

# BULLETIN

of the  
Coalition for the International Criminal Court



## In Focus: ICC begins first trial in the case against Congolese warlord

On 26 January 2009, the ICC opened its first trial in the case against Congolese warlord Thomas Lubanga Dyilo. He is the first person charged in the Democratic Republic of Congo (DRC) situation as well as the Court's first detainee. The former leader of the Union of Congolese Patriots (UPC) is accused of enlisting and conscripting child soldiers to participate actively in hostilities. The Prosecution, the Defence, the Registry and eight legal representatives of 93 victims are participating in **trial hearings**. All parties made opening statements during the first week of the trial. The prosecution has begun presenting witness testimonies. It intends to call 34 witnesses for an anticipated 180 hours of testimony. The trial marks a turning point for the Rome Statute, the ICC's founding treaty, which entered into force only six years ago. The case also highlights the gravity of recruitment, enlistment and conscription of child soldiers. In addition, the proceedings will be the first test of formal victim participation in an international criminal trial. To coincide with the trial, the Coalition for the ICC launched a redesigned website and a blog titled, "In Situ: See justice through the eyes of civil society." *In Situ* is an attempt to help bridge the gap between populations affected by the crimes under the Court's investigation and the ICC's daily activities at its headquarters in The Hague.

## CASES AND SITUATIONS

### Victims granted access to legal aid

In January 2009, the Registry decided to provisionally grant legal aid to 18 victims in the Lubanga trial and 30 victims in the Bemba case considered wholly indigent, pending the outcome of the investigation into the applicants' property and assets.

### DRC

#### Key decision on victims' participation in the investigation stage: Appeals judges take restrictive approach

On 19 December 2008, the Appeals Chamber rendered a **highly anticipated decision** on the participation of victims at ICC proceedings in the investigation stage. The Chamber reversed previous pre-trial judicial decisions from December 2007 and held that victims cannot be granted 'procedural status of victim' entitling them to participate generally in an investigation by the prosecutor. However, the decision clarified that victims are not excluded from seeking to participate in judicial proceedings, including proceedings affecting inves-

tigations, provided their personal interests are affected.

### CAR

#### ICC holds confirmation of charges hearing in Bemba Case

The confirmation of charges hearing in the case of *The Prosecutor v. Jean-Pierre Bemba Gombo* took place from 12 to 15 January 2009. The purpose of the hearing was for the three judges of Pre-Trial Chamber III to assess whether or not the crimes against humanity and war crimes charges sought by the prosecutor will be confirmed. If the judges confirm the charges, the ICC will be able to move the case forward to trial. The parties had until 26 January 2009 to file any written submissions following the hearing and the Chamber has 60 days after that date to issue a decision on the charges.

### Darfur

#### Judges to issue Bashir decision at the beginning of March

On 4 March 2009, Judges of ICC Pre-Trial Chamber I will issue a decision concerning

the Prosecution's application for the issuance of a warrant of arrest against **Sudanese President Omar Al Bashir**. On 14 July 2008, ICC Prosecutor Luis Moreno-Ocampo requested an arrest warrant for Omar Hassan Al-Bashir for the commission of genocide, crimes against humanity and war crimes in **Darfur**. It is the prosecutor's first such request for a sitting head of state and his first invocation of the crime of genocide.

### Uganda

#### Two ICC suspects allegedly planning to surrender

During the first week of February, media articles reported alleged **surrender plans** of LRA commanders Dominic Ongwen and Okot Odhiambo, for whom ICC arrest warrants were issued in 2005. It is alleged that the two men would surrender to the government with the IOM as an observer. CICC members **Human Rights Watch** and **Amnesty International** insisted that any ICC suspect, captured or surrendered, should be transferred to the Court.

## RESUMED SEVENTH ASP HIGHLIGHTS

### First resumed ASP: Six new judges elected to ICC bench

On 19-20 January 2009, during the first resumed session of the seventh session of the Assembly of States Parties (ASP) at the UN Headquarters in New York, states elected six

new ICC judges for nine-year terms, namely: Joyce ALUOCH (Kenya), Sanji MON-AGENG (Botswana), Fumiko SAIGA (Japan), Mohamed Shahabuddeen (Guyana) who has since **resigned** for personal reasons, Cuno TARFUSSER (Italy), and Christine VAN DEN

WYNGAERT (Belgium). The judges will arrive at the Court at a crucial time in history, where Pre-trial chambers are setting important procedural landmarks, trial chambers are dealing with the first trials and appeals are establishing jurisprudence for the future.

## Second resumed ASP: States discuss crime of aggression

From 9 to 13 February 2009, the seventh session of the ASP resumed for the second time in New York. The session mainly focused on the work of the Special Working Group on the Crime of Aggression (SWGCA). The group is trying to finalize a proposal for the crime of aggression in time for the

2010 Review Conference of the Rome Statute. Debates included the issue of how the amendment would enter into force, the actual definition of the crime, and how to trigger the Court's jurisdiction. Although nothing has been finalized, there was general support for the draft definition of the crime. There are more divergent views regarding the conditions for the exercise of jurisdiction.

