The International Criminal Court (ICC), governed by the Rome Statute, is the first permanent, treaty-based, international criminal court established to help end impunity for the perpetrators of the most serious crimes of concern to the international community. The ICC is an independent international organisation, and is not part of the United Nations system. Its seat is at The Hague in the Netherlands. Although the Court’s expenses are funded primarily by States Parties to the Rome Statute, it also receives voluntary contributions from governments, international organisations, individuals, corporations and other entities.

The international community has long aspired to the creation of a permanent international court and, in the 20th century, it reached consensus on definitions of genocide, crimes against humanity and war crimes. The Nuremberg and Tokyo trials addressed war crimes, crimes against peace, and crimes against humanity committed during the Second World War. In the 1990s after the end of the Cold War, tribunals like the International Criminal Tribunal for the former Yugoslavia and for Rwanda were the result of consensus that impunity is unacceptable. However, because they were established to try crimes committed only within a specific time-frame and during a specific conflict, there was general agreement that an independent, permanent criminal court was needed. On 17 July 1998, the international community reached an historic milestone when 120 States adopted the Rome Statute, the legal basis for establishing the permanent International Criminal Court. The Rome Statute entered into force on 1 July 2002 after ratification by 60 countries.

Jurisdiction

The ICC has jurisdiction over the most serious crimes of concern to the international community as a whole, namely genocide, crimes against humanity and war crimes, when committed after 1 July 2002. Each of these crimes is clearly defined in the Rome Statute and other relevant texts. The Court will also have jurisdiction over the crime of aggression once the conditions adopted at the Rome Statute Review Conference held at Kampala (Uganda) in 2010 are fulfilled. The Court may exercise jurisdiction over such international crimes only if they were committed on the territory of a State Party or by one of its nationals. These conditions, however, do not apply if a situation is referred to the Prosecutor by the United Nations Security Council, whose resolutions are binding on all UN member states, or if a State makes a declaration accepting the jurisdiction of the Court.

The Court is intended to complement, not to replace, national criminal justice systems. It can prosecute cases only if national justice systems do not carry proceedings or when they claim to do so but in reality are unwilling or unable to carry out such proceedings genuinely. This fundamental principle is known as the principle of complementarity.

The Prosecutor can initiate an investigation or prosecution in three different ways:

- States Parties to the Statute of the ICC can refer situations to the Prosecutor;
- the United Nations Security Council can request the Prosecutor to launch an investigation;
- the Office of the Prosecutor may initiate investigations 
  \textit{pro proprio motu} (on its own initiative) on the basis of information received from reliable sources. In this case, the Prosecutor must seek prior authorisation from a Pre-Trial Chamber composed of three independent judges.
No immunity

Acting in an official capacity as a head of state, member of government or parliament or as an elected representative or public official in no way exempts a person from prosecution or criminal responsibility. Superiors or military commanders may be held responsible for criminal offences committed by persons under their effective command and control or effective authority and control. However, the ICC cannot prosecute persons who were under the age of 18 at the time a crime was allegedly committed.

Rights of victims and accused

Under the rules and regulations governing the ICC, victims can send information to the Prosecutor concerning crimes within the jurisdiction of the Court. For the first time in the history of international criminal justice, victims have the right to participate in proceedings and request reparations. This means that they may not only testify as witnesses, but also present their views and concerns at all stages of the proceedings. Participants may receive legal representation and, potentially, legal aid.

The Registry assists victims and witnesses to exercise their rights, assists them throughout the judicial process and, if required, takes measures for their protection. The Court may order various types of reparation for victims which may include restitution, rehabilitation and compensation.

The States Parties to the Rome Statute have established a Trust Fund for Victims and families of victims of crimes within the jurisdiction of the Court, to make possible some form of reparation even when the convicted person does not have sufficient assets to make such reparation.

Protecting the rights of the accused is essential to ensure a fair trial and effective justice. The Registry, which is responsible for defence issues, has opened a list of counsel with a view to making sure that, in accordance with the Rules of Procedure and Evidence, lawyers practising before the Court are competent and adhere to the Code of Professional Conduct for Counsel throughout proceedings. The ICC provides logistical assistance and, if necessary, financial aid to defence teams.
About the Court

Pre-Trial Judges conducting a hearing © ICC-CPI / Associated Press

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On 17 July 1998, the international community reached an historic milestone when 120 States adopted the Rome Statute, the legal basis for establishing the permanent International Criminal Court.

The Rome Statute entered into force on 1 July 2002 after ratification by 60 countries.

Click here for a detailed overview of the ICC.
Understanding the International Criminal Court
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"(...) the most serious crimes of concern to the international community as a whole must not go unpunished (...)"

Preamble to the Rome Statute of the International Criminal Court

On 17 July 1998, 120 States adopted a statute in Rome – known as the Rome Statute of the International Criminal Court (“the Rome Statute”) – establishing the International Criminal Court. For the first time in the history of humankind, States decided to accept the jurisdiction of a permanent international criminal court for the prosecution of the perpetrators of the most serious crimes committed in their territories or by their nationals after the entry into force of the Rome Statute on 1 July 2002.

The International Criminal Court is not a substitute for national courts. According to the Rome Statute, it is the duty of every State to exercise its criminal jurisdiction over those responsible for international crimes. The International Criminal Court can only intervene where a State is unable or unwilling genuinely to carry out the investigation and prosecute the perpetrators.

The primary mission of the International Criminal Court is to help put an end to impunity for the perpetrators of the most serious crimes of concern to the international community as a whole, and thus to contribute to the prevention of such crimes.

A well-informed public can contribute to guaranteeing lasting respect for and the enforcement of international justice. The purpose of this booklet is to promote a better understanding of the International Criminal Court by providing answers to the most frequently asked questions about the Court.
I. The International Criminal Court at a glance

1. What is the International Criminal Court?
The International Criminal Court ("the ICC" or "the Court") is a permanent international court established to investigate, prosecute and try individuals accused of committing 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.

2. Why was the ICC established?
Some of the most heinous crimes were committed during the conflicts which marked the twentieth century. Unfortunately, many of these violations of international law have remained unpunished. The Nuremberg and Tokyo tribunals were established in the wake of the Second World War. In 1948, when the Convention on the Prevention and Punishment of the Crime of Genocide was adopted, the United Nations General Assembly recognised the need for a permanent international court to deal with the kinds of atrocities which had just been perpetrated.

The idea of a system of international criminal justice re-emerged after the end of the Cold War. However, while negotiations on the ICC Statute were underway at the United Nations, the world was witnessing the commission of heinous crimes in the territory of the former Yugoslavia and in Rwanda. In response to these atrocities, the United Nations Security Council established an ad hoc tribunal for each of these situations.

These events undoubtedly had a most significant impact on the decision to convene the conference which established the ICC in Rome in the summer of 1998.

3. What is the Rome Statute?
On 17 July 1998, a conference of 160 States established the first treaty-based permanent international criminal court. The treaty adopted during that conference is known as the Rome Statute of the International Criminal Court. Among other things, it sets out the crimes falling within the jurisdiction of the ICC, the rules of procedure and the mechanisms for States to cooperate with the ICC. The countries which have accepted these rules are known as States Parties and are represented in the Assembly of States Parties.

The Assembly of States Parties, which meets at least once a year, sets the general policies for the administration of the Court and reviews its activities. During those meetings, the States Parties review the activities of the working groups established by the States and any other issues relevant to the ICC, discuss new projects and adopt the ICC's annual budget.

4. How many countries have ratified the Rome Statute?
Over 120 countries are States Parties to the Rome Statute, representing all regions: Africa, the Asia-Pacific, Eastern Europe, Latin America and the Caribbean, as well as Western European and North America.
5. Where is the seat of the Court?
The seat of the Court is in The Hague in the Netherlands. The Rome Statute provides that the Court may sit elsewhere whenever the judges consider it desirable. The Court has also set up offices in the areas where it is conducting investigations.

6. How is the Court funded?
The Court is funded by contributions from the States Parties and by voluntary contributions from governments, international organisations, individuals, corporations and other entities.

7. How does the ICC differ from other courts?
The ICC is a permanent autonomous court, whereas the ad hoc tribunals for the former Yugoslavia and Rwanda, as well as other similar courts established within the framework of the United Nations to deal with specific situations only have a limited mandate and jurisdiction. The ICC, which tries individuals, is also different from the International Court of Justice, which is the principal judicial organ of the United Nations for the settlement of disputes between States. The ad hoc tribunal for the former Yugoslavia and the International Court of Justice also have their seats in The Hague.

8. Is the ICC an office or agency of the United Nations?
No. The ICC is an independent body whose mission is to try individuals for crimes within its jurisdiction without the need for a special mandate from the United Nations. On 4 October 2004, the ICC and the United Nations signed an agreement governing their institutional relationship.

9. Is the ICC meant to replace national courts?
No. The ICC does not replace national criminal justice systems; rather, it complements them. It can investigate and, where warranted, prosecute and try individuals only if the State concerned does not, cannot or is unwilling genuinely to do so. This might occur where proceedings are unduly delayed or are intended to shield individuals from their criminal responsibility. This is known as the principle of complementarity, under which priority is given to national systems. States retain primary responsibility for trying the perpetrators of the most serious of crimes.

10. Under what conditions does the ICC exercise its jurisdiction?
When a State becomes a party to the Rome Statute, it agrees to submit itself to the jurisdiction of the ICC with respect to the crimes enumerated in the Statute. The Court may exercise its jurisdiction in situations where the alleged perpetrator is a national of a State Party or where the crime was committed in the territory of a State Party. Also, a State not party to the Statute may decide to accept the jurisdiction of the ICC. These conditions do not apply when the Security Council, acting under Chapter VII of the United Nations Charter, refers a situation to the Office of the Prosecutor.
11. Is the ICC's jurisdiction time bound?
The ICC has jurisdiction only with respect to events which occurred after the entry into force of its Statute on 1 July 2002. If a State becomes a party to the Statute after its entry into force, the Court may exercise its jurisdiction only with respect to crimes committed after the entry into force of the Statute for that State, unless that State has made a declaration accepting the jurisdiction of the ICC retroactively. However, the Court cannot exercise jurisdiction with respect to events which occurred before 1 July 2002. For a new State Party, the Statute enters into force on the first day of the month after the 60th day following the date of the deposit of its instrument of ratification, acceptance, approval or accession.

12. Who can be prosecuted before the ICC?
The ICC prosecutes individuals, not groups or States. Any individual who is alleged to have committed crimes within the jurisdiction of the ICC may be brought before the ICC. In fact, the Office of the Prosecutor's prosecutorial policy is to focus on those who, having regard to the evidence gathered, bear the greatest responsibility for the crimes, and does not take into account any official position that may be held by the alleged perpetrators.

13. Can the ICC try children?
No. The Court has no jurisdiction with respect to any person who was under the age of 18 when the crimes concerned were committed.

14. If those who bear the greatest responsibility hold high political or military office, are they not exempt from prosecution? Can they not be granted immunity or amnesty?
No one is exempt from prosecution because of his or her current functions or because of the position he or she held at the time the crimes concerned were committed.

    Acting as a Head of State or Government, minister or parliamentarian does not exempt anyone from criminal responsibility before the ICC.

    In some circumstances, a person in a position of authority may even be held responsible for crimes committed by those acting under his or her command or orders.

    Likewise, amnesty cannot be used as a defence before the ICC. As such, it cannot bar the Court from exercising its jurisdiction.

15. If the ICC issues an arrest warrant against a current or former head of state, is it for political reasons?
No. The ICC is a judicial institution with an exclusively judicial mandate. It is not subject to political control. As an independent court, its decisions are based on legal criteria and rendered by impartial judges in accordance with the provisions of its founding treaty, the Rome Statute, and other legal texts governing the work of the Court.
16. There are allegations that the ICC is only targeting African countries. Is that true?
No. The ICC is concerned with countries that have accepted the Court’s jurisdiction and these are in all continents.

African countries made great contributions to the establishment of the Court and influenced the decision to have an independent Office of the Prosecutor. In 1997, the Southern African Development Community (SADC) was very active in supporting the proposed Court and its declaration on the matter was endorsed in February 1998, by the participants of the African Conference meeting in Dakar, Senegal, through the “Declaration on the Establishment of the International Criminal Court”. At the Rome Conference itself, the most meaningful declarations about the Court were made by Africans. Without African support the Rome Statute might never have been adopted. In fact, Africa is the most heavily represented region in the Court’s membership. The trust and support comes not only from the governments, but also from civil society organisations. The Court has also benefited from the professional experience of Africans and a number of Africans occupy high-level positions in all organs of the Court.

The majority of ICC investigations were opened at the request of or after consultation with African governments. Other investigations were opened following a referral by the United Nations Security Council, where African governments are also represented.

Finally, in addition to its formal investigations, the Court’s Office of the Prosecutor is conducting preliminary examinations in a number of countries across four continents.
II. Structure of the ICC

The ICC is composed of four organs: the Presidency, the Chambers, the Office of the Prosecutor and the Registry. Each of these organs has a specific role and mandate.

17. What does the Presidency do?
The Presidency consists of three judges (the President and two Vice-Presidents) elected by an absolute majority of the 18 judges of the Court for a maximum of two, three-year terms.

