



**Cour
Pénale
Internationale**

**International
Criminal
Court**

ICC-PPDS-TCT-01 - 012/11_Eng
Updated: 20 December 2011

The Court Today



About the Court

Established: By an international treaty (the Rome Statute), which entered into force on 1 July 2002.

States Parties: 120 countries are parties to the Rome Statute (effective as of 1 February 2012).

4 crimes within the Court's jurisdiction: The most serious crimes of concern to the international community, namely genocide, crimes against humanity and war crimes committed after 1 July 2002, as well as the crime of aggression, once the conditions under which the Court can exercise its jurisdiction on the latter have been fulfilled.

18 judges: Elected for 9 years by the Assembly of States Parties.

President: Judge Sang-Hyun Song.

Prosecutor: Mr Luis Moreno-Ocampo.

Registrar: Ms Silvana Arbia.

700 staff members: From approximately 90 States.

6 official languages: English, French, Arabic, Chinese, Russian and Spanish.

2 working languages: English and French.

Headquarters: The Hague, The Netherlands.

5 field offices: Kinshasa and Bunia (Democratic Republic of the Congo, "DRC"); Kampala (Uganda); Bangui (Central African Republic, "CAR"); Nairobi (Kenya).

Programme budget for 2011: € 103.6 million.

Investigations and Cases

7 investigations: The Office of the Prosecutor is investigating situations in Uganda, the DRC, CAR, Darfur (Sudan), Kenya, Libya and Côte d'Ivoire.

8 preliminary examinations: The Office of the Prosecutor monitors situations in Afghanistan, Colombia, Georgia, Honduras, Nigeria, the Republic of Korea, Guinea and Palestine.

19 arrest warrants: 6 arrests have been made. 2 warrants were withdrawn following the death of the suspects.

9 summonses to appear: All 9 appeared voluntarily before the Court; they are not in custody.

6 persons in custody:

DRC: Thomas Lubanga Dyilo, Germain Katanga, Mathieu Ngudjolo Chui, Callixte Mbarushimana.

CAR: Jean-Pierre Bemba Gombo.

Côte d'Ivoire: Laurent Gbagbo.

At large: 10 suspects.

14 cases have been brought before the Court of which 4 are currently at the trial stage.

Case Updates

Situation in Uganda

The situation was referred to the Court by the government of Uganda in December 2003. The Prosecutor opened an investigation in July 2004.

- 5 warrants of arrest (1 withdrawn)
- 0 suspects in custody
- 4 suspects at large
- 1 case
- 0 ongoing trials

The Prosecutor v. Joseph Kony, Vincent Otti, Okot Odhiambo and Dominic Ongwen (Pre-trial stage)

Five warrants of arrest have been issued against top members of the Lords Resistance Army (LRA) for crimes against humanity and war crimes committed in Uganda since July 2002. Following the confirmed death of **Raska Lukwiya**, the proceedings against him have been terminated. The four remaining suspects are still at large.

Situation in the Democratic Republic of the Congo (DRC)

The situation was referred to the Court by the DRC government in April 2004. The Prosecutor opened an investigation in June 2004.

- 5 warrants of arrest
- 4 accused in custody
- 1 suspect at large
- 4 cases
- 2 ongoing trials

The Prosecutor v. Thomas Lubanga Dyilo (Trial stage)

Thomas Lubanga Dyilo, alleged founder of the *Union des patriotes congolais* [Union of Congolese Patriots] (UPC) and the *Forces patriotiques pour la libération du Congo* [Patriotic Forces for the Liberation of Congo] (FPLC), alleged former Commander-in-Chief of the FPLC and alleged president of the UPC, is accused of committing the war crimes of the enlistment and conscription of children under the age of 15 into the FPLC and using them to participate actively in hostilities between September 2002 and August 2003. The accused was arrested and is in the Court's custody. The trial started on 26 January 2009. The Prosecution and Defence presentations of evidence were closed on 20 May 2011. Parties and participants presented their final conclusions on 25 and 26 August 2011.

The Prosecutor v. Germain Katanga and Mathieu Ngudjolo Chui (Trial stage)

Germain Katanga, alleged commander of the *Force de résistance patriotique en Ituri* [Patriotic Resistance Force in Ituri] (FRPI), and **Mathieu Ngudjolo Chui**, alleged former leader of the *Front des nationalistes et intégrationnistes* [National Integrationist Front] (FNI), face three counts of crimes against humanity (murder, rape and sexual slavery) and seven counts of war crimes (using children under the age of 15 to take active part in the hostilities; directing an attack against a civilian population as such or against individual civilians not taking direct part in hostilities; wilful killing; destruction of property; pillaging; sexual slavery and rape). The accused were arrested and are in the Court's custody. The trial started on 24 November 2009.

The Prosecutor v. Bosco Ntaganda (Pre-trial stage)

Bosco Ntaganda, former alleged Deputy Chief of the General Staff of the *Forces Patriotiques pour la Libération du Congo* [Patriotic Forces for the Liberation of Congo] (FPLC), is alleged to have committed war crimes of the enlistment and conscription of children under the age of 15 and of using them to participate actively in hostilities in Ituri from July 2002 until December 2003. The warrant of arrest was delivered on 22 August 2006, under seal and unsealed on 28 April 2008. The suspect remains at large.