The discussions will continue at an informal intersessional meeting provisionally scheduled for June 2009. Other issues discussed during the session included the preparations for the Review Conference and the creation of an independent oversight mechanism. NGO representatives monitored the session as observers.

## REGIONAL UPDATES

### Europe

#### Council of Europe adopts resolution on cooperation with the ICC

On 26 January 2008, the Parliamentary Assembly of the Council of Europe (PACE) adopted a resolution requesting all of its 47 member states to fully cooperate with the International Criminal Court (ICC). It called for the ratification of the Rome Statute by the eight member states that have not yet ratified the Rome Statute (Armenia, Azerbaijan, the Czech Republic, Moldova, Monaco, Russia, Turkey and Ukraine), as well as by two observer states, the United States and Israel.

### Italy

On 3 February 2009, the NGO *Italians for Darfur* coordinated a second hearing before the Italian Chamber of Deputies. The Coalition for the ICC, InterSOS, Parliamentarians for Global Action and a representative of the Darfur refugee community in Italy addressed deputies of the Permanent Human Rights Committee on the situation in Darfur and ICC-related developments. Deputies were requested to determine what actions have been taken at the national and EU level to support ICC efforts in Darfur and to remind the Sudanese government of its obligation to cooperate with the Court.

### Poland

On 12 February 2009, Poland deposited its instrument of ratification of the *Agreement on Privileges and Immunities* (APIC) at the UN Secretariat in New York.

### LAC

#### Peru

On 26-27 February, the Institute of Human Rights of the Pontificia Universidad Católica del Perú (IDEHPUCP), the ICRC and the Ministry of Foreign Affairs of Peru will be hosting the international seminar *Toward the*

First Review Conference of the ICC which will include participation by national and international experts and academics.

### Africa

#### AU Summit

In January, Stephen Lamony, CICC's Outreach Liaison for Africa/Situations Advisor, undertook an advocacy mission to the African Union Summit in Addis Ababa, Ethiopia. Lamony met with various government and NGO officials to discuss Omar al-Bashir's possible arrest warrant, Article 16, and cooperation with the ICC, among other issues.

### Asia and Pacific

#### Parliamentarians urge Indonesian government to transmit ICC Accession Bill

At a working meeting organized by *Parliamentarians for Global Action* (PGA) in Jakarta on 18 February 2009, Parliamentarians urged the Indonesian Government to transmit as early as possible to Parliament the ICC Accession Bill. All participating MPs welcomed a proposal calling for the bill to be approved in Parliament between May and June of 2009, thus allowing Indonesia to become a Member State within the current Legislature.

#### Regional Strategy Meeting

The CICC Asia Regional Strategy Meeting will be held in *Kathmandu, Nepal* from 3-4 March 2009 and will bring together more than 12 of CICC's most active members to discuss regional campaigns and to develop member strategies for ICC advocacy. A press conference and a national workshop on the ICC will also be organized by INSEC, our local hosts, and lobby meetings will be held with the PM, MFA and other key government authorities.

### Rome Statute

Signatures: 139      Ratifications: 108  
Most Recent: *Cook Islands* (18 July 2008)

### APIC

Signatures: 62      Ratifications: 58  
Most Recent: *Uganda* (21 January 2009)  
and *Poland* (12 February 2009)

### URC, 2009 Targets

January: *Yemen* (ongoing)  
February: *Turkey*

### MENA

#### Arab Regional Conference on fighting impunity and promoting international justice

On 15-18 January 2009, the International Institute of Higher Studies in Criminal Sciences (ISISC) hosted the Arab Regional Conference *Fighting Impunity, Promoting International Justice and the ICC* at the League of Arab States. About 180 participants representing 18 Arab countries met to support the ICC in the Arab world. Secretary-General Amre Musa opened the event attended by the Ministers of Justice of Palestine and Iraq, as well as several chief justices of supreme courts and attorney generals.

#### Egyptian Coalition creates plan of action to support the ICC

Members of the *Egyptian* Coalition for the ICC met on 4 February 2009 in Cairo to develop a 2009 plan of action that included support for activities to further the ratification and implementation of the Rome Statute in Egypt and other Arab states, support for the work of the ICC in situation countries, particularly in Darfur, Sudan, and increased participation of Egyptian and Arab NGOs in the 2010 Review Conference.

Keep abreast of ICC developments! E-mail [cicc@iccnow.org](mailto:cicc@iccnow.org) to join e-mail lists in English, French, Spanish, Arabic or Portuguese.

For the latest news, visit [www.iccnw.org](http://www.iccnw.org); see [www.iccnw.org/index.php?mod=bulletin](http://www.iccnw.org/index.php?mod=bulletin) to view links contained in this Bulletin.