The Presidency is responsible for the administration of the Court, with the exception of the Office of the Prosecutor. It represents the Court to the outside world and helps with the organisation of the work of the judges. The Presidency is also responsible for carrying out other tasks, such as ensuring the enforcement of sentences imposed by the Court.

18. What do the Chambers do?
The 18 judges, including the three judges of the Presidency, are assigned to the Court’s three judicial divisions: the Pre-Trial Division (composed of seven judges), the Trial Division (composed of six judges), and the Appeals Division (composed of five judges). They are assigned to the following Chambers: the Pre-Trial Chambers (each composed of one or three judges), the Trial Chambers (each composed of three judges) and the Appeals Chamber (composed of the five judges of the Appeals Division). The roles and responsibilities of the judges are outlined below, by category of Pre-Trial, Trial, and Appeals Chambers.

19. How are the judges elected?
The judges are persons of high moral character, impartiality and integrity who possess the qualifications required in their respective States for appointment to the highest judicial offices. All have extensive experience relevant to the Court’s judicial activity.

The judges are elected by the Assembly of States Parties on the basis of their established competence in criminal law and procedure and in relevant areas of international law such as international humanitarian law and the law of human rights. They have extensive expertise on specific issues, such as violence against women or children.

The election of the judges takes into account the need for the representation of the principal legal systems of the world, a fair representation of men and women, and equitable geographical distribution.

The judges ensure the fairness of proceedings and the proper administration of justice.
20. What is the role of the Pre-Trial Chambers?
The Pre-Trial Chambers, each of which is composed of either one or three judges, resolve all issues which arise before the trial phase begins. Their role is essentially to supervise how the Office of the Prosecutor carries out its investigatory and prosecutorial activities, to guarantee the rights of suspects, victims and witnesses during the investigatory phase, and to ensure the integrity of the proceedings. The Pre-Trial Chambers then decide whether or not to issue warrants of arrest or summons to appear at the Office of the Prosecutor’s request and whether or not to confirm the charges against a person suspected of a crime. They may also decide on the admissibility of situations and cases and on the participation of victims at the pre-trial stage.

21. What is the role of the Trial Chambers?
Once an arrest warrant is issued, the alleged perpetrator arrested and the charges confirmed by a Pre-Trial Chamber, the Presidency constitutes a Trial Chamber composed of three judges to try the case.

A Trial Chamber’s primary function is to ensure that trials are fair and expeditious and are conducted with full respect for the rights of the accused and due regard for the protection of the victims and the witnesses. It also rules on the participation of victims at the trial stage.

The Trial Chamber determines whether an accused is innocent or guilty of the charges and, if he or she is found guilty, may impose a sentence of imprisonment for a specified number of years not exceeding a maximum of thirty years or life imprisonment. Financial penalties may also be imposed. A Trial Chamber may thus order a convicted person to make reparations for the harm suffered by the victims, including compensation, restitution or rehabilitation.

22. What are the main functions of the Appeals Chamber?
The Appeals Chamber is composed of the President of the Court and four other judges. All parties to the trial may appeal or seek leave to appeal decisions of the Pre-Trial and Trial Chambers. The Appeals Chamber may uphold, reverse or amend the decision appealed from, including judgments and sentencing decisions, and may even order a new trial before a different Trial Chamber.

It may also revise a final judgment of conviction or sentence.

23. What does the Office of the Prosecutor do?
The Office of the Prosecutor is an independent organ of the Court. Its mandate is to receive and analyse information on situations or alleged crimes within the jurisdiction of the ICC, to analyse situations referred to it in order to determine whether there is a reasonable basis to initiate an investigation into a crime of genocide, crimes against humanity, war crimes or the crime of aggression, and to bring the perpetrators of these crimes before the Court.

In order to fulfil its mandate, the Office of the Prosecutor is composed of three divisions: (i) the Investigation Division, which is responsible for conducting investigations (including gathering and examining evidence, questioning persons under investigation as well as victims and witnesses). In
this respect, for the purpose of establishing the truth, the Statute requires the Office of the Prosecutor to investigate incriminating and exonerating circumstances equally. (ii) The Prosecution Division has a role in the investigative process, but its principal responsibility is litigating cases before the various Chambers of the Court. (iii) The Jurisdiction, Complementarity and Cooperation Division, which, with the support of the Investigation Division, assesses information received and situations referred to the Court, analyses situations and cases to determine their admissibility and helps secure the cooperation required by the Office of the Prosecutor in order to fulfil its mandate.

24. What does the Registry do?
The Registry helps the Court to conduct fair, impartial and public trials. The core function of the Registry is to provide administrative and operational support to the Chambers and the Office of the Prosecutor. It also supports the Registrar’s activities in relation to defence, victims, communication and security matters. It ensures that the Court is properly serviced and develops effective mechanisms for assisting victims, witnesses and the defence in order to safeguard their rights under the Rome Statute and the Rules of Procedure and Evidence.

As the Court’s official channel of communication, the Registry also has primary responsibility for the ICC’s public information and outreach activities.
III. Crimes within the jurisdiction of the ICC

25. Which crimes fall within the jurisdiction of the ICC?
The mandate of the Court is to try individuals (rather than States), and to hold such persons accountable for the most serious crimes of concern to the international community as a whole, namely the crime of genocide, war crimes, crimes against humanity, and the crime of aggression, when the conditions for the exercise of the Court’s jurisdiction over the latter are fulfilled.

26. What is genocide?
According to the Rome Statute, “genocide” means any of the following acts committed with the intent to destroy, in whole or in part, a national, ethnical, racial or religious group:
- killing members of the group;
- causing serious bodily or mental harm to members of the group;
- deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
- imposing measures intended to prevent births within the group;
- forcibly transferring children of the group to another group.

27. What are crimes against humanity?
“Crimes against humanity” include any of the following acts committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack:
- murder;
- extermination;
- enslavement;
- deportation or forcible transfer of population;
- imprisonment;
- torture;
- rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable gravity;
- persecution against an identifiable group on political, racial, national, ethnic, cultural, religious or gender grounds;
- enforced disappearance of persons;
- the crime of apartheid;
- other inhumane acts of a similar character intentionally causing great suffering or serious bodily or mental injury.
28. What are war crimes?
“War crimes” include grave breaches of the Geneva Conventions and other serious violations of the laws and customs applicable in international armed conflict and in conflicts “not of an international character” listed in the Rome Statute, when they are committed as part of a plan or policy or on a large scale. These prohibited acts include:
- murder;
- mutilation, cruel treatment and torture;
- taking of hostages;
- intentionally directing attacks against the civilian population;
- intentionally directing attacks against buildings dedicated to religion, education, art, science or charitable purposes, historical monuments or hospitals;
- pillaging;
- rape, sexual slavery, forced pregnancy or any other form of sexual violence;
- enlisting or enlisting children under the age of 15 years into armed forces or groups or using them to participate actively in hostilities.

29. What is a crime of aggression?
As adopted by the Assembly of States Parties during the Review Conference of the Rome Statute, held in Kampala (Uganda) between 31 May and 11 June 2010, a “crime of aggression” means the planning, preparation, initiation or execution of an act of using armed force by a State against the sovereignty, territorial integrity or political independence of another State.

The act of aggression includes, among other things, invasion, military occupation, and annexation by the use of force, blockade of the ports or coasts, if it is considered being, by its character, gravity and scale, a manifest violation of the Charter of the United Nations.

The perpetrator of the act of aggression is a person who is in a position effectively to exercise control over or to direct the political or military action of a State.

30. When will the Court have jurisdiction over the crime of aggression?
The Court may exercise jurisdiction over the crime of aggression, subject to a decision to be taken after 1 January 2017 by a two-thirds majority of States Parties and subject to the ratification of the amendment concerning this crime by at least 30 States Parties.
31. Under which conditions would the Court be able to exercise its jurisdiction over the crime of aggression?

The Court will be able to exercise jurisdiction over a crime of aggression, arising from an act of aggression committed by a State Party, unless that State Party has previously declared that it does not accept such jurisdiction.

Except when the situation is referred to the Court by the United Nations Security Council, the Court has no jurisdiction over crimes of aggression committed in the territory of a State which is not party to the Rome Statute or by its citizens.

The Court will have jurisdiction only over crimes of aggression committed one year after 30 States Parties ratify or accept the amendments of the Rome Statute in relation with the crime of aggression, which were adopted by the Assembly of States Parties in June 2010.

32. How would an investigation into a crime of aggression be opened?

If the United Nations Security Council determines that an act of aggression has been committed, the ICC Prosecutor can decide to open an investigation, under the conditions mentioned above.

Otherwise, the Prosecution may examine the situation and, based on its assessment, may notify the United Nations Secretary General of the situation.

If, within six months of being notified by the Prosecution, the United Nations Security Council does not make a determination on whether or not an act of aggression has been committed, the Prosecutor may still proceed with an investigation into a crime of aggression, subject to authorisation by the ICC’s Pre-Trial Division.
IV. How does the ICC operate?

A. Referrals, analyses and investigations

33. How do cases come before the Court?
Any State Party to the Rome Statute can request the Office of the Prosecutor to carry out an investigation. A State not party to the Statute can also accept the jurisdiction of the ICC with respect to crimes committed in its territory or by one of its nationals, and request the Office of the Prosecutor to carry out an investigation. The United Nations Security Council may also refer a situation to the Court.

34. Can the Prosecutor decide on his own initiative to open an investigation?
Yes, if the Office of the Prosecutor receives reliable information about crimes involving nationals of a State Party or of a State which has accepted the jurisdiction of the ICC, or about crimes committed in the territory of such a State, and concludes that there is a reasonable basis to proceed with an investigation. Such information can be provided by individuals, intergovernmental or non-governmental organisations, or any other reliable sources. The Prosecution must, however, obtain permission from the Pre-Trial Chamber judges before initiating an investigation under such circumstances.

35. What happens when a situation is referred to the ICC for investigation?
The Prosecutor determines whether, in his or her opinion, the Court has jurisdiction with respect to the alleged crimes. Following a thorough analysis of the available information, the Prosecution decides whether there is a reasonable basis to proceed with an investigation. Thus, it must establish whether the crime of genocide, crimes against humanity or war crimes may have been committed and, if so, whether they were committed after 1 July 2002. The Prosecution must also ascertain whether any national authorities are conducting a genuine investigation or trial of the alleged perpetrators of the crimes. Lastly, it must notify the States Parties and other States which may have jurisdiction of its intention to initiate an investigation.

36. How is an investigation conducted?
The Office of the Prosecutor sends its investigators to collect evidence in areas where crimes are alleged to have been committed. The investigators must be careful not to create any risk to the victims and witnesses. The Office of the Prosecutor also requests the cooperation and assistance of States and international organisations. The investigators look for evidence of a suspect’s guilt or innocence.

37. Will the ICC prosecute all persons suspected of committing the most serious crimes?
No. The Court will not be able to bring to justice every person suspected of committing crimes of concern to the international community. The prosecutorial policy of the Office of the Prosecutor is to focus its investigations and prosecutions on those who, having regard to the evidence gathered, bear the greatest responsibility for such crimes.

38. Can other courts try the perpetrators that the ICC does not prosecute?
Under the principle of complementarity, national judicial systems retain their responsibility for trying perpetrators of crimes.
B. Arrests

39. Who has the power to issue a warrant of arrest or a summons to appear?
After the initiation of an investigation, only a Pre-Trial Chamber may, at the request of the Prosecution, issue a warrant of arrest or summons to appear if there are reasonable grounds to believe that the person concerned has committed a crime within the ICC’s jurisdiction.

40. What information do the judges need from the Prosecution before they can issue a warrant of arrest or a summons to appear?
When the Prosecution requests the issuance of a warrant of arrest or summons to appear, it must provide the judges with the following information:
- the name of the person;
- a description of the crimes the person is believed to have committed;
- a concise summary of the facts (the acts alleged to be crimes);
- a summary of the evidence against the person;
- the reasons why the Prosecution believes that it is necessary to arrest the person.

41. What reasons may justify the issuing of a warrant of arrest?
The judges will issue a warrant of arrest if it appears necessary to ensure that the person will actually appear at trial, that he or she will not obstruct or endanger the investigation or the Court’s proceedings, or to prevent the person from continuing to commit crimes.

42. What happens after a warrant of arrest is issued?
The Registrar transmits requests for cooperation seeking the arrest and surrender of the suspect to the relevant State or to other States, depending on the decision of the judges in each case.

Once the person is arrested and the Court is so informed, the Court ensures that the person receives a copy of the warrant of arrest in a language which he or she fully understands and speaks.

43. Does the ICC have the power to arrest suspects?
The Court does not have its own police force. Accordingly, it relies on State co-operation, which is essential to the arrest and surrender of suspects.

According to the Rome Statute, States Parties shall cooperate fully with the Court in its investigation and prosecution of crimes within the jurisdiction of the Court.

44. Who has to execute the warrants of arrest?
The responsibility to enforce warrants of arrest in all cases remains with States. In establishing the ICC, the States set up a system based on two pillars. The Court itself is the judicial pillar. The operational pillar belongs to States, including the enforcement of Court’s orders.
States Parties to the Rome Statute have a legal obligation to cooperate fully with the ICC. When a State Party fails to comply with a request to cooperate, the Court may make a finding to that effect and refer the matter for further action to the Assembly of States Parties.

