



Situation in Kenya

On 31 March 2010, Pre-Trial Chamber II granted the Prosecutor's request to open an investigation *proprio motu* in the situation in Kenya, State Party since 2005. Following summonses to appear issued on 8 March 2011 in two separate cases, six Kenyan citizens voluntarily appeared before Pre-Trial Chamber II on 7 and 8 April 2011. The confirmation of charges hearings in the two cases took place from 1 to 9 September 2011, and 21 September to 5 October 2011, respectively. On 23 January 2012, the judges confirmed the charges only against William Samoei Ruto, Joshua Arap Sang, Francis Kirimi Muthaura and Uhuru Muigai Kenyatta and committed them to trial. On 18 March 2013, the charges against Francis Kirimi Muthaura were withdrawn. The trial in the case *The Prosecutor v. William Samoei Ruto and Joshua Arap Sang* started on 10 September 2013. The trial in the case of *The Prosecutor v. Uhuru Muigai Kenyatta* is scheduled to start on 7 October 2014. On 2 October 2013, Pre-Trial Chamber II unsealed an arrest warrant in the case *The Prosecutor v. Walter Osapiri Barasa*, initially issued on 2 August 2013, for several offences against the administration of justice, consisting of corruptly influence or attempting to corruptly influence ICC witnesses. Mr Barasa is not in the Court's custody.

Ruto and Sang Case

Trial Chamber V(a) summonses eight witnesses to appear and requests the Kenyan Government's cooperation

On 17 April 2014, Trial Chamber V(A) of the International Criminal Court (ICC) granted, by majority, the Prosecutor's request to subpoena eight Kenyan witnesses to appear before the Trial Chamber in the trial of the case against Samoei William Ruto and Joshua Arap Sang.

According to the Prosecution, those eight witnesses are now no longer cooperating or have informed the Prosecution that they are no longer willing to testify. Before rendering the decision, the Chamber received written and oral observations from the Defence counsel, the legal representative of victims, and the Attorney-General of Kenya. In their decision, the Chamber decided, by majority, to grant the request to compel the attendance of the witnesses.

The Chamber considered that the decision was amply supported by both general international law and the provisions of the Rome Statute, to the effect that the Rome Statute States Parties did not intend to create an ICC that is 'in terms a substance, in truth a phantom'. Rather, they must be presumed to have created a court with every necessary competence, power, ability and capability to exercise its functions and fulfil its mandate in an effective way. These include the power to subpoena witnesses. In that connection, the Chamber found that there is unity among international law, the Rome Statute, the Constitution of Kenya and the laws of Kenya concerning its dealings with the ICC.

In the result, the Chamber found that the Government of Kenya has an obligation to cooperate fully with the Court: by serving the subpoenas to the witnesses and by assisting in compelling their attendance before the Chamber, by the use of compulsory measures as necessary.

Trial Chamber V(a) directed the Registry of the Court to prepare and transmit a cooperation request to the Republic of Kenya for: (i) the service of summonses by the Government of Kenya on these eight witnesses, (ii) assistance in compelling and ensuring the eight witnesses' appearance before the Chamber by video-link or before the Chamber convened on the territory of Kenya and (iii) the Government of Kenya to make appropriate arrangements for the security of the eight witnesses until they appear before the Court.

Further information on this case is available [here](#).

Decisions and orders

Decision on Prosecutor's Application for Witness Summonses and resulting Request for State Party Cooperation