The Prosecutor v. Callixte Mbarushimana (Charges declined)

Callixte Mbarushimana, a Rwandan citizen, has allegedly been since July 2007, the Executive Secretary of the *Forces Démocratiques pour la Libération du Rwanda - Forces Combattantes Abacunguzi* (FDLR-FCA), and is allegedly responsible for five counts of crimes against humanity (murder, torture, rape, inhumane acts and persecution) and six counts of war crimes (attacks against the civilian population, destruction of property, murder, torture, rape and inhuman treatment) committed in the Kivus in 2009. He was arrested by the French authorities and transferred to the ICC detention centre on 25 January 2011, where he remains in custody. The confirmation of charges hearing in this case was held from 16 to 21 September 2011.

On 16 December 2011, Pre-Trial Chamber I decided by majority to decline to confirm the charges against Mr Mbarushimana and to release him from the custody of the Court, on the completion of the necessary arrangements.

Situation in Darfur, Sudan

The situation was referred to the Court by the United Nations Security Council in its resolution 1593 of 31 March 2005. The Prosecutor opened an investigation in June 2005.

- 4 warrants of arrest
- 3 summonses to appear
- 0 suspects in custody
- 3 suspects at large
- 4 cases
- 1 ongoing trial

The Prosecutor v. Ahmad Muhammad Harun (“Ahmad Harun”) and Ali Muhammad Ali Abd-Al-Rahman (“Ali Kushayb”) (Pre-trial stage)

On 2 May 2007, two warrants of arrest have been issued for the former Minister of State for the Interior, **Ahmad Harun**, and the alleged leader of *Janjaweed* militia, **Ali Kushayb**, for crimes against humanity and war crimes. The two suspects remain at large.

On 25 May 2010, Pre-Trial Chamber I ordered the ICC Registrar to transmit the judges’ decision informing the United Nations Security Council about the lack of cooperation by Sudan in the case against Ahmad Harun and Ali Kushayb, in order for the Security Council to take any action it may deem appropriate.

The Prosecutor v. Omar Hassan Ahmad Al Bashir (Pre-trial stage)

A warrant of arrest was issued on 4 March 2009, for Sudanese President **Omar Al Bashir** listing five counts of crimes against humanity (murder, extermination, forcible transfer, torture and rape) and two counts of war crimes (intentionally directing attacks against a civilian population as such or against individual civilians not taking part in hostilities, and pillaging). On 3 February 2010, the Appeals Chamber directed Pre-Trial Chamber I to decide whether the arrest warrant should be extended to cover the charge of genocide.

On 12 July 2010, Pre-Trial Chamber I issued a second warrant of arrest against Al Bashir, considering that there are reasonable grounds to believe him responsible for three counts of genocide committed against the Fur, Masalit and Zaghawa ethnic groups.

The suspect remains at large. Pre-Trial Chamber I has informed the United Nations Security Council and the Assembly of States Parties to the Rome Statute of Omar Al Bashir’s visits to Djibouti, Chad and Kenya, as well as of the non-cooperation of Malawi and Chad in arresting Mr Al Bashir. It is for the United Nations Security Council and the Assembly of States Parties to take any measure they may deem appropriate to ensure the full cooperation with the ICC.

The Prosecutor v. Bahar Idriss Abu Garda (Charges declined)

Bahar Idriss Abu Garda, chairman and general coordinator of military operations of the United Resistance Front, appeared voluntarily before the Court on 18 May 2009, following a summons to appear. He was charged with three counts of war crimes (violence to life, intentionally directing attacks against personnel, installations, material, units and vehicles involved in a peacekeeping mission, and pillaging) allegedly committed during an attack carried out on 29 September 2007, against the African Union Peacekeeping Mission in Sudan. On 8 February 2010, Pre-Trial Chamber I declined to confirm the charges against him due to insufficient evidence. Abu Garda is not in the custody of the ICC.

The Prosecutor v. Abdallah Banda Abakaer Nourain and Saleh Mohammed Jerbo Jamus (Trial stage)

On 27 August 2009, Pre-Trial Chamber I issued under-seal summonses to appear for **Abdallah Banda** and **Saleh Jerbo**. Summonses were unsealed on 15 June 2010. On 17 June 2010, the two suspects appeared voluntarily before Pre-Trial Chamber I. On 7 March 2011, Pre-Trial Chamber I unanimously decided to confirm three charges of war crimes (violence to life in the form of murder, whether committed or attempted; intentionally directing attacks against personnel, installations, material, units or vehicles involved in a peacekeeping mission; and pillaging), against Abdallah Banda and Saleh Jerbo, and committed them to trial. These crimes were allegedly committed in an attack carried out on 29 September 2007, against African Union Mission in Sudan, at the Haskanita Military Group Site, in the Umm Kadada locality of North Darfur, Sudan. On 16 March 2011, the ICC Presidency constituted Trial Chamber IV and referred this case to it. Abdallah Banda and Saleh Jerbo are not in the custody of the Court.