When the Court's jurisdiction is triggered by the Security Council, the duty to cooperate extends to all UN Member States, regardless of whether or not they are a Party to the Statute. The crimes within the jurisdiction of the Court are the gravest crimes known to humanity and as provided for by article 29 of the Statute they shall not be subject to any statute of limitations. Warrants of arrest are lifetime orders and therefore individuals still at large will sooner or later face the Court.

45. What happens after a person is arrested?
An arrested person is brought promptly before the competent judicial authority in the custodial State, which determines whether the warrant is indeed for the arrested person, whether the person was arrested consistently with due process and whether the person's rights have been respected. Once an order for surrender is issued, the person is delivered to the Court, and held at the Detention Centre in The Hague, The Netherlands.

46. What are the conditions of detention at the Detention Centre in The Hague?
The ICC Detention Centre operates in conformity with the highest international human rights standards for the treatment of detainees, such as the United Nations Standard Minimum Rules. An independent inspecting authority conducts regular and unannounced inspections of the Centre in order to examine how detainees are being held and treated.

At the ICC Detention Centre, the daily schedule affords the detainees the opportunity to take walks in the courtyard, exercise, receive medical care, take part in manual activities and have access to the facilities at their disposal for the preparation of their defence. Additionally, the centre has multimedia facilities and offers a series of training, leisure and sports programmes. ICC detainees also have access to computers, TV, books and magazines. Those who are indigent have the right to call their Defence Counsel free of charge during official working hours. Each 10m² cell is designed to hold one person only. A standard cell contains a bed, desk, shelving, a cupboard, toilet, hand basin, TV and an intercom system to contact the guards when the cell is locked.

The Court provides three meals per day, but the detainees also have access to a communal kitchen if they wish to cook. A shopping list is also available to detainees so that they can procure additional items, to the extent possible.

All detainees may be visited by their families several times a year and, in the case of detainees declared indigent, at the Court's expense, to the extent possible.
Persons convicted of crimes under the jurisdiction of the ICC do not serve their sentence at the ICC Detention Centre in The Hague as the facility is not designed for long-term imprisonment. Convicted persons are therefore transferred to a prison outside The Netherlands, in a State designated by the Court from a list of States which have indicated their willingness to allow convicted persons to serve their sentence there.
C. The rights of suspects

47. Are detainees deemed to have been convicted by virtue of their transfer to the Court?
No. Everyone is presumed innocent until proven guilty before the Court. The Prosecution must prove the guilt of the suspect and a Trial Chamber will convict someone only if it is satisfied that the charges have been proven beyond reasonable doubt.

48. What rights do suspects have?
Suspects are presumed innocent. They are present in the courtroom during the trial, and they have a right to a public, fair and impartial hearing of their case. To this end, a series of guarantees are set out in the Court’s legal documents, including the following rights, to mention but a few:
- to be defended by the counsel (lawyer) of their choice, present evidence and witnesses of their own and to use a language which they fully understand and speak;
- to be informed in detail of the charges in a language which they fully understand and speak;
- to have adequate time and facilities for the preparation of the defence and to communicate freely and in confidence with counsel;
- to be tried without undue delay;
- not to be compelled to testify or to confess guilt and to remain silent, without such silence being a consideration in the determination of guilt or innocence;
- to have the Prosecution disclose to the defence evidence in its possession or control which it believes shows or tends to show the innocence of the accused, or to mitigate the guilt of the accused, or which may affect the credibility of the Prosecution’s evidence.

49. What happens if a suspect does not have the means to pay for legal assistance?
Suspects have the right to legal assistance in any case where the interests of justice so require and, if the suspect does not have the means to pay for it, to legal assistance assigned by the Court.

50. Can detainees obtain interim release pending trial?
All detainees are entitled to apply for interim release pending trial. In the event of rejection, the decision is periodically reviewed by the competent chamber, at least every 120 days, and may be reviewed at any time at the request of the detained person or the Prosecution.

51. What is the role of the Office of Public Counsel for the Defence (OPCD)?
The OPCD promotes, represents and researches the rights of the defence, raises the profile of substantive defence issues, and endeavours to achieve equality of arms for the defence at all stages of an investigation and trial.

The Office is independent in terms of its substantive functions, but falls within the remit of the Registry solely for administrative purposes.
D. Confirmation of charges before trial

52. Do suspects appear before the Court as soon as they arrive in The Hague?
Yes. The suspect’s first appearance before the Court takes place shortly after his or her arrival in The Hague. During the first appearance, the Pre-Trial Chamber confirms the identity of the suspect, ensures that the suspect understands the charges, confirms that language in which the proceedings should be conducted, and sets a date to begin the confirmation of charges hearing.

At the confirmation of charges hearing – which is not a trial, but a pre-trial hearing – the Prosecution must present sufficient evidence for the case to go to trial. The suspect’s defence may object to the charges, challenge the Prosecution’s evidence and also present evidence.

The confirmation of charges hearing is held in the presence of the Prosecution, the person being prosecuted, and his or her counsel, as well as the representative of the victims. As provided by article 61 of the Statute, the suspect can waive his or her right to be present at this hearing.

53. What decisions can a Pre-Trial Chamber issue following a confirmation of charges hearing?
Following a confirmation of charges hearing, a Pre-Trial Chamber may:

- decline to confirm the charges; such a decision does not prevent the Prosecution from presenting a subsequent request for confirmation of the charges on the basis of additional evidence;
- adjourn the hearing and request the Prosecution to consider providing further evidence or conducting further investigation, or amending the charges because the available evidence shows that a different crime was committed;
- confirm the charges and commit the case for trial; upon confirmation, the Presidency of the Court constitutes a Trial Chamber responsible for the subsequent phase of the proceedings: the trial.

54. Does the confirmation of charges prejudge the suspect’s guilt?
No. The purpose of the confirmation hearing is to safeguard the rights of suspects by preventing proceedings with insufficient legal basis from being brought against them. In the pre-trial phase, the Prosecution must support each of the charges with sufficient evidence to establish substantial grounds to believe that the person committed the crimes charged. If one or more charge is confirmed, the case is committed to trial before a Trial Chamber.

55. What happens after the confirmation of charges?
After the confirmation of charges, the Pre-Trial Chamber commits the case for trial before a Trial Chamber, which will conduct the subsequent phase of the proceedings: the trial.

Before the commencement of the trial, the judges of the Trial Chamber consider procedural issues that may be submitted to them by the parties and hold hearings to prepare for trial and to resolve procedural matters in order to facilitate the fair and expeditious conduct of the proceedings.
E. The trial

56. Where does the trial take place?
Trials take place at the seat of the Court in The Hague, unless the judges decide to hold the trial elsewhere. This issue has been raised in several cases. The accused must be present at his or her trial, which is held in public, unless the Chamber determines that certain proceedings be conducted in closed session in order to protect the safety of victims and witnesses or the confidentiality of sensitive evidentiary material.

57. What happens at the commencement of the trial?
At the commencement of the trial, the Trial Chamber causes the charges against the accused to be read out to him or her and asks whether he or she understands them. The Chamber then asks the accused to make an admission of guilt or to plead not guilty.

58. What happens if the accused makes an admission of guilt?
First, the Trial Chamber ensures that the accused understands the nature and consequences of the admission of guilt, that the admission is voluntarily made by the accused after sufficient consultation with his or her lawyer and that the admission of guilt is supported by the facts of the case that are contained in the evidence and charges brought by the Prosecution and admitted by the accused. Where the Trial Chamber is satisfied that these conditions have been met, it may convict the accused of the crime charged. If it is not satisfied that the conditions have been met, the Chamber shall consider the admission of guilt as not having been made, in which case it shall order that the trial be continued.

59. How is the trial conducted?
At trial, the Prosecution and Counsel for the Defence have the opportunity to present their case. The Prosecution must present evidence to the Court to prove that the accused person is guilty beyond all reasonable doubt. This evidence may be in the form of documents, other tangible objects, or witness statements. The Prosecution must also disclose to the accused any evidence which may show that he or she is innocent.

The Prosecution presents its case first and calls witnesses to testify. When the Prosecution has finished examining each witness, the Counsel for the Defence is given the opportunity to also examine the witness.

Once the Prosecution has presented all its evidence, it is the turn of the accused, with the assistance of his or her counsel, to present his or her defence.
60. Who can present evidence?
All parties to the trial may present evidence relevant to the case. Everyone is presumed innocent until proven guilty according to law. The Prosecution has the burden of proving that the accused is guilty beyond all reasonable doubt. The accused has the right to examine the Prosecution’s witnesses, and to call and examine witnesses on his or her own behalf under the same conditions as the Prosecution’s witnesses.

When the personal interests of victims are affected, the Court allows their views and concerns to be presented and considered at stages of the proceedings determined to be appropriate by the Court and in a manner which is not prejudicial to or inconsistent with the rights of the accused and a fair and impartial trial. Their views and concerns may be presented by their legal representatives.

In a judgment rendered on 11 July 2008, the Appeals Chamber granted victims the right to lead evidence pertaining to the guilt or innocence of the accused and to challenge the admissibility or relevance of evidence, although this right lies primarily with the parties, namely the Prosecution and the Defence. This right is subject to stringent conditions, namely proving that the victims have a personal interest in doing so, and to the request’s consistency with the rights of the defence and the requirements of a fair trial. Victims must also comply with disclosure obligations, notify the request to the parties, and comply with the Court’s orders on the protection of certain persons. Lastly, the appropriateness of the victims’ request is subject to the judges’ assessment.
F. Judgment and sentence

Once the parties have presented their evidence, the Prosecution and the Defence are invited to make their closing statements. The Defence always has the opportunity to speak last. The judges may order reparations to victims, including restitution, compensation and rehabilitation. To this end, they may make an order directly against a convicted person.

61. When is the sentence pronounced by the Court?
After hearing the victims and the witnesses called to testify by the Prosecution and the Defence and considering the evidence, the judges decide whether the accused person is guilty or not guilty.

The sentence is pronounced in public and, wherever possible, in the presence of the accused, and victims or their legal representatives, if they have taken part in the proceedings.

62. What penalties may be imposed by the Court?
The judges may impose a prison sentence, to which may be added a fine or forfeiture of the proceeds, property and assets derived directly or indirectly from the crime committed. The Court cannot impose a death sentence. The maximum sentence is 30 years. However, in extreme cases, the Court may impose a term of life imprisonment.

63. Where are the sentences served?
Convicted persons serve their prison sentences in a State designated by the Court from a list of States which have indicated to the Court their willingness to accept convicted persons.

The conditions of imprisonment are governed by the laws of the State of enforcement and must be consistent with widely accepted international treaty standards governing the treatment of prisoners. Such conditions may not be more or less favourable than those available to prisoners convicted of similar offences in the State of enforcement.
G. Appeals and revision

64. When may a decision be appealed?
Any party may appeal the decisions of a Pre-Trial or Trial Chamber. The Prosecution may appeal against a conviction or acquittal on any of the following grounds: procedural error, error of fact or error of law.

The convicted person or the Prosecution may also appeal on any other ground that affects the fairness or reliability of the proceedings or the decision, in particular on the ground of disproportion between the sentence and the crime.

The legal representatives of the victims, the convicted person, or a bona fide owner of property adversely affected by an order for reparations to the victims may also appeal against such an order.

The Appeals Chamber may reverse or amend the decision or conviction or order a new trial before a different Trial Chamber.

65. Does the convicted person remain in custody pending an appeal?
Unless otherwise ordered by the Trial Chamber, a convicted person remains in custody pending an appeal. However, in general, when a convicted person’s time in custody exceeds the sentence of imprisonment imposed, the person is released. In addition, in the case of an acquittal, the accused is released immediately unless there are exceptional circumstances.

66. When can a decision be revised?
The convicted person or the Prosecution may apply to the Appeals Chamber to revise a final judgment of conviction or sentence where:
- new and important evidence has been discovered;
- it has been newly discovered that decisive evidence, taken into account at trial and upon which the conviction depends, was false, forged or falsified;
- one or more of the judges has committed an act of serious misconduct or serious breach of duty of sufficient gravity to justify the removal of that judge or those judges from office under the Rome Statute.

67. What happens if someone has been the victim of unlawful arrest or detention?
Anyone who has been the victim of unlawful arrest or detention has an enforceable right to compensation. The Court can award compensation if a grave and manifest miscarriage of justice is conclusively shown.
V. Victims’ participation

68. What is the difference between a victim and a witness?
A victim is a person who has suffered harm as a result of the commission of a crime within the ICC’s jurisdiction. The Rome Statute ensures that a number of rights are accorded to victims, as outlined in detail below, the most groundbreaking of which is the right to participate in proceedings independently of the Prosecution or Defence. Victims have the right to have their own legal representative in the Courtroom presenting their concerns and personal interests to the Court.

A witness is a person who testifies before the Court, giving a statement as evidence, often called by either the Prosecution or Defence.

69. Who is considered a “victim” before the ICC?
Victims are individuals who have suffered harm as a result of the commission of any crime within the jurisdiction of the ICC. Victims may also include organisations or institutions that have sustained harm to any of their property which is dedicated to religion, education, art, science or charitable purposes.

The judges of the ICC determine the types of harm to be taken into account, such as bodily harm, psychological harm, that is, where a person’s mind has been affected by what he or she has experienced or witnessed, or material harm, which consists of loss of or damage to goods or property.

