui case severed**

On 21 November, TC II [severed](#) the joint case against Germain Katanga and Mathieu Ngudjolo Chui, which will now continue as separate cases. The Chamber proposed a change in Katanga's mode of legal responsibility for the alleged crimes for which he is charged (see above).

### CÔTE D'IVOIRE

#### **Arrest warrant for Simone Gbagbo unsealed**

On 22 November, Pre-Trial Chamber (PTC) I [unsealed](#) an arrest warrant for Simone Gbagbo for four counts of crimes against humanity allegedly committed during post-electoral violence in Côte d'Ivoire between 16 December 2010 and 12 April 2011. She is currently in detention in Côte d'Ivoire and subject to criminal prosecution there, including for the charge of genocide. The ICC has requested her immediate transfer.

#### **Laurent Gbagbo confirmation of charges to begin in February 2013**

The confirmation of charges hearing in the

case against former president Laurent Gbagbo is to [begin](#) on 19 February 2013. This follows the 2 November decision by PTC I that [found](#) him fit to stand trial. On 12 December, the Appeals Chamber [confirmed](#) the Court's jurisdiction in the case.

### LIBYA

#### **Decision on jurisdiction in Gaddafi/Al-Senussi case pending**

PTC I has yet to rule on Libya's challenge to ICC jurisdiction in the case against Saif Al-Islam Gaddafi and Abdullah Al-Senussi, detained in Libya but wanted by the ICC for alleged crimes against humanity committed in Libya in 2011. Following a status [hearing](#) in October, all parties are to present further submissions on the challenge.

### KENYA

#### **Legal representatives for victims appointed in Kenya cases**

In November, TC V appointed [Fergal Gaynor](#) and [Wilfred Nderitu](#) as the common legal representatives for victims in the Muthaura/Kenyatta case and in the Ruto/

Sang case respectively.

### CAR

#### **Bemba trial suspended until March 2013**

On 13 December, TC III [decided](#) to suspend the trial of Jean Pierre Bemba until 4 March 2013 to allow the defense to prepare for a possible legal re-characterization of facts by the judges. Between August and December 2012, the defense called 15 witnesses to testify, however one did not appear as scheduled.

### DARFUR, SUDAN

#### **Banda and Jerbo: Request for stay of proceedings rejected**

On 26 October, in the case against Banda and Jerbo, TC IV [rejected](#) a defense request for a temporary stay of proceedings. A status conference will be held on 29 January 2013 to discuss the trial's start date.

## REGIONAL

### EUROPE

**France**—On 20-22 November, the Coalition's Europe regional coordinator attended Interpol's [Fifth International Expert Meeting on Genocide, War Crimes, and Crimes](#)

[Against Humanity](#) in Lyon. Nearly 150 participants from Interpol member states exchanged best practices for investigating and prosecuting grave crimes.

On 13 December, the French Coalition for

the ICC [organized](#) an event for the Court's 10th anniversary with the support of *l'Ecole Normale Supérieure*, *l'Organisation Internationale de la Francophonie*, the Coalition, Amnesty International-France and the *Syn-*

## REGIONAL

*dicat des Avocats de France*. Participants discussed lessons learned from the Court's first decade and the France's role in the Rome Statute (RS) system.

**Italy**—On 10-11 December, the Italian parliament hosted the 7th Consultative Assembly of Parliamentarians for the ICC and the Rule of Law, organized by Parliamentarians for Global Action. On 4 December, the parliament adopted legislation on cooperation with the Court.

**European Parliament**—On 13 December, the European Parliament adopted its annual report on human rights and democracy in the world in 2011, which includes language supporting the ICC and international justice.

### AFRICA

**Côte d'Ivoire**—On 12 December, the Ivorian parliament adopted, by a huge majority, a bill amending the constitution to allow RS ratification. President Alassane Ouattara enacted the bill into law the following day. An additional bill adopted on 20 December authorizing the government to ratify the RS has yet to be enacted.

### AMERICAS

**Colombia**—Civil society has criticized a controversial constitutional reform, approved by the senate on 11 December, which grants the military jurisdiction over war crimes and human rights violations. Civilian courts will only have jurisdiction over genocide, crimes against humanity, enforced disappearance, torture, sexual violence, extrajudicial killings and forced displacement. The reform also establishes an *ad hoc* tribunal to deal with conflicts of jurisdiction between

civilian and military courts. On 15 November, the ICC Office of the Prosecutor announced in an interim report that its preliminary examination of Colombia would remain open.

**Trinidad and Tobago**—On 13 November, Trinidad and Tobago deposited its instrument of ratification to the amendment on the crime of aggression.

### MENA

**European Union-NGO Forum**—On 6-7 December, the Coalition's MENA regional coordinator met with representatives from the EU, the Arab League, and civil society with a view to strengthening its MENA network and to underline the importance of garnering support for the Court in the region through capacity-building. The Coalition is also urging the League to play an active role in reviewing an *Arab model law* for RS ratification and promoting support for the Court among its member states.

### ASIA

**Association of Southeast Asian Nations (ASEAN)**—On 18 November in Cambodia, the 21<sup>st</sup> ASEAN summit adopted its first human rights declaration, a breakthrough after many years of advocacy for an Asian human rights mechanism. However, civil society—largely excluded from the process—has criticized the declaration for not meeting international standards.

### Ratifications/accessions

Rome Statute: 121

Most Recent: Guatemala (2 April 2012)

APIC: 72

Most Recent: Switzerland (24 September 2012)

Universal Ratification Campaign 2012-13

December: Oman

January: Togo, Thailand

February: Bahrain, Rwanda, Thailand

March: Algeria, Malaysia

April: Cameroon, Ukraine

#### Kampala amendments to RS

1. Crime of aggression: 4

Most Recent: Luxembourg (15 January 2013)

2. Article 8: 5

Most Recent: Luxembourg (15 January 2013)

**Philippines**—On 19 December, after more than 20 years of struggle to end to enforced disappearances, an *anti-enforced disappearance act* was signed into law by President Benigno Aquino III, the first of its kind in Asia. Perpetrators can face life imprisonment under the law, which cannot be suspended during war or any public emergency and includes the notion of command responsibility.

**Timor Leste**—On 3-7 December in Dili, the Coalition's Asia-Pacific coordinator participated in a ICC workshop and training of lawyers organized by Avocats sans Frontières in cooperation with its local partner, the National Association of Timorese Lawyers.

### GLOBAL PARTNERS

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