



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. The Prosecutor and the Defence have appealed the judgement. On 23 May 2014, Trial Chamber II, ruling in the majority, sentenced Germain Katanga to a total of 12 years' imprisonment. The time spent in detention at the ICC – between 18 September 2007 and 23 May 2014 – will be deducted from the sentence. Decisions on possible reparations to victims will be rendered later. 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.

ICC transfers three detained witnesses to Dutch custody

On 4 June 2014, three witnesses detained by the International Criminal Court (ICC) in the framework of their testimony before the Court were transferred to the custody of the authorities of The Netherlands. Floribert Ndjabu Ngabu, Sharif Manda Ndadza Dz'Na and Pierre-Célestin Mbodina Iribi were transferred from the ICC detention to the Dutch authorities' custody in accordance with an order of the ICC Appeals Chamber.

On 20 January 2014, the ICC Appeals Chamber directed the ICC Registrar to return the three witnesses to the Democratic Republic of Congo's custody, after consultation with the Dutch authorities in order to provide them with the opportunity to take any steps it determines to be necessary in respect of the pending asylum applications of the three witnesses. The Chamber considered that the ICC's authority to detain individuals was limited to situations where the detention is related to judicial proceedings before the Court and that the ICC could not serve as an administrative detention unit for asylum seekers or persons otherwise involved in judicial proceedings with the Host State or any other state.

The ICC Registrar has been satisfied of the guarantees for these witnesses upon their possible return in the DRC, including that no death penalty would be applicable against them and that the cases for which they were previously detained in the DRC are now on the roster for national proceedings. However, since asylum applications are still awaiting an appeal before Dutch courts, the Dutch authorities have agreed to host the three witnesses pending those decisions.

Background: In 2011, Floribert Ndjabu Ngabu, Sharif Manda Ndadza Dz'Na and Pierre-Célestin Mbodina Iribi were transferred to the ICC, with the cooperation of the DRC authorities, to testify before the ICC in the context of the case *The Prosecutor v. Germain Katanga and Mathieu Ngudjolo Chui*. They were transferred from the DRC where they were detained, under the agreement with the Court that they shall be returned under the DRC's custody after their testimony before the ICC Judges.

However, on 12 May 2011, the witnesses filed asylum requests which are still pending before Dutch courts. The Dutch courts have ordered that the witnesses could not be sent back to the DRC pending the conclusion of the proceedings before them.

Decisions and orders

Ngudjolo Chui Case

Decision on the "Application for an Order to the Registrar to allow the Three Detained Witnesses to be present at the Hearing before Dutch Courts"

Issued by the Appeals Chamber on 4 June 2014

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 Opariri 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.

Decisions and orders

Ruto and Sang Case

Order for responses to the request of the Prosecutor for an extension of the time limit for her response to the documents in support of the appeal

Issued by the Appeals Chamber on 2 June 2014

Decision No. 5 on the Conduct of Trial Proceedings (Principles and Procedure on 'No Case to Answer' Motions) + Separate further opinion of Judge Eboe-Osuji

Issued by Trial Chamber V(a) on 3 June 2014

Decision on requests of Mr William Samoei Ruto and Mr Joshua Arap Sang for extension of page limit for their documents in support of the appeal

Issued by the Appeals Chamber on 3 June 2014

Order for responses to the Republic of Kenya's request for leave to make observations under rule 103 of the Rules of Procedure and Evidence

Issued by the Appeals Chamber on 4 June 2014

Decision on the request of the Prosecutor for an extension of the time limit for her consolidated response to the documents in support of the appeals

Issued by the Appeals Chamber on 5 June 2014

Order on the filing of a response to request for suspensive effect

Issued by the Appeals Chamber on 6 June 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 "Defence Motion on Privileged Communications"

Issued by Trial Chamber III on 3 June 2014

Bemba, Kilolo et al. Case

Decision on the "Defence request for leave to appeal Decision ICC-01/05-01/13-408" submitted by the Defence for Jean-Pierre Bemba Gombo in case ICC-01/05-01/08 on 26 May 2014