70. What are the rights of victims before the ICC?
Victims before the ICC have rights that have never before been granted before an international criminal court. Victims may be involved in the proceedings before the ICC in various ways:
• victims can send information to the Office of the Prosecutor and ask the Office to initiate an investigation;
• at a trial, a victim may voluntarily testify before the Court, if called as a witness for the Defence or the Prosecution or other victims participating in the proceedings;
• victims are also entitled to participate in proceedings through a legal representative; during proceedings, victims may participate by presenting their views and concerns to the judges; such participation is voluntary and enables victims to express an opinion independently of the Prosecution or the Defence and offers them the opportunity to present their own concerns and interests;
• victims participating in proceedings may also, in some circumstances, lead evidence pertaining to the guilt or innocence of the accused; they may also challenge the admissibility or the relevance of evidence presented by the parties;
• lastly, victims can seek reparation for the harm that they have suffered.
71. How can victims participate in the proceedings?
If the Court considers it appropriate, victims may present their point of view directly to the judges at various stages in the proceedings. Such participation is generally through a legal representative (that is, a lawyer) who presents their views and concerns to the Court, since criminal proceedings are quite complex.

To make it easy for victims to participate, they are required to fill out an application for participation form. Victims may obtain a copy of the application for participation forms from the Court's website or from the Victims Participation and Reparations Section in The Hague. The forms must be returned to the Victims Participation and Reparations Section in The Hague by fax, email or post, using the information provided below.

Victims who wish to be assisted in filling out the form and sending it to the Court may contact that same section.

The Victims Participation and Reparations Section at The Hague may be contacted at:

International Criminal Court
Victims Participation and Reparations Section
P.O. Box 19519
2500 CM, The Hague
The Netherlands
Fax: +31 (0) 70 515 9100
Email: vprsapplications@icc-cpi.int

72. Can all victims in a situation participate in the proceedings?
The judges review applications on a case-by-case basis and decide whether or not the applicant is entitled to participate in proceedings before the ICC and at what stages.

73. Do victims have to travel to the seat of the Court in The Hague?
Generally, victims do not have to travel to the seat of the Court if they do not wish to do so. Their legal representatives present their views and concerns to the Court.
74. **How can victims find a legal representative?**

Vicims may freely choose their legal representative as long as the representative has the necessary qualifications: he or she must possess ten years' experience as judge, prosecutor or lawyer in criminal proceedings and fluency in at least one of the working languages of the Court (English or French). The ICC Registry helps victims to find a legal representative by providing a list of qualified lawyers. At the Court, there is also an Office of Public Counsel for Victims (OPCV) which can represent victims and provide them and their legal representative with legal assistance.

If there are a large number of victims, the judges may ask them to choose one or more common legal representatives. This is called common legal representation, and its purpose is to ensure the effectiveness of the proceedings.

75. **What happens if the victims cannot afford a legal representative?**

Although the Court has limited resources for legal assistance, if may be able to provide some financial assistance. The Office of Public Counsel for Victims can also provide legal assistance to victims without charge.

76. **What is the role of the Office of Public Counsel for Victims?**

The Office of Public Counsel for Victims (OPCV) provides legal support and assistance to victims and their legal representatives at all stages of the proceedings, thus ensuring their effective participation and the protection of their rights.

The OPCA falls within the remit of the Registry solely for administrative purposes, but operates as a wholly independent office.

77. **Does the Court protect victims participating in proceedings?**

The Victims and Witnesses Unit within the Registry may advise the Court on appropriate protective measures and security arrangements for victims who appear before the Court and others who are at risk on account of testimony given by witnesses. The Unit implements the necessary protective and security measures and arrangements for the above-mentioned persons.

In the course of their field work, all of the Court's organs must adhere to good practices in order to ensure their security and that of individuals who interact with them. Protective measures may, for example, include anonymity for victims participating in proceedings, the use of pseudonyms, the redaction of documents or the prohibition of disclosure thereof and the use of audiovisual techniques which can disguise the identity of persons appearing before the Court.
78. What decisions may the judges take concerning reparations for victims at the end of a trial?
At the end of a trial, the Trial Chamber may order a convicted person to pay compensation to the victims of the crimes of which the person was found guilty. Reparations may include monetary compensation, return of property, rehabilitation or symbolic measures such as apologies or memorials.

The Court may award reparations on an individual or collective basis, whichever is, in its opinion, the most appropriate for the victims in the particular case. An advantage of collective reparations is that they provide relief to an entire community and help its members to rebuild their lives, such as the building of victim services centres or the taking of symbolic measures. Furthermore, States Parties to the Rome Statute have established a Trust Fund for Victims of crimes within the jurisdiction of the ICC and for their families in order to raise the funds necessary to comply with an order for reparations made by the Court if the convicted person does not have sufficient resources to do so.

79. What is the role of the Trust Fund for Victims?
The Rome Statute created two independent institutions: the International Criminal Court and the Trust Fund for Victims.

While it is impossible to fully undo the harm caused by genocide, war crimes, crimes against humanity and the crime of aggression, it is possible to help survivors, in particular, the most vulnerable among them, rebuild their lives and regain their dignity and status as fully-functioning members of their societies.

The Trust Fund for Victims advocates for victims and mobilises individuals, institutions with resources, and the goodwill of those in power for the benefit of victims and their communities. It funds or sets up innovative projects to meet victims' physical, material, or psychological needs. It may also directly undertake activities as and when requested by the Court.

The Trust Fund for Victims can act for the benefit of victims of crimes, regardless of whether there is a conviction by the ICC. It cooperates with the Court to avoid any interference with ongoing legal proceedings.

80. Do victims have to first participate in the proceedings before they are entitled to reparations?
No. A victim who has not participated in the proceedings may make an application for reparations. The two applications are independent of each other. The Court may even decide on its own to make an award for reparations.
VI. Witness Protection

81. Who can be a witness?
The Office of the Prosecutor, the Defence or victims participating in the proceedings can ask experts, victims or any other person who has witnessed crimes to testify as a witness before the Court.

82. What criteria does the Office of the Prosecutor use to select witnesses?
The Office of the Prosecutor selects witnesses based on the relevance of their testimony, their reliability and their credibility.

83. Are witnesses compelled to testify?
No. The Court does not compel a witness to appear before it to testify without his or her consent.

84. How does the Court know that witnesses are not lying?
Various measures have been put in place to prevent false testimony. Before testifying, each witness makes an undertaking to tell the truth. The judges have the authority to freely assess all evidence submitted in order to determine its relevance or admissibility.

If a witness gives false testimony, the Court may sanction him or her by a term of imprisonment not exceeding five years and/or by imposing a fine.

85. How are witnesses who appear before the Court assisted?
Witnesses who appear before the Court are provided with information and guidance. For this purpose, the Victims and Witnesses Unit’s (VWU’s) support team offers services including the provision of psychosocial support, crisis intervention, and access to medical care when needed.

The VWU also prepares all witnesses testifying before the Court by a process called “familiarisation”. This is a process where the courtroom and trial procedure is shown to the witnesses in advance of their testimony. Many witnesses will have never been in a courtroom before and may find it daunting. This could impact on their well-being, as well as their testimony, and the familiarisation process aims to avoid this. Familiarisation does not have an impact on the content of the testimony, as the evidence is not discussed at all during this process.
86. What are the protective measures available to witnesses testifying before the Court? The Court has a number of protective measures that can be granted to witnesses who appear before the Court and other persons at risk on account of testimony given by a witness. The foundation of the Court’s protection system is good practices which are aimed at concealing a witness’ interaction with the Court from their community and from the general public. These are employed by all people coming into contact with witnesses.

Operational protective measures can be implemented where witnesses reside; for example the Initial Response System is a 24/7 emergency response system that enables the Court, where feasible, to extract witnesses to a safe location should they be targeted or in fear of being targeted. Other operational protective measures include educating witnesses on the importance of confidentiality and cover stories or agreeing on an emergency backup plan.

The Court can also apply procedural protective measures. Such measures may consist of face/voice distortion or the use of a pseudonym. Separate special measures can be ordered by the Court for traumatised witnesses, a child, an elderly person or a victim of sexual violence. These can include facilitating the testimony of witnesses by allowing a psychologist or family member to be present while the witness gives testimony or the use of a curtain to shield the witness from direct eye contact with the accused.

A last resort protective measure is entry into the Court’s Protection Programme (ICCPP) through which the witness and his or her close relatives are relocated away from the source of the threat. This is an effective method of protection, but due to the immense burden on the relocated persons, relocation remains a measure of last resort and absolute necessity.

Protective measures do not affect the fairness of a trial. They are used to make witnesses safe and comfortable. They apply for both referring parties, the Prosecution and the Defence equally. All parties are bound by confidentiality and respect to protective measure, yet even when protective measures are applied, witness can still be questioned.
Presidency

The Presidency is one of the four organs of the International Criminal Court, consisting of three of its judges. The Presidency is composed of three judges of the Court, elected to the Presidency by their fellow judges, for a term of three years. The President of the Court is Judge Sang-Hyun Song (Republic of Korea), Judge Sanji Mmaserono Monageng (Botswana) is First Vice-President, and Judge Cuno Tarfusser (Italy) is Second Vice-President.

The Presidency is entrusted with functions in three main areas of responsibility: administration, judicial/legal matters and external relations. The Presidency is responsible for the proper administration of the Court, with the exception of the Office of the Prosecutor. Nonetheless, it coordinates and seeks consensus with the Prosecutor on all matters of mutual concern. Among the Presidency’s administrative functions are the managerial oversight of the Registry and ensuring that the Registry delivers effective service to the judiciary. As part of its oversight function, the Presidency provides input into a broad range of administrative policies and issues presidential directives on matters relevant to the Court’s overall functioning, such as staff regulations, information security and the Court’s trust fund.

The Presidency’s responsibilities also include judicial activities and external relations. In the exercise of its judicial functions, the Presidency organises the Chambers’ judicial work and carries out its functions as set out in the Statute, Rules of Procedure and Evidence, and Regulations of the Court. Among the Presidency’s responsibilities in the area of external relations are the negotiation and conclusion of agreements on behalf of the Court and the promotion of public awareness and understanding of the institution.

The judicial/legal functions of the Presidency are twofold. First, the Presidency provides support to enable the Chambers to conduct fair, effective and expeditious public proceedings such as constituting and assigning situations to Chambers, organising the plenary sessions and liaising with the Registry. Second, the Presidency has specific legal and judicial functions, including the judicial review of certain decisions of the Registrar; the conclusion of Court-wide cooperation agreements (e.g., bilateral arrangements with States on the enforcement of sentences); and the provision of general legal advice.

In the exercise of its external relations functions, the Presidency represents the Court in its relations with States Parties as well as non-States Parties to the Rome Statute, the United Nations and other international institutions, regional organisations, non-governmental organisations and other external entities. The promotion of public awareness and understanding of the Court, enhancing communication and fostering greater cooperation between the Court and various external partners are among the Presidency’s main responsibilities in this field.

Chambers

The Chambers, organised into Divisions as determined by article 39(1) of the Rome Statute, carry out the judicial functions of the Court. There are three Divisions: the Pre-Trial Division, the Trial Division, and the Appeals Division.

The assignment of judges to Divisions is based on what functions each judge will perform and the qualifications and experience of the judge. This is done in a manner ensuring that each Division benefits from an appropriate combination of expertise in criminal law and procedure and international law. The judges assigned to the Appeals Division serve exclusively in that Division for their entire term of office.
If the Court's workload so requires, and with a view to ensuring efficient management, the Presidency may decide to constitute more than one Pre-Trial or Trial Chamber. It may also decide to attach temporarily a judge of the Trial Division to the Pre-Trial Division and vice versa.

From among the members of each Division a President of the respective Division is elected to oversee that Division's administration for a period of one year.

Pre-Trial Division

The Pre-Trial Division is composed of judges with experience primarily in criminal trials. The judges serve for a period of three years.

The Pre-Trial Chambers consist of three judges each, although many of the functions of the Chamber may be carried out by a single judge. The Presiding judge of a Chamber is elected by the judges of the Chamber in question.

One of the Pre-Trial Chamber's functions is to grant or deny the Office of the Prosecutor leave to initiate an investigation. It makes a preliminary determination as to whether the case falls within the jurisdiction of the Court without prejudice, however, to subsequent determinations in respect of jurisdiction and admissibility.

Under the Rome Statute, if the decision is based on "interests of justice", the Pre-Trial Chamber may, on its own initiative, at the request of the State making a referral or of the United Nations Security Council, review a decision of the Prosecutor not to initiate an investigation or to prosecute.

It is the mandate of the Pre-Trial Chamber to issue warrants of arrest and summonses to appear before the Court at the request of the Prosecutor, and to guarantee the rights of all persons du ring the investigation phase. The Pre-Trial Chamber also issues orders to protect the rights of the participants in the proceedings and, where necessary, provides for the protection and privacy of victims and witnesses. It preserves evidence, protects persons who have been arrested or who have appeared in response to a summons, and safeguards information affecting national security.

Within a reasonable time after a suspect has been surrendered to the Court or has appeared voluntarily before the Court, the Pre-Trial Chamber holds a hearing in the presence of the Prosecutor and the suspect and/or his or her counsel with a view to determining whether the charges can be confirmed or not. A confirmation hearing can be held without the suspect being present.