Situation in the Central African Republic (CAR)

The situation was referred to the Court by the CAR government in December 2004. The Prosecutor opened an investigation in May 2007.

- 1 warrant of arrest
- 1 accused in custody
- 0 suspects at large
- 1 case
- 1 ongoing trial

The Prosecutor v. Jean-Pierre Bemba Gombo (Trial stage)

Jean-Pierre Bemba Gombo, alleged President and Commander-in-chief of the *Mouvement de libération du Congo* [Movement for the Liberation of Congo] (*MLC*), faces charges as a military commander for two counts of crimes against humanity (rape and murder) and three counts of war crimes (rape, murder and pillaging). He has been surrendered to the Court and was transferred to its detention centre on 3 July 2008, where he remains in custody. On 15 June 2009, Pre-Trial Chamber II confirmed the charges against him. His trial started on 22 November 2010.

Situation in Kenya

Kenya ratified the Rome Statute on 15 March 2005, becoming a State Party. On 31 March 2010, Pre-Trial Chamber II authorised the Prosecutor to open an investigation *proprio motu* in the situation in the Republic of Kenya, in relation to the 2007-2008 post-election violence in that country.

- 6 summonses to appear
- 0 accused in custody
- 0 suspects at large
- 2 cases
- 0 ongoing trials

The Prosecutor v. William Samoei Ruto, Henry Kiprono Kosgey and Joshua Arap Sang (Pre-trial stage)

On 8 March 2011, Pre-Trial Chamber II issued, by majority, summonses to appear for the three suspects in this case, who appeared voluntarily before the Court on 7 April 2011. The suspects face three counts of crimes against humanity, with **William Ruto** and **Henry Kosgey** charged as alleged indirect co-perpetrators and **Joshua Sang** charged as allegedly otherwise contributing to the commission of the crimes. The confirmation of charges hearing was held from 1 to 8 September 2011 and the decision on the confirmation of charges is pending. The suspects are not in the custody of the Court.

The Prosecutor v. Francis Kirimi Muthaura, Uhuru Muigai Kenyatta and Mohammed Hussein Ali (Pre-trial stage)

On 8 March 2011, Pre-Trial Chamber II issued, by majority, summonses to appear for the three suspects in this case, who appeared voluntarily before the Court on 8 April 2011. The suspects face five counts of crimes against humanity, with **Francis Muthaura** and **Uhuru Kenyatta** charged as alleged indirect co-perpetrators and **Mohammed Ali** as allegedly otherwise contributing to the commission of the crimes. The confirmation of charges hearings was held from 21 September to 5 October 2011 and the decision on the confirmation of charges is pending. The suspects are not in the custody of the Court.

Situation in Libya

On 26 February 2011, the United Nations Security Council decided unanimously in its resolution 1970 to refer the situation in Libya since 15 February 2011 to the ICC. On 3 March 2011, the ICC Prosecutor announced his decision to open an investigation in the situation, which was assigned by the Presidency to Pre-Trial Chamber I.

- 3 warrants of arrest (1 withdrawn)
- 0 accused in custody
- 2 suspects at large
- 1 case
- 0 ongoing trials

The Prosecutor v. Saif Al-Islam Gaddafi et Abdullah Al-Senussi (Pre-trial stage)

On 27 June 2011, Pre-Trial Chamber I issued three warrants of arrest respectively for **Muammar Mohammed Abu Minyar Gaddafi**, **Saif Al-Islam Gaddafi** and **Abdullah Al-Senussi** for crimes against humanity (murder and persecution) allegedly committed across Libya from 15 until at least 28 February 2011, through the State apparatus and Security Forces. On 22 November 2011, Pre-Trial Chamber I formally terminated the case against Muammar Gaddafi due to his death.

Situation in Côte d'Ivoire

Côte d'Ivoire, which is not party to the Rome Statute, had accepted the jurisdiction of the ICC on 18 April 2003; more recently, and on both 14 December 2010 and 3 May 2011, the Presidency of Côte d'Ivoire reconfirmed the country's acceptance of this jurisdiction. On 3 October 2011, Pre-Trial Chamber III granted the Prosecutor's request for authorisation to open investigations *proprio motu* into the situation in Côte d'Ivoire with respect to alleged crimes within the jurisdiction of the Court, committed since 28 November 2010, as well as with regard to crimes that may be committed in the future in the context of this situation.

- 1 warrants of arrest
- 1 accused in custody
- 0 suspects at large
- 1 case
- 0 ongoing trials

The Prosecutor v. Laurent Gbagbo (Pre-trial stage)

On 23 November 2011, Pre-Trial Chamber III issued a warrant of arrest under seal against Laurent Gbagbo for four counts of crimes against humanity. The arrest warrant against Mr Gbagbo was unsealed on 30 November 2011, when he was transferred to the ICC detention centre at The Hague, by the Ivorian authorities. On 5 December 2011, Pre-Trial Chamber III held an initial appearance hearing and set the date for the confirmation of charges hearing to start on 18 June 2012.