Issued by Trial Chamber V(a) on 17 April 2014

Audiovisual materials

"In the Courtroom" audio-visual programme

Ruto and Sang case: Trial, Expert witness Lars Bromley, 9-10 April 2014



Situation in Darfur, Sudan

There are five cases in the situation in Darfur, Sudan: *The Prosecutor v. Ahmad Muhammad Harun ("Ahmad Harun") and Ali Muhammad Ali Abd-Al-Rahman ("Ali Kushayb")*; *The Prosecutor v. Omar Hassan Ahmad Al Bashir*; *The Prosecutor v. Bahar Idriss Abu Garda*; *The Prosecutor v. Abdallah Banda Abakaer Nourain*; and *The Prosecutor v. Abdel Raheem Muhammad Hussein*. Five warrants of arrest have been issued by Pre-Trial Chamber I for Messrs Harun, Kushayb, Al Bashir and Hussein. The four suspects remain at large. A summons to appear was issued for Mr Abu Garda who appeared voluntarily before the Chamber on 18 May 2009. After the confirmation of charges hearing, in February 2010, Pre-Trial Chamber I declined to confirm the charges. Two other summonses to appear were issued against Mr Banda and Mr Jerbo who appeared voluntarily on 17 June 2010; the confirmation of charges hearing took place on 8 December 2010. On 7 March 2011, Pre-Trial Chamber I unanimously decided to confirm the charges of war crimes brought by the ICC Prosecutor against Mr Banda and Mr Jerbo, and committed them to trial. On 16 March 2011, the ICC Presidency constituted Trial Chamber IV and referred the case to it. On 4 October 2013, Trial Chamber IV terminated the proceedings against Saleh Jerbo after receiving evidence pointing towards the death of Mr Jerbo on 19 April 2013. On 16 April 2014, Trial Chamber IV vacated the date of the opening of the trial in the Banda case, initially scheduled for 5 May 2014. The Chamber will decide in due course on the further steps to take.

Banda Case

ICC Trial Chamber IV vacates the trial's commencement date

On 16 April 2014, Trial Chamber IV of the International Criminal Court (ICC) decided to vacate the date of 5 May 2014, initially scheduled for the opening of the trial in the case *The Prosecutor v. Abdallah Banda Abakaer Nourain*, in view of logistic difficulties encountered. The Chamber will decide in due course on the further steps to take, after receiving additional submissions of the ICC's Prosecution and Registry, no later than 6 May 2014.

Further information on this case is available [here](#).

Decisions and orders

Public redacted Decision vacating the trial date of 5 May 2014 + PARTLY DISSENTING OPINION OF JUDGE EBOE-OSUJI

Issued by Trial Chamber IV on 16 April 2014

Order suspending a deadline

Issued by Trial Chamber IV on 17 April 2014

Situation in the Democratic Republic of the Congo

The Democratic Republic of the Congo (DRC) ratified the Rome Statute on 11 April 2002. On 3 March 2004, the Government of the DRC referred the situation in its territory to the Court. After a preliminary analysis, the Prosecutor initiated an investigation on 21 June 2004. In this situation, six cases have been brought before the relevant Chambers: *The Prosecutor v. Thomas Lubanga Dyilo*; *The Prosecutor v. Bosco Ntaganda*; *The Prosecutor v. Germain Katanga*; *The Prosecutor v. Mathieu Ngudjolo Chui*; *The Prosecutor v. Callixte Mbarushimana*; and *The Prosecutor v. Sylvestre Mudacumura*. Thomas Lubanga Dyilo, Germain Katanga and Bosco Ntaganda are currently in the ICC's custody. Sylvestre Mudacumura remains at large. The trial in the case *The Prosecutor v. Thomas Lubanga Dyilo* started on 26 January 2009. On 14 March 2012, Trial Chamber I **convicted** Mr Lubanga Dyilo and he was **sentenced** on 10 July 2012 to a total period of 14 years of imprisonment. On 7 August 2012, Trial Chamber I issued a **decision** on the principles and the process to be implemented for reparations to victims in the case. All three decisions are currently subject to appeal. The trial in the case against Germain Katanga and Mathieu Ngudjolo Chui started on 24 November 2009 and closing statements were heard from 15 to 23 May 2012. On 21 November 2012, Trial Chamber II decided to sever the charges against Mathieu Ngudjolo Chui and Germain Katanga. On 18 December 2012, Trial Chamber II **acquitted** Mathieu Ngudjolo Chui of the charges of war crimes and crimes against humanity and ordered his immediate release. On 21 December 2012, Mr Ngudjolo Chui was released from custody. The Office of the Prosecutor has appealed the verdict. On 7 March 2014, Trial Chamber II **convicted** Germain Katanga, as an accessory, of one count of crime against humanity and four counts of war crimes committed during the attack on the village of Bogoro, Ituri, on 24 February 2003. Decisions on sentencing and victim reparations will be rendered later. The Prosecutor and the Defence have appealed the judgement. On 16 December 2011, Pre-Trial Chamber I declined to confirm the charges in the case *The Prosecutor v. Callixte Mbarushimana*. Mr Mbarushimana was released on 23 December 2011. On 22 March 2013, Bosco Ntaganda surrendered himself to the Court voluntarily and is now in the ICC's custody. His initial appearance hearing took place before Pre-Trial Chamber II on 26 March 2013. The confirmation of charges hearing in the case was held from 10 to 14 February 2014. The decision is pending.