Trial Division

Most of the Trial Division judges have extensive experience in criminal trials. They serve in this Division for three years and thereafter until the completion of any case if the trial has already begun.

If the charges are confirmed by the Pre-Trial Chamber, the Presidency constitutes a Trial Chamber to try the case.

The Trial Chamber is composed of three judges, with a Presiding judge elected by the judges of the Chamber in question. A Single judge may also carry out the functions of the Chamber.

The Trial Chamber's primary function is to ensure a fair and expeditious trial, conducted with full respect for the rights of the accused and due regard for the protection of victims and witnesses. Trials must be held in the presence of the accused and in public, unless special circumstances require that certain proceedings are held in closed session to protect confidential or sensitive information to be given in evidence, and victims and witnesses. The sentence is pronounced in public.

The Trial Chamber determines whether an accused is innocent or guilty of the charges and, if guilt has been determined, it imposes a sentence of imprisonment not exceeding a maximum of thirty years or, in cases of extreme gravity, life imprisonment. Financial penalties may also be imposed. The Trial Chamber may order reparations to victims, including restitution, compensation and rehabilitation.

As indicated above, the Presidency can decide to temporarily attach a judge assigned to the Pre-Trial Division to the Trial Division if the efficient management of the Court's workload so requires, but a judge who has participated in the pre-trial phase of a case can not, under any circumstances, be eligible to sit on the Trial Chamber hearing that case.

Appeals Division

The Appeals Chamber consists of all five judges of the Appeals Division, out of which the Chamber decides on a Presiding Judge for each appeal.

The Division deals with appeals received from or filed by convicted persons, the Prosecutor, legal representatives of the victims or bona fide owners of property adversely affected by Court decisions.

The convicted person may appeal against conviction and sentence. The Prosecutor may appeal against the acquittal or conviction of an accused, or the sentence. Such appeals may be made on the grounds of procedural errors, errors of fact or law and on any other grounds affecting the fairness or reliability of the proceedings or decisions. The Appeals Chamber may reverse or amend the decision on conviction or sentence and may order a new trial before a different Trial Chamber, it may also revise the final judgement of conviction or the sentence.

The Appeals Chamber is also responsible for the review of sentence, i.e., to determine whether, after the person has served two-thirds of the sentence or 25 years in the case of life imprisonment, the sentence should be reduced. If the Appeals Chamber decides not to reduce the sentence, it thereafter reviews the question at least every three years. The Appeals Chamber is finally the body responsible for deciding questions relating to the disqualification of the Prosecutor or a Deputy Prosecutor.

Legal representatives of the victims, the convicted person or bona fide owner of property adversely affected by an order for reparation to victims may appeal against the order. Other decisions made during the course of the proceedings by the Pre-Trial Chamber may also be appealed, including decisions with respect to jurisdiction and admissibility.
The International Criminal Court is composed of 18 judges, who are elected for terms of office of nine years by the Assembly of States Parties to the Rome Statute, the founding instrument of the Court. They are not eligible for re-election.

The judges are chosen from among persons of high moral character, impartiality and integrity who possess the qualifications required in their respective States for appointment to the highest judicial offices. They have either established competence in criminal law and procedure, and the necessary relevant experience, whether as a judge, prosecutor, advocate or in other similar capacity, in criminal proceedings, or have established competence in relevant areas of international law such as international humanitarian law and the law of human rights, and extensive experience in a professional legal capacity which is of relevance to the judicial work of the Court. All are fluent in at least one of the working languages of the Court, English and French.

Candidates for election to the Court need to be nationals of States Parties to the Rome Statute. Nominations are made by State Parties. Each State Party may put forward one candidate for any given election but the latter does not necessarily need to be a national of that State Party. No two judges may be nationals of the same State.

Judges are elected by secret ballot at a meeting of the Assembly of States Parties convened for that purpose. The persons elected to the Court are the 18 candidates who obtain the highest number of votes and a two-thirds majority of the States Parties present and voting.

The election of the judges takes account of the need to represent the world’s principal legal systems, a fair representation of men and women, and equitable geographical distribution. In addition, at least nine judges need to have relevant experience in criminal law and procedure and at least five need to have established competence in relevant areas of international law.

The judges are independent in the performance of their duties. They may not engage in any other activity which is likely to interfere with their judicial functions or affect confidence in their independence. Before taking up their duties, they all make a solemn undertaking in open court to exercise their functions impartially and conscientiously.

A judge may not participate in a case in which his or her impartiality might reasonably be called into question on any ground.

The judges elect the President and the two Vice-Presidents of the Court from among their ranks. Acting on behalf of the Court, the Presidency can propose that the number of judges be increased if this is considered both necessary and appropriate. In such cases, the Registry circulates the proposal to all States Parties for a final discussion by the Assembly of States Parties.

The Court organises itself into three divisions: Pre-Trial, Trial and Appeals Divisions. The assignment of judges to divisions is based on the nature of the functions to be performed by each division and the qualifications and experience of the judges so that each division contains an appropriate combination of expertise in criminal law and procedure and in international law.

Although judges are not eligible for re-election, a judge assigned to a Trial Chamber or the Appeals Chamber may remain in office after the end of his or her term to complete any trial or appeal which has already begun before that Chamber.
Judge Sang-Hyun SONG (Republic of Korea), President
Judge as of 11 March 2009, for a term of nine years, and re-elected in 2006 for a further full term of nine years. President of the Court as of 11 March 2009, for a term of three years, and re-elected on 11 March 2012 for another three-year period. Assigned to the Appeals Division. Elected from the Asian Group of States, list A.

Judge Song (1941) has extensive practical and academic experience in the areas of court management, civil and criminal procedure, and the law of evidence. For more than thirty years, he taught as a professor of law at Seoul National University Law School, beginning in 1972. He has also held visiting professorships at a number of law schools, including Harvard, New York University, Melbourne and Wellington. Judge Song started his legal career as a judge-advocate in the Korean army and later as a foreign attorney in a New York law firm. He has served as a member of the advisory committee to the Korean Supreme Court and the Ministry of Justice. As such, he led initiatives to reform the national litigation system and the criminal justice system, particularly the reform of the Penal Code, the Code of Criminal Procedure, the Court Rules of Criminal Procedure, and the prison system. Judge Song has vast experience in relevant areas of international law, principally international humanitarian law and human rights law. He is co-founder of the Legal Aid Centre for Women, and of the Childhood Leukaemia Foundation in Seoul, and the President of UNICEF/KOREA. Judge Song is also the respected author of several publications on relevant legal issues, and the recipient of the highest decoration of the Korean Government (MUNGUNGHWAA, 2013).

Judge Sanji Mmasenono MONAGENG (Botswana)
Judge as of 11 March 2009, for a term of nine years. First Vice-President of the Court as of 11 March 2012, for a term of three years. Assigned to the Appeals Division. Elected from the African Group of States, list B.

Judge Monageng (1950) served as a High Court judge in the Kingdom of Swaziland, responsible for criminal and civil cases as well as constitutional matters before joining the International Criminal Court as a Commonwealth Expert. Prior to this, she served as a judge of the High Court of the Republic of the Gambia in the same capacity. She started her legal career as a Magistrate in Botswana. Judge Monageng has broad experience in the promotion and protection of human rights issues, having been a member of the African Commission on Human and Peoples' Rights, appointed by the African Union, between 2003 and 2009, and was appointed as the Commission's chairperson in November 2007. She has also chaired one of the special mechanisms of the Commission, the follow-up Committee on torture, inhumane, degrading and other treatment. Judge Monageng has given a number of lectures on human rights issues, criminal law, humanitarian law and many other areas of the law. She also served as Deputy Chief Litigation Officer in the United Nations Observer Mission to South Africa in 1994. Judge Monageng served as the founding Chief Executive Officer of the Law Society of Botswana for many years. She possesses expertise in women's human rights issues, indigenous peoples and communities, torture and children, among others. She is a member of many international organisations including the International Association of Women Judges, the International Commission of Jurists and the International Society for the Reform of Criminal Law. Judge Monageng has sat on numerous national, regional and international boards.

Judge Cuno Jakob TARFUSSER (Italy)
Judge as of 11 March 2009, for a term of nine years. Second Vice-President of the Court as of 11 March 2012, for a term of three years. Assigned to the Pre-Trial Division. Elected from the Western European and Others Group of States (WEOG), list A.

Judge Tarفسer (1954) has served the Public Prosecution Office of the Bolzano District Court, Italy, as Deputy Public Prosecutor for a period of sixteen years and then as Chief Public Prosecutor for a further eight years. Under his guidance the working practices of the Office were radically restructured, the organisational model of which is now considered as the standard for the entire justice administration system throughout Italy. Furthermore, Judge Tarفسer's involvement as Public Prosecutor includes a number of investigations and trials encompassing crimes against individuals, crimes against the state, including terrorism, crimes against public administration such as extortion and corruption; trafficking; smuggling and European Union fraud, and organised crime such as money laundering. During his career he has lectured at a number of law faculties within Italy and has been appointed to a number of rogatory commissions in Europe, Belarus and the Dominican Republic.
Judge Hans-Peter KAUL (Germany)
Judge as of 11 March 2003, for a term of three years and re-elected in 2006 for a further term of nine years. Assigned to the Pre-Trial Division. Elected from the Western European and Others Group of States (WEOG), list B.

Judge Kaul (1943) is qualified for the German Bar. In 2002, he was appointed Ambassador and Commissioner of the Federal Foreign Office for the International Criminal Court. From 1996 to 2003 he participated as head of the German delegation in the discussions and negotiation process of the Rome Statute of the International Criminal Court. Furthermore, in his capacity as Head of the Public International Law Division of the Federal Foreign Office (1996 - 2002), he was responsible, inter alia, for several cases involving Germany which were before the International Court of Justice. He has written extensively on the International Criminal Court and other fields of public international law.

Judge Akua KUENYEHIA (Ghana)
Judge as of 11 March 2003, for a term of three years and re-elected in 2006 for a further term of nine years. Assigned to the Appeals Division. Elected from the African Group of States, list B.

Judge Kuenyehia (1947) was Dean of the Faculty of Law at the University of Ghana, before her election as a judge. During her time at that university, she taught criminal law, gender and the law, international human rights law and public international law. She was co-ordinator of a research project entitled ‘Women and Law in Anglophone West Africa’, which covered Ghana, Nigeria, Sierra Leone and The Gambia. She has written three books and numerous academic publications on gender and the law, family law and international human rights. Judge Kuenyehia is a barrister and solicitor of the Supreme Court of Ghana. She has experience as a solicitor, advocate and human rights expert, and in criminal law and procedure. She also has experience as an administrator and has expertise in gender and the law, international human rights issues and was a member of the Committee on the Elimination of all Forms of Discrimination Against Women (CEDAW). Judge Kuenyehia was the First Vice-President of the Court from 11 March, 2003 until 11 March, 2009.

Judge Erkki KOURULA (Finland)
Judge as of 11 March 2003, for a term of three years and re-elected in 2006 for a further term of nine years. Assigned to the Appeals Division. Elected from the Western European and Others Group of States (WEOG), list B.

Judge Kourula (1948) has a PhD in international law from the University of Oxford. He has held various research positions in international law, including international humanitarian law and human rights, and has acted as a professor of international law. His experience includes working as a district judge in Finland dealing with criminal cases. Between 1988 and 2003, he served the Finnish Ministry for Foreign Affairs in various legal capacities, culminating in his appointment as Director General for Legal Affairs; he was also agent for Finland before the European Court of Human Rights and the Court of Justice of the European Communities. In 1991 he was appointed Legal Adviser to the Permanent Mission of Finland to the United Nations in New York, serving until 1995. He followed closely the developments leading to the establishment of the ICTY and ICTR and was actively involved in the negotiations of the Rome Statute (1995-1998) as head of the Finnish delegation to the Preparatory Committee and as head of the Finnish delegation to the Rome Conference on the Establishment of an International Criminal Court. From 1998 to 2002, Judge Kourula served in Strasbourg as Permanent Representative of Finland (Ambassador), holding the chair of, e.g., the Rapporteur Groups on Human Rights and National Minorities of the Council of Europe (2000-2002). He has participated in many international conferences, contributed to publications and written articles on international law, including victims' issues.
Judge Anita UŠACKA (Latvia)

Judge as of 11 March 2003, for a term of three years and re-elected in 2006 for a further term of nine years. Assigned to the Appeals Division. Elected from the Eastern European Group of States, list B.

Judge Ušacka (1957) is a judge of the Appeals Division of the International Criminal Court. From her election to the ICC in 2003 until 2009, she was a Judge of the Trial Division. During that time, she was also temporarily attached to Pre-Trial Chamber I between 2007 and 2008. Prior to her election to the International Criminal Court, she was elected judge of the Latvian Constitutional Court upon its creation in 1996, where she served until 2003, when she joined the ICC. She has been a member of the International Association of Women Judges since 1997. From 1994 to 1996, she was the Executive Director of the Latvian branch of UNICEF. In 2002, Judge Ušacka was appointed full professor at the Department of Constitutional Law of Latvia University, where she has been academically affiliated since 1973. She has directed and contributed to a number of crucial projects integral to the transition to democracy in Central and Eastern Europe. She has written reports and papers promoting the establishment in Latvia of the rule of law, protection of human rights, administrative law reform, constitutional law reform, fair trial guarantees, and judicial training and reform, among others. As a judge and professor, she has acquired expertise in international humanitarian and public law, with a particular focus on the rights of women and children. Judge Ušacka obtained her law degree from the Latvia University and completed her PhD at the Faculty of Law, Moscow State University. Since 1996, her foreign training and research experiences have included a year at the University of Notre Dame in the United States, studying in Germany on a Max Planck fellowship, and at the Human Rights Institute in Strasbourg.

