



Coalition for the International Criminal Court

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MEDIA ADVISORY

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NEW SUSPECT IN CUSTODY AT THE INTERNATIONAL CRIMINAL COURT

Rwandan Leader Callixte Mbarushimana Transferred to The Hague for Alleged Crimes in the Kivu Provinces of the Democratic Republic of the Congo

WHAT: On 25 January 2011, Callixte Mbarushimana was transferred to the International Criminal Court (ICC) in The Hague (Netherlands) for alleged war crimes and crimes against humanity in the Democratic Republic of the Congo (DRC). He was arrested on 11 October 2010 by French authorities pursuant to an ICC arrest warrant issued under seal on 28 September 2010.

WHO: Callixte Mbarushimana is a Rwandan citizen and the Executive Secretary of the *Forces Démocratiques pour la Libération du Rwanda - Forces Combattantes Abacunguzi* (FDLR-FCA). Callixte Mbarushimana is suspected of crimes against humanity (murder, torture, rape, persecution and inhumane acts) and war crimes (attacks against the civilian population, destruction of property, murder, torture, rape and inhuman treatment).

HOW: Following the issuance of the a sealed ICC arrest warrant on 28 September 2010, a request for assistance in the arrest and surrender of the suspect was sent to the French authorities by the ICC Registrar on 30 September 2010. An Appeals Court in Paris approved the surrender of the suspect to the ICC in early November 2010, a decision that was approved on 4 January 2011 by the “*Cour de Cassation*”, the highest court in the French judiciary.

NEXT STEPS: Callixte Mbarushimana will soon make an initial appearance before ICC Pre-Trial Chamber I. According to article 60 of the Rome Statute, upon the surrender of a suspect, he or she must appear in a hearing before the Court, in which the Pre-Trial Chamber must ensure that the person has been informed of the crimes which he or she is alleged to have committed, and of his or her rights under the Statute, including the right to apply to the Pre-Trial Chamber for interim release pending trial. Callixte Mbarushimana will then choose a permanent counsel to represent him before the Court and begin preparations for the confirmation of charges hearing.

COMMENTS: Several NGO members of the Coalition for the International Criminal Court — a civil society network in 150 countries advocating for a fair, effective and independent ICC and improved access to justice for victims of genocide, war crimes and crimes against humanity — have long been calling on the ICC Prosecutor to accelerate his investigation in the Kivus.

Convenor of the Coalition William R. Pace commended the French authorities for their role in the arrest and transfer of Callixte Mbarushimana, adding that “governments cooperation on arrests are indispensable and of vital importance to the work of the ICC in bringing perpetrators of grave crimes to justice.”

“The same level of cooperation should be ensured by the DRC and the United Nations in the case of former rebel commander and war crimes suspect Bosco Ntaganda who is enjoying complete liberty in the Kivus, the same region where ICC suspect Callixte Mbarushimana is alleged to have committed crimes,” Mr. Pace added.

“The Coalition urges the Court to strengthen outreach activities in the Kivus,” Mr. Pace emphasized. “It is essential that victims be informed of the arrest and of the Court’s mandate and procedures so that they can make an informed decision about their right to participate and can follow the Court’s progress if they so choose,” he concluded.

BACKGROUND: On 4 November 2008, ICC Prosecutor Luis Moreno-Ocampo issued a public statement to remind the actors of the conflict in the DRC that the ICC had jurisdiction over the crimes committed against the civilian population in North and South Kivu after 1 July 2002, and that his office was closely monitoring the situation.

Kivu is a region in the northeast area of the DRC that borders Lake Kivu. North and South Kivu has long been a site of conflict involving a number of actors, including the Forces Democratiques pour la Libération du Rwanda (FDLR), the Armed Forces of the Democratic Republic of Congo (FARDC), the Congrès National pour la Défense du Peuple (CNDP) and the MONUSCO.

The DRC is one of five situations under investigations by the ICC. It was formally referred to the Court by the DRC government on 19 April 2004, and the prosecutor officially opened an investigation on 23 June 2004. Five arrest warrants have been issued in the DRC situation, and two trials are ongoing for Thomas Lubanga Dyilo, Germain Katanga and Matthieu Ngudjolo Chui.

The ICC is the world’s first permanent international court to prosecute war crimes, crimes against humanity and genocide. There are currently 114 states that are party to the Rome Statute, the governing legislation of the ICC. Central to the ICC’s mandate is the principle of complementarity, which holds that the Court will only intervene if national legal systems are unable or unwilling to investigate and prosecute. To date, the ICC has opened investigations in five situations: the Central African Republic; Darfur, Sudan; Uganda; Democratic Republic of Congo and Kenya. It has publicly issued twelve arrest warrants and three summonses to appear. Three trials are ongoing. The ICC Office of the Prosecutor has made public that it is examining at least ten situations on four continents, including Afghanistan, Chad, Colombia, Côte d’Ivoire, Georgia, Guinea, Honduras, South Korea, Nigeria and Palestine.

The Coalition for the International Criminal Court is a global network of civil society organizations in 150 countries advocating for a fair, effective and independent ICC and improved access to justice for victims of genocide, war crimes and crimes against humanity.

Coalition NGO experts are available for interviews and background. List available upon request to maillet@coalitionfortheicc.org

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