Decisions and orders

Ntaganda Case

Decision on the Prosecutor's request to submit a reply

Issued by Pre-Trial Chamber II on 14 April 2014

Decision on the "Joint Request of the Common Legal Representatives to access confidential documents in the case record"

Issued by Pre-Trial Chamber II on 15 April 2014

Katanga Case

Decision replacing two judges in Trial Chamber II

Issued by the Presidency on 16 April 2014

Situation in Côte d'Ivoire

Côte d'Ivoire, which was not party to the Rome Statute at the time, 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, the Pre-Trial Chamber authorised the Prosecutor to open an investigation into the situation in Côte d'Ivoire since 28 November 2010. On 22 February 2012, Pre-Trial Chamber III decided to expand its authorisation for the investigation in Côte d'Ivoire to include crimes within the jurisdiction of the Court allegedly committed between 19 September 2002 and 28 November 2010. On 15 February 2013, Côte d'Ivoire ratified the Rome Statute. The confirmation of charges hearing in the case *The Prosecutor v. Laurent Gbagbo* took place from 19 to 28 February 2013. On 3 June 2013, Pre-Trial Chamber I adjourned the hearing on the confirmation of charges and requested the Prosecutor to consider providing further evidence or conducting further investigation with respect to the charges presented against Laurent Gbagbo. On 16 December 2013, the ICC Appeals Chamber confirmed the decision adjourning the confirmation of charges hearing in the case. Following this decision, Pre-Trial Chamber I established a new calendar for further proceedings, including on the disclosure of additional evidence and submissions of the Prosecutor, Defence and victims participating in this case. On 22 November 2012, Pre-Trial Chamber I unsealed a warrant of arrest in the case *The Prosecutor v. Simone Gbagbo* for four charges of crimes against humanity allegedly committed in the territory of Côte d'Ivoire between 16 December 2010 and 12 April 2011. On 1 October 2013, Côte d'Ivoire challenged the admissibility of the Simone Gbagbo case. Pre-Trial Chamber I will issue a decision on this issue in due course. Mrs Gbagbo is not in the Court's custody. On 30 September 2013, Pre-Trial Chamber I unsealed an arrest warrant in the case *The Prosecutor v. Charles Blé Goudé* initially issued on 21 December 2011 for four counts of crimes against humanity allegedly committed in the territory of Côte d'Ivoire between 16 December 2010 and 12 April 2011. On 22 March 2014, Charles Blé Goudé was surrendered to the ICC by the national authorities of Côte d'Ivoire and he made his first appearance before the ICC on 27 March 2014. The confirmation of charges hearing is scheduled to open on 18 August 2014. Mr Blé Goudé is in the Court's custody.

Decisions and orders

Blé Goudé Case

Decision establishing a system for disclosure of evidence

Issued by Pre-Trial Chamber I on 14 April 2014

Decision on the Defence Request for State Party Cooperation

Issued by Pre-Trial Chamber I on 17 April 2014

Situation in the Central African Republic

The situation was referred to the Court by the Government of the Central African Republic in December 2004. The Prosecutor opened an investigation in May 2007. The trial in the case *The Prosecutor v. Jean-Pierre Bemba Gombo* started before Trial Chamber III on 22 November 2010, for two charges of crimes against humanity and three charges of war crimes, and the submission of evidence in the case is now closed. On 20 November 2013, a warrant of arrest for *Jean-Pierre Bemba Gombo, Aimé Kilolo Musamba, Jean-Jacques Mangenda Kabongo, Fidèle Babala Wandu, and Narcisse Arido* was issued by the ICC for offences against the administration of justice allegedly committed in connection with the case *The Prosecutor v. Jean-Pierre Bemba Gombo*. On 25 November 2013, Fidèle Babala Wandu and Aimé Kilolo Musamba were transferred to the ICC Detention Centre. On 27 November 2013, Aimé Kilolo Musamba, Fidèle Babala Wandu, and Jean-Pierre Bemba Gombo made their initial appearance before the ICC. Jean-Jacques Mangenda Kabongo was transferred to the ICC Detention Centre on 4 December 2013 and made his initial appearance before the ICC on 5 December 2013. Narcisse Arido was transferred to the ICC Detention Centre on 18 March 2014 and made his initial appearance on 20 March 2014. The decision on the confirmation of the charges will be made in writing in due course.