Judge Ekaterina TRENDAFILOVA (Bulgaria)

Judge as of 11 March 2006, for a term of nine years. Currently Assigned to the Pre-Trial Division. Elected from the Group of Eastern European States, list A.

Prior to assuming her office at the International Criminal Court, Judge Trendafilova (1953) advised the Ministry of Foreign Affairs on the establishment of the International Criminal Court and served as an expert to the Ministry of Justice and the Parliament of Bulgaria where she chaired the Criminal Division of the Legislative Consultative Council. She chaired the working group which prepared the reform of the Bulgarian criminal procedure in line with European and international standards for efficient administration of justice and protection of human rights (1998-1999). Judge Trendafilova was a deputy district attorney at Sofia District Court (1985-1989) and joined the Bar of Bulgaria in 1995. She represented Bulgaria at the UN Commission for Crime and Criminal Justice (1992-1994). She is a member of the Bulgarian Union of lawyers and a member of the Bulgarian Union of Scholars. Judge Trendafilova was also a Professor of Criminal Justice at Sofia University since completing her PhD in 1984. She has extensive experience in criminal law, criminal procedural law, international criminal law and human rights. She has published widely in the field of human rights law, international criminal procedural law, procedural law and constitutional law.

Judge Joyce ALUOCH (Kenya)

Judge as of 11 March 2009, for a term of nine years. Assigned to the Trial Division. Elected from the African Group of States, list A.

Judge Aluoch (1947) holds a Law Degree from the University of Nairobi, a diploma in Legal Studies from the Kenya School of Law and a Masters Degree in International Affairs (CMAP) from the Fletcher School of Law and Diplomacy, Tufts, University, Medford USA. Judge Aluoch was a Judge of the High Court of Kenya for over 20 years, and was elevated to the Court of Appeals, then the highest court in Kenya in December 2008. She is also an advocate of the High Court of Kenya. As a senior judge who was the vice-chairperson of the Judicial Curriculum Review Committee, she has extensive experience in the training of judges, magistrates and paralegals in the provision of regional and international human rights instruments, a programme she undertook in conjunction with the International Association of Women Judges. Judge Aluoch contributed to the promotion of the rights of the child, as chair of the African Union Committee of Experts on the Rights of the Child, preparing the rules of practice and procedure for the committee as well as guidelines for initial reporting to the African Committee by Member States of the African Union. Special missions undertaken by Judge Aluoch include negotiations entered into on behalf of the African Union with the Government of Sudan to ratify the African charter to secure the rights of children, and a fact-finding mission to war-torn northern Uganda to report on the effects of the war on children. She also served for six years as vice-chair and member of the UN Committee on the Rights of the Child and chaired a task-force that worked toward the implementation of the new Sexual Offences Act, 2006, aimed at developing a national policy framework and a national action plan for handling sexual offences in Kenya.
Judge Christine Baroness VAN DEN WYNGAERT (Belgium)
Judge as of 21 March 2009, for a term of nine years. Assigned to the Pre-Trial Division. Elected from the Western European and Others Group of States, list A.

Judge Van den Wyngaert (1952) graduated from Brussels University in 1974 and obtained a PhD in International Criminal Law in 1979. She was a professor of law at the University of Antwerp (1985 - 2005) where she taught criminal law, criminal procedure, comparative criminal law and international criminal law. She authored numerous publications in all these fields. She was a visiting fellow at the University of Cambridge (Centre for European Legal Studies (1994 - 1996), Research Centre for International Law (1996 -1997)) and a visiting professor at the Law Faculty of the University of Stellenbosch, South Africa (2001). Her merits as an academic were recognized in the form of a Doctorate Honoris Causa, awarded by the University of Uppsala, Sweden (2001). In 2010, she was awarded a doctorate honoris causa by the University of Brussels, Belgium. She was an expert for the two major scientific organisations in her field, the International Law Association and the International Association of Penal Law. She was an observer of the Human Rights League at the trial of Helen Passiouras in Johannesburg in 1986 and made human rights a focal point in her teachings and writings throughout her career. In 2006, she was awarded the Prize of the Human Rights League. Judge Van den Wyngaert gained expertise in various governmental organisations. She was a member of the Criminal Procedure Reform Commission in Belgium (Commission Franchimont) (1991 - 1998) and served as an expert for the European Union in various criminal law projects. She has extensive international judicial experience. She served in the International Court of Justice as an ad hoc judge in the Arrest Warrant Case (2000 - 2002) and was elected as a judge in the International Criminal Tribunal for the former Yugoslavia where she served for more than five years (2003 - 2009).

Judge Silvia Alejandra FERNÁNDEZ DE GURMENDI (Argentina)
Judge as of 20 January 2010, for a term of eight years and two months (to fill a judicial vacancy). Assigned to the Pre-Trial Division. Elected from the Latin American and Caribbean Group of States (GRULAC), list A.

Judge Fernández de Gurmendi (1954) has over 20 years practice of international and humanitarian law and in human rights. Coming to the Court from the Ministry of Foreign Affairs where she was the Director General for Human Rights, Judge Fernández de Gurmendi acted as a representative of Argentina in cases before the Inter American Commission of Human Rights and the Inter American Court of Justice. She also represented Argentina before universal and regional human rights bodies and advised on transitional justice issues related to the prevention of genocide and other international crimes. Judge Fernández de Gurmendi contributed to the creation and set up of the Court. She was also instrumental in the negotiations of the complementary instruments of the Rome Statute as chair of the Working Group on Rules of Procedure and Evidence and the Working Group on Aggression. Her academic experience includes professorships of international criminal law at the universities of Buenos Aires and Palermo and as an assistant professor of international law at the University of Buenos Aires. Judge Fernández de Gurmendi has also published a number of national and international publications related to the International Criminal Court including, amongst others, the role of the Prosecutor, criminal procedure, and the definitions of victims.

Judge Kuniko OZAKI (Japan)
Judge as of 20 January 2010, for a term of eight years and two months (to fill a judicial vacancy). Assigned to the Trial Division. Elected from the Asian Group of States, list B.

Judge Ozaki (1956) has extensive practical and academic experience in the field of international criminal law and human rights. Having graduated from Tokyo University in 1978 and obtained an M.Phil. in international relations from Oxford University in 1982, she worked for the Japanese government in a number of positions, including Ambassador and Special Assistant to the Foreign Ministry, Director for Human Rights and Humanitarian Affairs in the Foreign Ministry, Director for Refugees in the Justice Ministry and Specialist to the Criminal Affairs Bureau of the Justice Ministry. From 2006 to 2009, she served as Director for Treaty Affairs for the United Nations Office on Drugs and Crime (UNODC), where her main responsibility was implementation of relevant international treaties as well as the development of domestic legislation on organised crime, corruption and terrorism; the training of judges and prosecutors in developing countries; and the establishment of the rule of law and national criminal justice systems in post-conflict regions. Using her vast experience as an academic lawyer, Judge Ozaki also taught as a professor of international law at the Tohoku University Graduate School of Law and at other national universities, and has written extensively on international criminal law, refugee law and law of human rights.
Judge Miriam DEFENSOR-SANTIAGO (Philippines)
Judge as of 11 March 2012, for a term of nine years. Elected from the Group of Asian States, list B.

Miriam Defensor Santiago (1945) has served three terms as a senator of the Republic of the Philippines. She chaired the Senate Subcommittee on the International Criminal Court; sponsored the ratification by the Senate of the Rome Statute; was the principal author of the "Philippine Act on Crimes Against International Humanitarian Law, Genocide, and Other Crimes Against Humanity" in Congress; and is one of the leading advocates of reproductive health in the Philippines. Her stint as chair of the Senate Committee on Foreign Relations saw her defending and securing Senate ratification of important treaties, among them the United Nations Convention Against Corruption and the ASEAN Charter. Judge Santiago is a Laureate of the Asian Nobel Prize, known as the Ramon Magsaysay Award for Government Service. She was cited for "bold and moral leadership in cleaning up a graft-ridden government agency," for her work as Filipino immigration commissioner. She served as legal officer of the United Nations High Commissioner for Refugees; and held other positions in the Philippine government, including trial court judge and secretary for agrarian reform. As judge, she decided cases involving human rights violations under a martial law regime, cases over juveniles, domestic relations cases, and criminal cases involving sexual and gender-based violence. Judge Santiago holds the degrees of Doctor of Juridical Science and Master of Laws from the University of Michigan. Her scholastic performance earned her a DeWitt Fellowship and a Barbour Scholarship, and her doctoral dissertation was published as the book entitled Political Offences in International Law. She pursued postdoctoral studies in law at Oxford, Cambridge, Harvard, Stanford, University of California, Berkley, and Southern Methodist University in Dallas, Texas. She also attended The Hague Academy of Public International Law at The Hague, Netherlands, and at Sophia University, Tokyo. She served as professor of international law, constitutional law, and remedial/procedural law at the University of the Philippines, and has published extensively.

Judge Howard MORRISON (United Kingdom)
Judge as of 11 March 2012, for a term of nine years. Assigned to the Trial Division. Elected from the Group of Western European and other States, list A.

Judge Morrison (1949) was called to the Bar of England and Wales by Grays Inn in 1977 after graduating in law and working, latterly in development in west and then east and central Africa. He practised in criminal, civil and family law until 1986 when he was appointed a Resident Magistrate in Fiji being promoted to Chief Magistrate at the time of the 1988 military coups. He was called to the Fijian Bar and then, during service as an ad hoc Attorney General in the Caribbean in 1989, the Bar of the Eastern Caribbean Supreme Court. In 1989 he was appointed OBE for services to the Fijian judiciary during the military coups. Returning to the UK he practised for many years on the Oxford and Midland Circuit in criminal law both defending and prosecuting and being briefed in Courts Martial in the UK and Germany. He was appointed a Recorder of the Crown and County Courts with authority to sit in criminal, civil and family law jurisdictions. In later years he defended at both the ICTY in The Hague and the ICTR in Arusha. He was appointed Queen's Counsel in 2001 and a Circuit judge in 2004. He teaches international criminal and human rights law and has done so world-wide, also attending, and contributing to, many conferences and seminars. In 2007 he was appointed CBE for services to international law. In 2008 he was elected as a Master of the Bench of Grays Inn and a Senior Judge of the Sovereign Base Areas in Cyprus. In 2009 he was appointed as a Judge of the Special Tribunal for the Lebanon but was transferred to the ICTY the same year following the resignation of the then UK judge.

Judge Olga Venecia del C. HERRERA CARBUCCIA (Dominican Republic)
Judge as of 11 March 2012, for a term of nine years. Assigned to the Pre-Trial Division. Elected from the Group of Latin American and Caribbean States, list A.

Judge Herrera Carbuccia (1956) has a Doctorate of Law from the University Autonoma of Santo Domingo. She has over 30 years of experience in the judicial function in the fields of criminal law, criminal proceedings and justice administration as Judge and Public Prosecutor. As Public Prosecutor she was part of the Peace Courts, as well as Assistant Attorney at the Public Prosecutor’s bureau of the National District. She served as a Criminal Judge of First Instance Chamber, subsequently she was designated Judge Member for the Criminal Chamber of the Court of Appeals in Santo Domingo for 11 years, and then in 2003 designated President of the Criminal Chamber of the Court of Appeal in the Province of Santo Domingo. She has extensive practical experience in the fields of criminal law, human rights protection, perjury to women and children, the prosecution of crimes of a sexual nature, drug crime, money laundering and as well as the elimination of the judicial delay with an emphasis on effective judicial administration to strengthen judicial effectiveness and efficiency. Judge Herrera Carbuccia has also excelled in the academic area with a long career of teaching. Her academic competence as a teacher of the Faculty of Law and Political Sciences of the National University Pedro Henriquez Ureña led her to take over 9 years (1995-2004) the position of dean of the Faculty. Recognized for her high independence she has also been awarded with several national awards, including the “Women’s Medal of Merit” in law and justice aspects granted by the President of the Dominican Republic in 2003.
Judge Robert FREM (Czech Republic)
Judge as of 31 March 2012, for a term of nine years. Assigned to the Trial Division. Elected from the Group of Eastern European States, list A.

Judge Frem (1957), after graduation from the Law School of the Charles University in Prague, started his judicial career in 1983. He gradually came through all instances of the Czech judicial system and in 2004 he had become a Justice of the Supreme Court of the Czech Republic. In 2006 he joined the International Criminal Tribunal for Rwanda and served there as ad hoc judge of the Trial Chamber until 2008 and then again from 2010 to 2012. He also represented the Czech Republic as a member of several expert committees of the Council of Europe, focused on the fight against organised crime and corruption and the agenda of human rights. Currently he is a member of the Consultative Council of European Judges. He is also an external teacher of Criminal Law at the Charles University in Prague.