Issued by Pre-Trial Chamber II on 3 June 2014

Order on the filing of submissions on the addendum to the request for the disqualification of the Prosecutor, the Deputy Prosecutor and other members of the Office of the Prosecutor

Issued by the Appeals Chamber on 4 June 2014

Decision on the "Demande très urgente en reconsidération de la décision ICC01/05-01/13-443 du 28 mai 2014, en ordre subsidiaire demande de mise en liberté" submitted by the Defence for Jean-Jacques Mangenda on 30 May 2014

Issued by Pre-Trial Chamber II on 4 June 2014

Decision shortening the time limit for responses to the "Requête URGENTE de la Défense de Monsieur Fidèle Babala sollicitant de la Chambre préliminaire II d'ordonner au Conseil indépendant et/ou au Greffe de lui communiquer l'intégralité des conversations téléphoniques intervenues entre M. Babala et les autres suspects de l'affaire en cours" dated 4 June 2014

Issued by Pre-Trial Chamber II on 5 June 2014

Décision sur la « Requête de la Défense sollicitant de la Chambre préliminaire II une nouvelle et urgente approche des autorités congolaises compétentes en vue d'obtenir une position préde et non-équivoque relativement à l'accueil de M. Fidèle Babala Wandu en République Démocratique du Congo en cas de son éventuelle mise en liberté provisoire »

Issued by Pre-Trial Chamber II on 5 June 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; on 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. Such process was implemented and on 14 April 2014, the Defence communicated its final submissions. Within 60 days from the receipt of the Defence's final submissions, the judges will decide whether or not there is sufficient evidence to confirm the charges in the case and send it to trial. 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

Laurent Gbagbo Case

Decision on a request for leave to submit amicus curiae observations

Issued by Pre-Trial Chamber I on 4 June 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

The Prosecutor of the International Criminal Court, Fatou Bensouda, publishes comprehensive Policy Paper on Sexual and Gender-Based Crimes

On 5 June 2014, the Prosecutor of the International Criminal Court (ICC), Mrs Fatou Bensouda, has published a Policy Paper on Sexual and Gender-Based Crimes (Policy Paper). This comprehensive Policy Paper will guide the Office of the Prosecutor in its work in fighting against impunity for sexual and gender-based crimes, and promote transparency and clarity, as well as predictability in the application of the legal framework of the Rome Statute to such crimes. In turn, the policy will contribute to ensuring not only the effective investigation and prosecution of sexual and gender-based crimes, but also to enhancing access to justice for victims of these crimes, through the ICC. Sexual and gender-based crimes are among the gravest under the Rome Statute and investigating and prosecuting such crimes is a key priority for the Office.

“The Policy Paper provides a foundation which we can and must all build on to ensure that we deal effectively with the scourge of sexual and gender-based crimes”, said the Prosecutor. “We will spare no effort to bring accountability for these crimes and in so doing, contribute to deterring the commission of such heinous crimes in the future. As a matter of policy, the Office will systematically include relevant charges in its cases on the basis of evidence of criminality. The message to perpetrators and would-be perpetrators must be clear: sexual violence and gender-based crimes in conflict will neither be tolerated nor ignored at the ICC”.

The Policy Paper was promulgated following a process of extensive consultations, gathering input from staff in the Office, the Prosecutor’s Special Gender Advisor, as well as a wide-range of other sources, including States Parties, international organisations, civil society, academia and individual experts.

“Each of us has a role to play. It is hoped that the Policy will also serve as a guide to national authorities in the exercise of their primary jurisdiction to hold perpetrators accountable for these crimes. United in our efforts, we can end the silence that has surrounded sexual and gender-based crimes for far too long and give victims the ultimate tool in combatting such crimes: a voice backed by the force of the law”, said Prosecutor Bensouda.

Policy Paper on Sexual and Gender-Based Crimes

For further information, please contact otpnewsdesk@icc-cpi.int.

