

# BULLETIN

of the  
Coalition for the International Criminal Court



## IN FOCUS: NGOs Building Momentum For May 2010 Review Conference

The first [Review Conference](#) of the Rome Statute of the International Criminal Court (ICC) will be held in [Kampala, Uganda](#) from 31 May to 11 June 2010. ICC states parties will consider amendments to the Rome Statute and take stock of its impact thus far. It was agreed that the Conference would focus on the crime of aggression; the revision of article 124 of the Rome Statute; and the inclusion of the use of certain weapons as war crimes in the context of an armed conflict of non-international character. The impact of the Statute to date will also be considered, with a particular focus on four areas: victims and affected communities; complementarity; cooperation; peace and justice. States parties' focal points have been nominated for each stocktaking issue. The CICC has begun dialogue with them to ensure that civil society's views and concerns are reflected in the stocktaking exercise. Notably, the CICC has already facilitated substantive input to the papers produced by the focal points and the [Victims Rights Working Group](#) developed a questionnaire to assess the Court's impact on victims which is being distributed to partner organizations in situations countries and beyond. In addition, CICC members worldwide are organizing a series of events to build momentum for the Conference. Notably, the Human Rights Network - Uganda (HURINET-U), No Peace Without Justice (NPWJ) and the Ugandan Coalition on the ICC (UCICC) have launched a campaign to highlight the importance of the Review Conference and foster understanding by enabling representatives of state parties—including ASP President Christian Wenaweser—to [travel to the interior of Uganda to meet with victims](#), communities, civil society, as well as government and local officials.

## CASES AND SITUATIONS

### DARFUR

#### ICC Overturns Decision to Exclude Genocide Charges in Al-Bashir Arrest Warrant

On 3 February 2010, the ICC Appeals Chamber unanimously [reversed](#) Pre-Trial Chamber I's decision of March 2009 not to include the crime of genocide in the arrest warrant against President Bashir of Sudan. The Appeals judges held that the Pre-Trial Chamber had applied the wrong standard of proof when deciding on the prosecutor's application for an arrest warrant. The Pre-Trial Chamber will now have to [decide](#) anew whether a warrant of arrest should be extended to cover the crime of genocide based on the correct standard of proof.

#### Abu Garda Case Not Ready For Trial

On 8 February 2010, ICC Pre-Trial Chamber I [declined to confirm charges of war crimes](#) against Darfur rebel leader Bahr Idriss Abu Garda, thereby not allowing his case to move forward to trial. Although Judges insisted that the case was of sufficient gravity, the Chamber established that it [lacked evidence that Abu Garda participated in the common plan](#) to attack the African Union Mission in Sudan (AMIS) at the Haskanita base in North Darfur, Sudan in September 2007. The prosecution announced it will seek to appeal the decision.

### DRC

#### ICC Resumes Its Two DRC Trials

On 7 January 2010, the trial against Thomas

Lubanga Dyilo resumed at the ICC, for the alleged enlistment and conscription of children to participate actively in hostilities in the Democratic Republic of Congo (DRC). For the first time, three participating victims appeared, in person, in Court and testified about their experiences as former child soldiers. The defense then started the presentation of its case and called its first witnesses.

On 26 January 2010, the presentation of the prosecution's case in the trial against warlords Germain Katanga and Mathieu Ngudjolo Chui, resumed after a month adjournment. Katanga and Ngudjolo are accused of war crimes and crimes against humanity allegedly committed in 2003 in the village of Bogoro, DRC.

#### CICC Celebrates International Day against the Use of Child Soldiers

On 12 February 2010, the CICC celebrated the International Day against the Use of Child Soldiers and issued a [press release](#) highlighting the hopes of a positive impact of the Lubanga trial on the use of child soldiers in the DRC and elsewhere.

### KENYA

#### ICC Judges Request Clarifications and Additional Information

Judges of ICC Pre-Trial Chamber II are in the process of assessing whether or not to authorize the prosecutor to open an investigation in Kenya in relation to the 2007-2008 post-election violence. On 18 February 2010, the judges [requested the prosecutor to provide clarifica-](#)

### Rome Statute

Signatures: 139

Ratifications: 110

Most Recent: [Chile](#) (29 June 2009)

### APIC

Signatures: 62

Ratifications: 62

Most Recent: [Malawi](#) (7 October 2009)

### Universal Ratification Campaign (URC) 2010 Targets

January: [Bangladesh](#)

February: [Morocco](#) and [El Salvador](#)

[tion and additional information](#) before 3 March 2010 on the incidents that are likely to be the focus of the investigation, persons involved and domestic investigations, if any, with respect to those potential cases. Judges also wanted to receive more information on a possible State and/or organisational policy and its linkage with events, persons and acts committed.