Judge Chile EBOE-OSUJI (Nigeria)
Judge as of 31 March 2012, for a term of nine years. Assigned to the Trial Division. Elected from the African Group of States, list A.

Judge Eboe-Osuji (1962) came to the ICC from his post as the Legal Advisor to the UN High Commissioner for Human Rights Dr Navi Pillay (a former Judge of the ICC), with cross-appointment as Principal Appeals Counsel for the Prosecution in the Charles Taylor Case at the Special Court for Sierra Leone (SCSL). He had previously worked in various other capacities at the SCSL and the International Criminal Tribunal for Rwanda (ICTR): among them, as Senior Prosecution Appeals Counsel at the SCSL in the AFRC Case and the CDF Case, Lead Prosecution Trial Counsel at the ICTR, the Head of Chambers at the ICTR, Senior Legal Officer in Chambers at the ICTR, and Head Legal Officer in the Appeals Chamber of the ICTR. As the Legal Advisor to the UN High Commissioner for Human Rights, he led the writing of submissions filed on behalf of the High Commissioner in her interventions as amicus curiae before the European Court of Human Rights (in the El Masri Case and the Hirsi Case) and the United States Supreme Court (in the Klobel Case). He has also taught international criminal law as adjunct professor at the Faculty of Law of the University of Ottawa, Canada, and has an extensive record of legal scholarship and publications. He served as legal expert to Nigeria’s delegation to the ICC-ASP Special Working Group on the Definition of the Crime of Aggression. He has also practised law as a barrister: appearing in many criminal, civil and constitutional cases before national courts in Nigeria and Canada. He was called to the Nigerian Bar in 1986, and to the Bars of the Canadian provinces of Ontario and British Columbia in 1993. He served as articled student-at-law to Chief Mike Akahuba SAN and Mr David W Scott QC—of Nigeria and Canada, respectively. He holds an LLB from the University of Calabar, Nigeria, an LLM from McGill University, Canada, and a PhD in international criminal law from the University of Amsterdam, The Netherlands. Judge Eboe-Osuji is a son of Chief M V Eboe-Osuji and Mrs Clara Nnembo Eboe-Osuji of Añara, Imo, Nigeria. He is married to Shannon Fleming Eboe-Osuji. They have three children.
The Office of the Prosecutor is one of the four organs of the International Criminal Court. It is headed by the Prosecutor, Fatou Bensouda, who was elected by the Assembly of States Parties by consensus. The Prosecutor has full authority over the management and administration of the Office, including its staff, facilities and other resources. The Prosecutor took office on 15 June 2012 and succeeds Mr Luis Moreno-Ocampo, who was the Court's first Prosecutor.

The mandate of the Office is to receive and analyse referrals and communications in order to determine whether there is a reasonable basis to investigate; to conduct investigations into genocide, crimes against humanity and war crimes; and to conduct prosecutions before the Court of persons responsible for such crimes.

By conducting preliminary examinations, investigations and prosecutions, the Office contributes to the overall objective of the Court – to help end impunity for the perpetrators of the most serious crimes of concern to the international community as a whole, and thus to contribute to the prevention of such crimes.

As a consequence of its mandate, the Office of the Prosecutor comprises three divisions:

- The Investigation Division is responsible for the conduct of investigations (such as collecting and examining evidence, questioning persons being investigated as well as victims and witnesses). In this respect, the Statute requires the Office to extend the investigation to cover both incriminating and exonerating facts in order to establish the truth.
- The Prosecution Division has a role in the investigative process, and will have principal responsibility for the litigation of proceedings before the various Chambers of the Court.
- The Jurisdiction, Complementarity and Cooperation Division analyses referrals and communications, with support from the Investigation Division, assess admissibility, helps secure the cooperation needed for the activities of the Office and is responsible for all external relations aspects of the Office.

The Prosecutor may independently start an investigation upon referral of a situation by a State Party, or the Security Council acting on a threat to international peace and security. In addition, the Prosecutor, under her proprio motu powers, may start an investigation on the territory or against nationals of a State Party, subject to confirmation by a Pre-Trial Chamber of the Court.

It is the policy of the Office of the Prosecutor that investigations focus on those individuals who bear the greatest criminal responsibility for crimes committed in a situation under investigation. The Preamble of the Rome Statute recognizes that the Court itself is but a last resort for bringing justice to the victims of genocide, war crimes, and crimes against humanity. Thus, the Rome Statute assigns the Court and the Office of the Prosecutor a role that is complementary to national systems.

The Rome Statute also provides that the Office of the Prosecutor shall act independently. Consequently, a member of the Office of the Prosecutor must not seek or accept instructions from any external source, such as States, international organizations, NGOs or individuals.
Fatou Bensouda, Prosecutor: On 12 December 2011, Ms Bensouda of The Gambia was elected Prosecutor by the Assembly of States Parties by consensus. She took office on 15 June 2012. Before this, Ms Bensouda served as the Court’s Deputy Prosecutor for eight years, having been elected to that position on 8 September 2004. As Deputy Prosecutor, she was in charge of the Prosecutions Division of the Office of the Prosecutor. Prior to this, Ms Bensouda worked as Legal Adviser and Trial Attorney at the International Criminal Tribunal for Rwanda (ICTR) in Arusha, Tanzania, rising to the position of Senior Legal Adviser and Head of the Legal Advisory Unit. Before joining the ICTR, she was the General Manager of a leading commercial bank in The Gambia. Between 1987 and 2000, she was successively Senior State Counsel, Principal State Counsel, Deputy Director of Public Prosecutions, Solicitor General and Legal Secretary of the Republic; she then became Attorney General and Minister of Justice, in which capacity she served as Chief Legal Adviser to the President and Cabinet of The Gambia. Ms Bensouda also took part in negotiations on the treaty of the Economic Community of West African States (ECOWAS), the West African Parliament and the ECOWAS Tribunal. She has been a delegate at United Nations conferences on crime prevention, the Organisation of African Unity’s ministerial meetings on human rights, and the delegate of The Gambia to the meetings of the Preparatory Commission for the International Criminal Court. Ms Bensouda holds a masters degree in international maritime law and the law of the sea and as such is the first international maritime law expert of The Gambia.

James Stewart, Deputy Prosecutor: On 16 November 2012, Mr James Kirkpatrick Stewart of Canada was elected Deputy Prosecutor of the International Criminal Court (ICC) by the Assembly of States Parties. Prior to joining the Office of the Prosecutor (OTP) of the ICC, Mr Stewart worked as General Counsel in the Crown Law Office within the Ministry of the Attorney General in Toronto. Before this, he served as Senior Trial Attorney in the OTP at the International Criminal Tribunal for Rwanda (ICTR) as Chief of Prosecutions in the OTP at the International Criminal Tribunal for the former Yugoslav (ICTY); and as Senior Appeals Counsel and then Chief of the Appeals and Legal Advisory Division in the OTP at the ICTR. Mr Stewart also served with the Office of the Ombudsman as a legal officer for two years. He joined the Downtown Toronto Crown Attorney’s Office as an Assistant Crown Attorney in 1979, handling criminal trials at all levels of court. Since 1985, Stewart has served in the Crown Law Office – Criminal, where his practice expanded to include appeals before the Court of Appeal for Ontario and the Supreme Court of Canada. On leaves of absence from his office, he worked at the UN International Criminal Tribunals. Mr Stewart is bilingual in English and French. Educated at Bishop’s College School in Lennoxville, Quebec, he attended Queen’s University, in Kingston, Ontario (B.A., 1967), and Université Laval, in Sainte-Foy, Québec (M. ès A., 1971). In 1975, he graduated from the Faculty of Law at the University of Toronto, articulated for prominent criminal defence lawyer, Robert J. Carter, Q.C., in 1975-6, and was called to the Ontario Bar in 1977.
The Registry is one of the four organs of the International Criminal Court and it is responsible for the non-judicial aspects of the administration and the servicing of the Court. All the tasks performed by the Registry are in clear support of the Court's strategic goals.

The work of the Registry is characterised by the fact that it must remain a neutral organ at all times. The Registry is conscious that the quality, efficiency, transparency and timeliness of its activities impact on the achievement of the overall mission of the Court. The Registry is guided by its statutory framework and by international standards and is forward-looking, particularly when it comes to information and communication technology.

Quality of justice
The aim of the services provided by the Registry is ultimately the conduct of fair, effective and expeditious public proceedings.

The Registry's Counsel Support Section enables suspects and accused persons to be represented by a defence counsel and, in keeping with the principle of equality of arms, supports defence counsel in carrying out their mandates. The section also assists counsel for victims and is in charge of the legal assistance paid by the Court.

The Division of Court Services underpins the investigations and trials through such fundamental functions as assistance to victims with their participation in the judicial proceedings and with their applications for reparations, the protection of witnesses and the running of the Detention Centre. This division also provides translation and interpretation services for all hearings and is responsible for records, filings, notifications and is entrusted with court management.

The work of the Public Information and Documentation Section (PIDS) is instrumental to working towards the quality of justice insofar as it ensures that trials are indeed made public and accessible, in particular to those communities affected by the commission of crimes under the Court's jurisdiction.

The Security and Safety Section enables investigations and trials to run by providing security and safety to all participants to their best abilities.

A well-recognised and adequately supported institution
The Registry is in regular contact with the various groups of stakeholders of the Court in such areas as public information, outreach and external relations.

External relations activities are geared towards securing the support of States and international organisations in such matters as witness protection, enforcement of sentences, information exchange, field logistics and security. The Registry is also responsible for implementing Chamber's orders, such as the execution of arrest warrants and the tracing and freezing of assets.

Non-governmental organisations, the legal profession and academia are other key players in the system of international criminal law with which the Registry is engaged. Generally speaking, contact with stakeholders is established and managed by the Immediate Office of the Registrar.

The Field Operations Section (FOS), the Legal Advisory Services Section (RLAS) and PIDS also play important roles in relations with stakeholders. Likewise such sections as the Victims Participation and Reparations Section, the Victims and Witnesses Unit and even the Detention Section can effectively discharge their mandates only through exchanges and interaction with these external actors. Outreach is central to achieving the Court's goal of becoming a well-recognised and supported institution. The Registry is responsible for developing and implementing the outreach programme in line with the Court's detailed Strategic Plan on outreach. The Court must seek to bridge the distance between itself and the affected communities by establishing an effective system of two-way communication. This shall enable a better understanding of their concerns and expectations and shall serve to increase their confidence in international criminal justice.
A model for public administration
The various operational sections, such as the FOS, the Security and Safety Section, together with the RLAS, all play a fundamental role in ensuring the establishment of an adequate, but lean framework for the Court within which they provide their services.

The Division of Administration provides proper information technology, compiles sound and accurate budget proposals, ensures accurate accounting, procures goods, provides logistics, operates field offices and maintains the premises of the Court, among other functions, which all form part of creating an efficient, flexible and accountable organisation.

Critical to these efforts are the functions of the Human Resources Section, which provides substantive input in shaping and implementing the goals related to the organisation’s main asset, namely its staff.

The support that is provided by the Registry to all organs of the Court is also extended to offices that are administratively linked to it.

Herman von Hebel, Registrar

Mr Herman von Hebel (The Netherlands) was elected on 8 March 2013 as the new Registrar for a five-year term. He was sworn in on 16 April 2013 and succeeds Ms Silvana Arbia.

Mr von Hebel has extensive experience in the field of international human rights, international criminal law and the functioning and management of international criminal courts and tribunals. Prior to joining the ICC, he was Deputy Registrar then Registrar of the Special Tribunal for Lebanon (2009 – 2013). He also served as Deputy Registrar then Registrar of the Special Court for Sierra Leone (mid 2006 until 2009). From 2001 until 2006 he was senior legal officer at the International Criminal Tribunal for the Former Yugoslavia.

Mr von Hebel began his career in the Dutch government where he worked in various capacities from 1990 until 2000 at the Ministry of Foreign Affairs and the Ministry of Justice. During that time he was part of the Dutch delegation at the negotiations of the Rome Statute, which led to the establishment of the International Criminal Court.

He studied international law at the University of Groningen, the Netherlands (1981 to 1987).
As part of the International Criminal Court system, victims can send information to the Prosecutor asking her to initiate an investigation. There are also two important innovations with regard to victims. For the first time in the history of international criminal justice, victims have the right to participate in proceedings and request reparations. This means that they may not only testify as witnesses, but may also present their views and concerns at all stages of the proceedings. It is most likely that they will do so through legal representatives. Victims who appear as witnesses before the Court will also receive support and protection.

The role of victims in ICC proceedings complements the efforts undertaken by the Court to hold accountable individuals who are responsible for the most serious crimes of concern to the international community. The principle behind this is that true justice is achieved when voices of victims are heard and their suffering is addressed.

Victims are individuals who have suffered harm as a result of a crime falling within the jurisdiction of the Court. In the event that property dedicated to religion, education, art, science or charity is damaged, organisations or institutions may also be considered victims. It will be up to the judges of the ICC to determine the types of harm that will be covered. However, they are expected to include physical harm to a person’s body; psychological harm, by which a person’s mind has been affected by what he or she has experienced or witnessed; or material harm, by which goods or property have been damaged or lost.

To assist victims the Court has established the Victims Participation and Reparation Section (VPRS) and the Victims and Witnesses Unit (VWU), both within the Registry.