Source: Office of the Prosecutor

Resignation of Miriam Defensor-Santiago



On 4 June 2014, Senator Miriam Defensor-Santiago (Philippines) submitted her resignation to the International Criminal Court (ICC) for personal reasons. Senator Defensor-Santiago had been elected as ICC Judge for a nine-year term of office by the Assembly of States Parties (ASP) in December 2011, but was not sworn in and did not take up her functions at the Court. The resignation was submitted to the ICC President, who duly informed the ASP President. The ASP will determine in due course the venue and date of the election to fill the vacancy left by the resignation.

UNAM University (Mexico) wins ICC Moot Court Competition, Spanish version



On 6 June 2014, UNAM University (Mexico) won the final round of the International Criminal Court (ICC) Moot Court Competition, Spanish version. Pictured here is the winning team with the presiding judge in ICC Courtroom I in The Hague (Netherlands): Roxana Razo Curiel, Claudia Manzanares Soriano, ICC Judge Silvia Fernández de Gurmendi, Linda Helena Maclú Zorrero and Víctor Manuel Miranda Leyva © ICC-CPI

On 6 June 2014, UNAM University (Mexico) won the final round of the International Criminal Court (ICC) Moot Court Competition, Spanish version, held in ICC Courtroom I in The Hague (Netherlands). The University of Costa Rica and the University of Cadiz (Spain) won, respectively, second and third place. The Best Speaker award went to Boris Molina Mathiew, of the University of Costa Rica. The winning team is composed of Linda Helena Maclú Zorrero, Roxana Razo Curiel, Claudia Manzanares Soriano, and Víctor Manuel Miranda Leyva.

This year, 21 teams from nine Iberoamerican countries participated in this year's simulation exercise on the applicable law and jurisprudence of the ICC, of which 19 teams participated in the semi-finals during the Iberoamerican Week in The Hague. The final round took place before a bench composed of ICC Judges Silvia Fernández de Gurmendi (presiding), Olga Herrera Carbuccion and Sylvia Steiner. The teams competed on a fictitious case, presenting oral arguments during an appeals hearing in the roles of Prosecution, Defence and Legal Representatives of Victims.

After a break for deliberations, the bench announced their decision and an awards ceremony was held for all participants. The finalists' peers attended the event in the Court's public galleries and the event was web streamed live on the Court's official website.

The Spanish version of the ICC Moot Court Competition is organised by the Iberoamerican Institute for Peace, Human Rights and International Justice (IIH), with the institutional support of the International Criminal Court, and in the context of the fourth annual Iberoamerican Week of International Justice and Human Rights, held in The Hague.

In the context of its Academic Programme, the ICC supports the organisation of ICC Moot Court Competitions in Chinese, English, Russian and Spanish, with a view to also support Arabic and French versions in the future. These initiatives play a critical role in galvanising interest in the Court's work with academic communities as well as in enhancing promotion and respect for international criminal law.

View photographs of the event [here](#).



On 2 June 2014, Ms Sofia Arkelsten, Chairwoman of the Standing Committee for Foreign Affairs of the Swedish Parliament, visited the International Criminal Court (ICC) and had meetings with the Presidency and Office of the Prosecutor. Pictured here, Ms Sofia Arkelsten with ICC President Judge Sang-Hyun Song © ICC-CPI

Pictured below: Ms Sofia Arkelsten and her delegation during her meeting with ICC President Judge Sang-Hyun Song © ICC-CPI