Decisions and orders

Bemba Case

Decision on "Prosecution's Request for Extension of Time pursuant to Regulation 35(2) of the Regulations of the Court"

Issued by Trial Chamber III on 17 April 2014

Decision on "Defence Request for Leave to Reply to the 'Consolidated Response to the Defence Requests'"

Issued by Trial Chamber III on 17 April 2014

Bemba, Kilolo et al. Case

Decision on the "Demande de Me Catherine Mabilie afin d'être autorisée à se retirer du dossier en qualité de Conseil adjoint pro bono de Me Aimé Kilolo Musamba"

Issued by Pre-Trial Chamber II on 11 April 2014

Decis Decision on the "Defence request for a confidential investigative measure pursuant to article 57(3)(b) of the Rome Statute"

Issued by Pre-Trial Chamber II on 15 April 2014

Decision on the "Defence Request for access to confidential transcripts and filings" dated 1 April 2014 submitted by the Defence for Jean-Pierre Bemba Gombo in case ICC-01/05-01/08

Issued by Pre-Trial Chamber II on 15 April 2014

Decision on Mr Fidèle Babala Wandu's request for leave to reply to the "Prosecution opposition to the Babala Defence's appeal against his provisional detention"

Issued by the Appeals Chamber on 15 April 2014

Decision on motion entitled "Narcisse Arido's Emergency Motion for an Order Requiring Registrar von Hebel to Officially Recognize Ms. Abbe Jolles of Washington, DC-USA as His Lawyer and for Sanctions and Damages for Acting in Bad Faith Disregarding His Counsel Choice, Barring Counsel from Seeing Him, Disregarding and Interfering with, the Attorney Client Relationship, Attempting to Induce a Breach Through Deception, Undue Influence, Manipulation and Isolation Filed Pursuant to Rule 21(3) of the Rules of Procedure and Evidence" and supplement to motion entitled "Supplemental to Narcisse Arido's Emergency Motion for an Order Requiring Registrar von Hebel to Cease and Desist in Threatening [sic], Coercing and Manipulating His Choice of Counsel- Serious Misconduct Requiring Removal under Article 46(1)(a) of the Rome Statute"

Issued by the Presidency on 16 April 2014

Decision reclassifying documents in the record, lifting protective measures and taking additional measures related to the implementation of Decision ICC-01/05-01/13-41-Red

Issued by Pre-Trial Chamber II on 17 April 2014

Joint decision on applications for leave to appeal the "Decision on the reclassification of documents in the record of the situation and of the case" (ICC-01/05-01/13-147) submitted by the Defence for Mr Kilolo and the Defence for Mr Babala

Issued by Pre-Trial Chamber II on 17 April 2014

Decision on the "Defence request for the disclosure of information pertaining to the Independent Counsel" submitted on 20 February 2014 by the Defence for Mr Bemba

Issued by Pre-Trial Chamber II on 17 April 2014

Relevant Links

Courtroom proceedings can be followed on the ICC website: www.icc-cpi.int, where you can also consult the [hearing schedule](#).



Other Statements and Events

Ukraine accepts ICC jurisdiction over alleged crimes committed between 21 November 2013 and 22 February 2014

On 17 April 2014, the Registrar of the International Criminal Court (ICC), Herman von Hebel, received a declaration lodged by Ukraine accepting the ICC's jurisdiction with respect to alleged crimes committed in its territory from 21 November 2013 to 22 February 2014. The declaration was lodged under article 12(3) of the Rome Statute, the founding treaty of the ICC, which enables a State not party to the Statute to accept the exercise of jurisdiction of the Court.

The Registrar informed the Ukrainian Government of the effects of the declaration in accordance with the ICC's legal framework, namely that the ICC now has jurisdiction over possible crimes that might have been committed in the context of the above-mentioned situation and that the provisions of Part 9 of the Statute relating to international cooperation and judicial assistance apply. The declaration has been transmitted to the ICC's Office of the Prosecutor for further consideration.