### ICC/ASP

#### Two Newly Elected ICC Judges Sworn In

On 20 January 2010, newly elected ICC Judges [Silvia Fernández de Gurmendi](#) (Argentina) and [Kuniko Ozaki](#) (Japan) were [sworn-in](#) at the ICC premises.

## AFRICA

**Cape Verde**

On 5 February 2010, the National Assembly of Cape Verde adopted a text on constitutional amendments. The text includes two ICC provisions stating that Cape Verde may accept the ICC jurisdiction and that restrictions to extradition from Cape Verde do not prevent the exercise of the ICC jurisdiction, subject to the provisions governing complementarity and the other terms of the Rome Statute.

**Comoros**

On 25-26 February 2010, a roundtable discussion on ICC Implementing Legislation in African Indian Ocean states (Madagascar, Mauritius and Seychelles) took place in the Parliament of Comoros in Moroni, organized by **Parliamentarians for Global Action (PGA)**.

**Cote d'Ivoire**

On 8 February 2010, the Ivorian Coalition for the ICC launched a new training and outreach campaign on human rights, non-violence, fight against impunity and the ICC. This project will target teachers and pupils of 30 high schools in three regions of Cote d'Ivoire.

## AMERICAS

**El Salvador**

On 17-19 February 2010, the Salvadoran Ministry of Foreign Affairs hosted a high level seminar on the ICC to address some of the main concerns delaying the ratification process. Speakers included representatives of the ICC Office of the Prosecutor (OTP), the OAS Inter-American Juridical Committee, the International Committee of the Red Cross (ICRC), the Central American Court of Justice, the Central American Parliament (PARLACEN), the European Commission, MPs, Supreme and Constitutional Court

judges, the government and civil society, including the CICC.

**OAS**

For the sixth consecutive year, the **Organization of American States (OAS)** held a working meeting on the promotion of the ICC on 27 January 2010 in Washington D.C, with a focus on the **Review Conference**. Panelists discussed issues related to the crime of aggression, article 124, the Belgian proposal and stocktaking. Panelists included, among others: Miriam Spittler (OTP), Renan Villacis (ASP), Mauricio Herdocia (OAS Inter-American Judicial Committee), Dante Negro (OAS International Law Department), Patrick Zahnd (ICRC), PGA member Sigfrido Reyes, Vice President of the Salvadoran National Assembly, Francesca Varda (CICC Americas coordinator) and delegations from the region.

## ASIA

**Nepal**

On 9 February 2010, the **Nepalese Coalition for the ICC** held a consultation on the potential accession of Nepal to the ICC, the government's position and participation at the upcoming Review Conference, as well as civil society's views on the issue. The consultation was attended by 50 participants, including representatives from ministries, leaders of political parties, MPs, the National Human Rights Commission, NGOs (including CICC Asia program associate Rebecca Lozada), lawyers and the media.

**Lao PDR**

On 11-12 February 2010, the Ministry of Foreign Affairs of the Lao People's Democratic Republic organized a regional workshop on the ICC in Vientiane, supported by the CICC and the Swedish International Development

Agency (SIDA). ICC President Judge Sang-Hyun Song delivered a keynote speech at the workshop, which was attended by CICC Asia and Pacific Coordinator Evelyn Serrano.

## EUROPE

**Georgia**

The **Georgian Human Rights Centre (HRIDC)**, supported by the CICC, is implementing a project on the ICC running from November 2009 to May 2010. A number of media and civil society roundtables are planned in Tbilisi to facilitate informed public discussion about legal and political mechanisms to end impunity for grave human rights violations with particular focus on the 2008 conflict between Russia and Georgia.

## MENA

**Morocco**

On 9 February 2010, the Moroccan Coalition for the ICC held a press conference in Rabat, Morocco, attended by journalists and members of civil society. A letter sent to King Mohamed VI and government officials pressing them to ratify the Statute, along with CICC and Moroccan Coalition press releases were presented at the conference, which was held in the framework of CICC's monthly Universal Ratification Campaign.

**Jordan**

On 18 January 2010, Ahmed Shammout, President of the Arab Bridge Center for Development and Human Rights and Abeer Al-Khraisha, CICC MENA Regional Coordinator, addressed journalists in Amman, Jordan to discuss ICC's role in the region. The aim was to raise awareness about Jordan's commitment to human rights, and using this awareness to encourage other MENA states to ratify the Rome Statute.

## GLOBAL PARTNERS

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