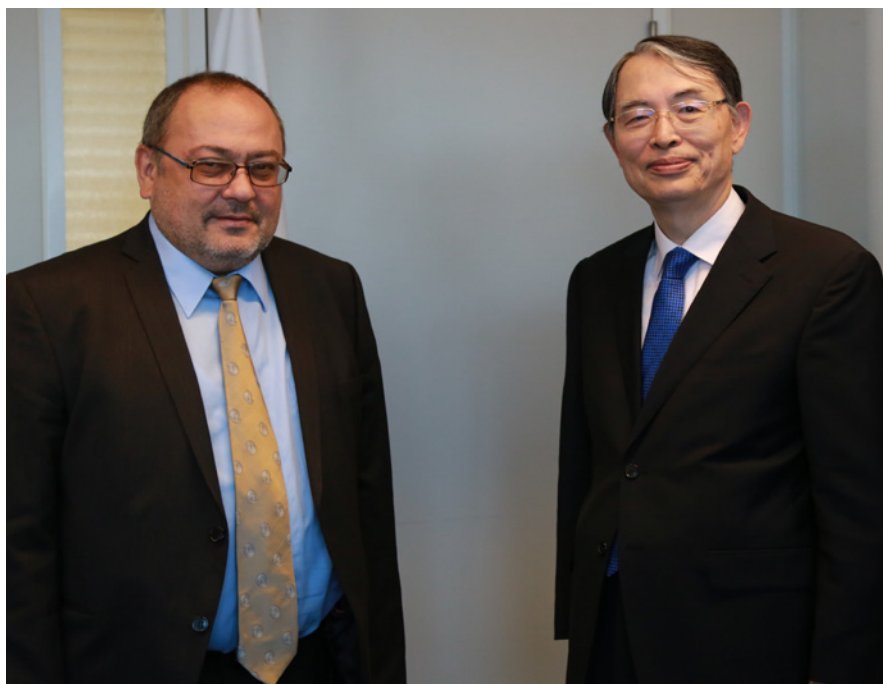




On 6 June 2014, the Board of Parliamentarians for Global Action (PGA) visited the International Criminal Court (ICC) and had meetings with representatives of the Presidency, Office of the Prosecutor, Registry and the Trust Fund for Victims. Members of the delegation represented 14 different countries. Pictured above, the PGA delegation with ICC President Judge Sang-Hyun Song © ICC-CPI

Pictured below, the PGA delegation during the meeting with ICC President Judge Sang-Hyun Song © ICC-CPI





On 6 June 2014, H.E. Georgi Dimitrov, the Permanent Secretary of the Ministry of Foreign Affairs of the Republic of Bulgaria, visited the International Criminal Court (ICC). Pictured here, H.E. Georgi Dimitrov with ICC President Judge Sang-Hyun Song © ICC-CPI

Pictured below, H.E. Georgi Dimitrov's delegation during the meeting with ICC President Judge Sang-Hyun Song © ICC-CPI



Interacting with communities

Several Outreach sessions were held this past week in Uganda, Democratic Republic of the Congo and Kenya. Below is a short selection of photographs.



Legal Tools and Outreach session with NGOs, Kampala (Uganda), 27 May 2014 © ICC-CPI



On 6 June 2014, the ICC Outreach Coordinator for Kenya held a monthly media briefing in Nairobi, Kenya © ICC-CPI

Calendar

Judicial developments

- **16 June 2014**
Scheduled resuming of trial hearings in the case *The Prosecutor v. William Samoei Ruto and Joshua Arap Sang*
- **18 July - 11 August 2014**
Judicial recess
- **18-22 August 2014**
Confirmation of charges hearing scheduled in the case *The Prosecutor v. Charles Blé Goudé*
- **7 October 2014**
Scheduled opening of the trial in the case *The Prosecutor v. Uhuru Muigai Kenyatta*
- **13 October 2014**
Scheduled opening of the oral closing arguments in the trial *The Prosecutor v. Jean-Pierre Bemba Gombo*

View the online [ICC hearing schedule](#)

Forthcoming events

- **10-13 June**
ICC and Trust Fund for Victims to join in Global Summit to End Sexual Violence in Conflict, London (United Kingdom)
- **13 June 2014, 09:00 - 13:00** ([live webstreaming](#))
Finals of the ICC Moot Court Competition, Chinese version (The Hague, Netherlands)
- **24 - 27 June 2014**
ICC to hold roundtable meetings with NGOs (The Hague, Netherlands)

The calendar is subject to last-minute changes.