



A Partnership of the **University of Illinois College of Law**  
and the **American Bar Foundation**

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*Last update May 2011*

## **I. Court Jurisdiction & Investigation Procedure**

### *Jurisdiction:*

- Over genocide, crimes against humanity and war crimes
- If the accused is a national of a State Party or a State otherwise accepting the jurisdiction of the Court; or the crime took place on the territory of a State Party or a State otherwise accepting the jurisdiction of the Court; or the United Nations Security Council has referred the situation to the Prosecutor, irrespective of the nationality of the accused or the location of the crime
- The events took place after July 1, 2002

### *Investigation*

- If a situation of crime is referred to the Prosecutor by any State Party or by the United Nations Security Council ("referral"), the Prosecutor commences an investigation unless he determines there is no reasonable basis to proceed.
- The Prosecutor can also begin an investigation on his own initiative on the basis of information on crimes received from individuals or organizations ("communications").
- The Prosecutor investigates incriminating and exonerating circumstance equally and fully respects the rights of the accused.
- The situation is assigned to a Pre-Trial Chamber during the investigation for all aspects of judicial proceedings; the Pre-Trial Chamber will hold a hearing to confirm the charges.

## **II. Current International Criminal Court Cases Involving Systematic Sexual Violence:**

For more information on the ICC situations and cases, go to  
<http://www.icc-cpi.int/Menu/ICC/Situations+and+Cases/>

### **The Prosecutor v. Jean Pierre Bemba Gombo**

Central African Republic (CAR)

**Charges:** This is the International Criminal Court's third trial and second to include charges for sexual violence. As the alleged President and Commander-in-chief of the Mouvement de liberation du Congo (MLC), Mr. Bemba is allegedly criminally responsible for two counts of crimes against humanity (murder and rape) and three counts of war crimes (murder, rape and pillaging) committed on the territory of the Central African Republic between October 2002 and March 2003.

**Current Status of the Case:** the trial opened on 22 November, 2010.

View the ICC's case information sheet:

<http://www.icc-cpi.int/iccdocs/PIDS/publications/BembaEng.pdf>

### **The Prosecutor v. Germain Katanga and Mathieu Ngudjolo Chu**

Democratic Republic of the Congo (DRC)

*Charges:* as the ICC's second trial and the court's first to include sexual violence charges, both Katanga and Ngudjolo allegedly committed, through other persons, seven counts of war crimes (including rape, sexual slavery and using children under the age of 15 to take active part in hostilities) and three counts of crimes against humanity (murder, rape and sexual slavery) committed in the Democratic Republic of the Congo (DRC). Germain Katanga is the alleged commander of Patriotic Resistance Force in Ituri, FRPI and Mathieu Ngudjolo Chui is the former leader of the National Integrationist Front, FNI and allegedly had ultimate control over FNI commanders.

*Current status of the case:* On 12 July 2010, the Appeals Chamber of the International Criminal Court decided to dismiss the appeal of Germain Katanga against the decision entitled "Decision on the Motion of the Defense for Germain Katanga for a Declaration on Unlawful Detention and Stay of Proceedings" of Trial Chamber II of 20 November 2009. On 30 June 2009, Mr Katanga had filed a motion requesting a declaration for unlawful detention and a stay of the proceedings against him for his alleged unlawful arrest and detention in the Democratic Republic of the Congo prior to his surrender to the Court. On 20 November 2009, Trial Chamber II rejected the Defense motion.

On 17 February 2011, The Defense for Mr. Germain Katanga ('Defence') requested the Chamber to permit its Defense witnesses, once they have concluded their evidence, to visit Mr. Germain Katanga at the Detention Unit in The Hague. On March 4 2011, the Chamber rejected this request.

### **The Prosecutor v. Callixte Mbarushimana**

Democratic Republic of the Congo (DRC)

*Charges:* Mr. Callixte Mbarushimana, a Rwandan national, is accused of being the Executive Secretary of the Forces Democratiques pour la Liberation du Rwanda (FDLR) and conducting widespread and systematic attacks against the civilian population in order to create a humanitarian catastrophe. Mr. Mbarushimana is the fourth person arrested by the Court in relation to the DRC situation and the first person charged for crimes committed in the Kivu provinces. The Office of the Prosecutor alleges that Mbarushimana is 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).

*Current status:* on 25 January 2011, Mr. Mbarushimana was transferred to the International Criminal Court (ICC) by the French authorities following a warrant of arrest issues by the ICC Pre-Trial Chamber I on 28 September 2010 and his arrest on 11 October 2010. The trial is expected to begin on 4 July 2011. On 2 May 2011, Mr. Mbarushimana's Defense responded to the Prosecution's request for the assessment of the English proficiency of Mr. Mbarushimana, and asked the Chamber to reject this request and the Prosecution to conduct the investigation in French.

### III. *Participation of Victims to the Proceedings:*

The Office of Public Counsel for Victims consists of lawyers and jurists with a wide range of legal expertise and various language skills. It seeks to ensure effective participation of victims in the proceedings before the Court by providing legal support and assistance to the legal representatives of victims and to victims.

The Office has published a Manual for Legal Representatives appearing before the Court to give them some guidance on the main issues related to victims' participation in the proceedings.

Link to the Manual: <http://www.icc-cpi.int/iccdocs/PIDS/publications/OPCVManualEng.pdf>

#### IV. *ICC Legal Tools:*

“The Legal Tools have been developed as part of the ICC Legal Tools Project of the ICC Office of the Prosecutor. They equip users with legal information, digests and an application to work more effectively with core international crimes cases (involving war crimes, crimes against humanity, genocide or aggression). The Tools serve as an electronic library on international criminal law and justice. They comprise at present over 44,000 documents in several databases (the "Legal Tools Database"), together with four legal research and reference tools developed by lawyers with expertise in international criminal law and justice: the Case Matrix, the Elements Digest, the Proceedings Digest and the Means of Proof Digest.”

<http://www.legal-tools.org/en/what-are-the-icc-legal-tools/>

Users can make a search in the Legal Tools database and look for, for example, legal documents or legal decisions relating to sexual violence.

<http://www.legal-tools.org/en/search-database/>