The acceptance of the ICC's jurisdiction does not automatically trigger an investigation. It is for the ICC Prosecutor to decide whether or not to request the judges' authorisation to open an investigation, if the Prosecutor considers that the information available to her establishes the existence of a reasonable basis to open an investigation. If an investigation is opened, it will also be for the ICC Prosecutor to decide, on the basis of the evidence collected, whether to ask the ICC judges to issue arrest warrants or summonses to appear for persons charged with the commission of crimes falling under the ICC's jurisdiction.

Background: The ICC is an independent, permanent court that tries individuals accused of the most serious crimes of concern to the international community as a whole, namely the crime of genocide, crimes against humanity, war crimes and the crime of aggression. The ICC is based on a treaty, the Rome Statute, joined by 122 countries. A State may decide to ratify the Rome Statute but may also make a declaration under article 12-3 of the Statute declaring its acceptance of the Court's jurisdiction. The UN Security Council may also refer a situation in relation to any Member State of the United Nations.

Video Statement by ICC Registrar Herman von Hebel

Youtube, for viewing: [English](#), [Українська](#)

Video (MPEG-4) for download: [English](#), [Українська](#)

Audio (MPEG-3) for download: [English](#), [Українська](#)

[Declaration by Ukraine lodged under article 12\(3\) of the Rome Statute](#) - 9 April 2014

[Note verbale of the Acting Minister for Foreign Affairs of Ukraine, Mr. Andrii Deshchytzia](#) - 17 April 2014

[Declaration of the Verkhovna Rada of Ukraine](#) -25 February 2014: [English](#), [Українська](#)

President of the Assembly, taking note of Ukraine's declaration accepting the exercise of jurisdiction by the ICC, calls for ratification of the Rome Statute

Speaking in New York, the President of the Assembly of States Parties, Ambassador Tiina Intelmann noted the declaration by Ukraine under Article 12(3) of the Rome Statute, accepting the exercise of jurisdiction by the Court.

Recalling previous decisions of states parties and their common resolve to work towards achieving universality and full implementation of the Statute, the President stressed:

"To ensure the full protective potential of the Rome Statute system and accountability for atrocity crimes, I hope that Ukraine will proceed with the ratification of the Rome Statute in the nearest future."

In this context, the President also recalled the amendments adopted at the Review Conference of the Rome Statute in Kampala, Uganda, in 2010 pertaining to article 8 of the Rome Statute, and especially those on the definition and the conditions for the exercise of jurisdiction by the Court over the crime of aggression.

"I hope that Ukraine will ratify the Statute as amended in Kampala, that we will be able to welcome Ukraine among states parties and that we will benefit from its experience and contribution as we continue to strengthen international criminal law and work together to end impunity for atrocity crimes."

Ukraine signed the Rome Statute on 20 January 2000, and acceded to the Agreement on Privileges and Immunities of the Court (APIC) on 29 January 2007.

[List of States Parties to the Rome Statute](#)

Source: *Assembly of States Parties*

ICC adopts Guidelines on Intermediaries

Following broad consultations, the ICC has adopted Guidelines Governing the relations between the Court and Intermediaries, including the Model Contract and Code of Conduct.

The guidelines will clarify the relationship of the Court and the Intermediaries, and their implementation will have a positive impact on the integrity of the Court's judicial proceedings by ensuring the proper oversight of all intermediaries and also contribute to the safety of victims and witnesses.

With the exception of the model contract, Intermediaries guidelines are not legally binding, but represent standards for the Organs of the Court to aspire to in their interactions with intermediaries. The Guidelines can be amended, with an in-built review mechanism, in light of the Court's experiences of implementation.

- [Guidelines Governing the Relations between the Court and Intermediaries for the Organs and Units of the Court and Counsel working with intermediaries, March 2014](#)
- [Code of conduct for intermediaries, March 2014](#)
- [Model contract for intermediaries, March 2014](#)

Audiovisual materials

“News from the Court” audio-visual programme:

ICC Registrar visits Uganda and DRC, March 2014

YouTube (for viewing): [English](#), [Français](#)

[Video MPEG-4 \(for download\)](#) (300 MB)

Calendar

Forthcoming events

- **24 April 2014**
ICC Deputy Prosecutor James Stewart to speak at Schiller International University, Heidelberg (Germany), on “The ICC: from noble ideal to practical reality”
- **13 May 2014**
ICC Prosecutor Fatou Bensouda to brief the UNSC on the situation in Libya, New York (USA)

The calendar is subject to last-minute changes.