The VPRS assists victims in relation to their applications for participation in the proceedings or for reparations, or both. It also assists victims in obtaining legal advice and organising their legal representation. To identify and reach victims, the VPRS is actively developing relationships with victims’ groups, Non-Governmental Organisations and other national and international organisations, particularly in countries where the Court is active.

The VWU provides protection and psychological support to witnesses, victims who appear before the Court and others who are at risk on account of the testimony they have given. The VWU provides advice, training and assistance to other parts of the Court on how to ensure the safety and well-being of victims and witnesses. Special attention is given to the particular needs of children, the elderly, persons with disabilities and victims of sexual violence or gender-based crimes. The Unit is also responsible for witness protection programmes.

Participation

Victims can play a part in the following manner:

- By sending information to the Prosecutor regarding crimes they believe have been committed;
- By testifying before the Court if called as witnesses;
- Where the victims’ personal interests are affected, by presenting their views and concerns before the Court at all stages of proceedings, in a manner which is not prejudicial to or inconsistent with the rights of the defence and a fair and impartial trial. Victims may do this from the earliest stages of the proceedings for example, at a hearing where the Prosecutor asks for authorisation from the judges to begin an investigation, or when she asks the Court to confirm charges against a suspect through to the trial and appeal stages;
- By requesting reparations.
Victims may apply to participate at any stage of the proceedings by filling in the standard application form for participation. All applications are considered by the relevant chamber of judges. The judges decide whether the person has suffered harm as a result of the commission of a crime under the jurisdiction of the Court. The judges also decide at what stages the victims may present their views and concerns and in what manner they may do so.

Legal representation
Participation of victims in the proceedings will take place in most cases through a legal representative. Generally, victims will not have to travel to the Court if they do not wish to do so. Their legal representatives will present their views and concerns to the Court. Victims are free to choose their legal representative, who must be a person with extensive experience as a criminal lawyer, judge or prosecutor, and fluent in one of the Court’s working languages (English or French).

The ICC will help victims to find a legal representative by providing a list of counsel. Although the Court’s resources for legal aid are limited, the Court may be able to provide some financial assistance. In addition, the Office of Public Counsel for Victims will be available to provide legal assistance to victims without charge.

Where there are many victims, the judges may ask victims to choose a single common legal representative or team of representatives, in order to make the proceedings more efficient. If for any reason the victims are unable to appoint a common legal representation, the judges may ask the ICC Registrar to do so. If the victims are not happy with the Registrar’s choice, they may ask the judges to review it.

Notification
When a Chamber decides on the application of a victim and establishes the manner in which that victim will participate in proceedings in a particular situation or case, he or she will be kept informed of developments at each stage of the proceedings, including the dates of hearings, the decisions of the Court and any appeals.

Reparation
Victims can request reparations for harm they have suffered as the result of a crime within the Court’s jurisdiction. The Court may also decide to deal with reparations on its own initiative, even where victims have not submitted applications. Victims can present their applications and the Court will decide whether or not to make an award of reparation and what form it should take. The Court may order various types of reparation, including the following:

- **Compensation**, which generally means monetary compensation for moral, material and physical harm. This could include compensation for physical and mental harm, loss of earnings, pain, suffering and emotional distress and lost opportunities.

- **Restitution**, which aims to re-establish, as far as possible, the situation that existed for the victims prior to the harm they suffered. This may include restoration of property.

- **Rehabilitation**, which is intended to allow the victims to continue their lives as normally as possible. Rehabilitation may cover costs of medical, psychological or psychiatric care, as well as social, legal and other services needed to restore victims’ well-being and dignity.

At the end of a trial, the Trial Chamber may decide to order a person convicted by the Court to make reparations to victims of the crimes for which he or she has been found guilty. The Court may award reparations either on an individual or a collective basis, whichever is most appropriate for the victims in the particular case. An advantage of collective reparation is that it can help to provide relief to a community as a whole and to place its members in a position to reconstruct their lives. Centres that provide services to victims, for example, could be constructed or symbolic measures could be taken. Furthermore, ICC States Parties have established the Trust Fund for Victims of crimes within the jurisdiction of the Court and their families to provide some form of reparation even when the convicted person does not have sufficient assets.

Protection and support
The Court is obliged to take appropriate measures to protect the safety, physical and psychological well-being, dignity and privacy of victims and witnesses. When victims testify as witnesses before the Court, the Victims and Witnesses Unit provides administrative and logistical support to enable them to appear before the Court, and works to promote a setting in which respect for the witness is guaranteed and in which the experience of testifying does not result in further harm, suffering or trauma. Psychosocial care and other appropriate assistance are also given to individuals accompanying the witnesses.

Disclosure of information
The Court will manage its contact with victims participating in the proceedings or claiming reparations in such a way as to limit any risk to victims or to others, and will handle information received from victims in strict confidentiality.

According to the procedures of the Court, applications for participation or reparations must be disclosed to the Prosecutor and the defence. However, applicants can request that the information they give to the Court is not disclosed, if they are concerned about the implications for their safety or the safety of others. They may also request that such information is not included in the public record of the proceedings. The judges will decide what steps to take and may order measures to protect information provided by a victim or a legal representative.

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The International Criminal Court (ICC) has a mandate to try in a fair and impartial manner and, where guilt is established, punish persons responsible for the most serious crimes of concern to the international community. The Court aims to be a model of judicial administration and is steadfast in its commitment to ensure the proceedings before it are in conformity with the highest legal standards and due process rights of suspects and accused persons. As a fundamental pillar of the scales of justice at the ICC, the defence is a key component of a fair trial.

The importance of safeguarding the rights of the defence is reflected in the Court's founding instrument, the Rome Statute, as well as associated legal texts of the Court and they are effectively guaranteed by the overseeing judicial powers of the judges. Fundamental principles enshrined in the statute include, amongst others, the presumption of innocence and the ground for excluding criminal responsibility. As provided in Article 67 of the Rome Statute, the accused is also entitled to a public, impartial and fair hearing amongst other minimum guarantees that include:

- To be informed in detail of the charges in a language which they fully understand and speak;
- To be tried without undue delay;
- To be defended by themselves or a counsel (lawyer) of their choice, present evidence and call their own witnesses;
- To have adequate time and facilities for the preparation of their defence and to communicate freely and in confidence with counsel;
- To have legal assistance paid by the Court if the person lacks sufficient means;
- To be informed of the identity of prosecution witnesses and to challenge the credibility of these witnesses;
- Not to be compelled to testify or to confess guilt and to remain silent, without such silence being a consideration in the determination of guilt or innocence;
- To have free of any cost, the assistance of a competent interpreter and translations of documents as necessary if they are presented to the Court in a language that the accused does not fully understand and speak;
- To have the Prosecutor disclose to the defence exculpatory evidence in his possession which he believes shows or tends to show the innocence of the accused, or to mitigate the guilt of the accused.

Appointment of counsel: freedom of choice as a principle

Suspects and accused persons have the right to legal representation in proceedings before the Court.

The right to freely choose counsel for suspects and accused persons is a principle that is well safeguarded and entrenched in the legal regime of the Court. Where a suspect or accused person in need of legal representation wishes to appoint his or her own lawyer, the Registry of the Court facilitates this process and provides a pool of qualified counsel. Experienced lawyers who wish to represent defendants must be admitted to the List of Counsel that is currently composed of more than 300 lawyers from around the globe.

Counsel are not however staff members of the Court; they exercise their duties with complete independence in accordance with the Code of Professional Conduct for counsel practicing before the Court.

Appointed counsel is responsible for constructing his or her team, including the selection of the associate counsel, legal assistants, case-managers, resource-persons and professional investigators. The latter along with legal assistants must also be admitted to respective rosters. All members of the defence team have to meet certain qualifications to ensure that they can
assist the defendant effectively and efficiently at the highest international standards.

In situations where a person requires urgent legal assistance and has not yet secured a lawyer, or where his or her counsel is unavailable, the Registrar can appoint duty counsel.

The Chambers can also appoint a lawyer in certain circumstances. For example, a Chamber can appoint ad hoc counsel to represent the general interests of the defence where there is a unique opportunity to take testimony, a statement from a witness or to examine, collect or test evidence which may not be available subsequently for the purposes of a trial.

Finally, a Chamber can appoint counsel where the interests of justice so require. This power includes the possibility of appointing counsel where there is a person against whom charges have been brought by the Prosecutor, where they have not appeared before, or transferred to, the Court and there are procedural issues which require the intervention of counsel.

The legal aid system

A key component in guaranteeing the rights of suspects and accused persons is the legal aid system, which ensures that the costs of legal representation are paid by the Court for those who lack sufficient resources. The ICC Registrar’s decision to recognise a defendant as partially or totally indigent, and whether or not to grant legal aid, is based on objective criteria and a full investigation into the means of the legal aid applicant. Due to the complexity and amount of tasks and materials involved in cases heard before the Court, it is impossible for a single person to manage and secure an effective legal representation. In view of this reality, under the Court’s legal aid system an ideal legal team structure has been envisaged whose remuneration is assumed by the Court. The composition of a team depends on the different stages of the proceedings.

Above and beyond the resources available to a legal team under the Court’s legal aid system, counsel can request additional resources on the basis of actual needs of the case, including the number of charges, the number of pages in the case file, etc.

Administrative and logistical support for the defence

To guarantee the rights of defendants at all times during the proceedings, the Registry takes all appropriate measures to ensure that the chosen counsel and his or her team, where applicable, are capable of fully exercising their mandates. For example, the Registry provides all appointed counsel and other members of the legal team a series of services including but not limited to, interpretation and translation services, training for the e-court technology system, office space at the seat of the Court equipped with the necessary office supplies.

The Court provides counsel and their teams with assistance and support in the execution of their investigative requirements. These services include office use, security support, liaison with national authorities and the organisation of local transport.

The Counsel Support Section is the focal point of the above-mentioned services, and is established to provide institutional backing to external counsel and their team members.
Outreach and Public Information Field Programmes help to ensure that the International Criminal Court (ICC) is a well-recognized institution amongst relevant groups of people from countries which suffered from crimes currently under investigation by the ICC. These Programmes fall under the registry, the neutral Organ of the Court. Through its activities the ICC:

- Ensures public access to adequate information on the ICC proceedings
- Engages journalists for a wider dissemination of timely, accurate information about the Court, to inform affected communities, and to counter any misperceptions
- Provides meaningful information and explanations to concerned populations
- Engages grassroots communities to inform about victims' rights, explain judicial proceedings, answer questions, address concerns, and foster realistic expectations about the Court's work
- Maintains informed and updated established networks of trusted partners

Currently, outreach and public information field teams are established where the Court has external offices, and its operations are conducted in the territories of Uganda, the Democratic Republic of the Congo, Central African Republic, Cote D'Ivoire, and Kenya. The Outreach programme endeavours, in cooperation with other units and sections at the Court, to conduct activities outside of the territories of the other situation-related countries, Libya, Darfur (Sudan) and Mali, and/or inform the relevant groups of their populations via the ICC website, YouTube channel, social media, international and regional media and NGOs.
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, two 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. Mathieu Ntaganda; The Prosecutor v. Alfred Yekatom and The Prosecutor v. Sylvester Mubanga. Thomas Lubanga Dyilo, Germain Katanga and Bosco Ntaganda are currently in the ICC's custody. Sylvestre Mubanga 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 1 December 2014, the Appeals Chamber confirmed, by majority, the verdict declaring Mr Lubanga guilty and the decision sentencing him to 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 its decision, the Appeals Chamber ordered the Trial Chamber to establish the nature and extent of the direct and indirect harm caused to victims and to determine the appropriate forms of reparations to be provided. The trial in the case The Prosecutor v. 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 27 February 2015, the Appeals Chamber confirmed by majority, Trial Chamber II's decision of 18 December 2012 acquitting Mathieu Ngudjolo Chui of charges of crimes against humanity. 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, itul, on 24 February 2003. The Prosecutor and the Defence had appealed the judgment, but discontinued the appeals on 26 June 2014. The judgment is now final. 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 issued a ruling on 23 December 2011. On 22 March 2013, Bosco Ntaganda surrendered himself to the Court voluntarily and is now in the ICC's custody. On 9 June 2014, Pre-Trial Chamber II unanimously confirmed charges consisting in 33 counts of war crimes and 5 counts of crimes against humanity against Bosco Ntaganda and committed him for trial before a Trial Chamber. On 22 April 2015, Trial Chamber VI rescheduled the opening of the trial to July 2015. A specific date will be announced in due course.

Ntaganda Case

Trial to commence in July 2015

On 22 April 2015, Trial Chamber VI of the International Criminal Court (ICC) issued an oral ruling during a status conference, rescheduling the opening of the trial in the case The Prosecutor v. Bosco Ntaganda to the second or the third week of July 2015. A specific date will be announced in due course for the trial's commencement date, which was initially scheduled for 3 June 2015.

The Chamber considered a request by the Defence to postpone the trial's opening until 2 November 2015, which was opposed by the Prosecution and the Legal Representatives of Victims. The Chamber also considered the recent Registry's submissions indicating that an additional period of approximately one month would be required to facilitate the holding of opening statements in the Democratic Republic of the Congo (DRC). Having considered the Registry's need for extra time, as well as all other relevant factors, and having indicated that the Chamber was not satisfied that the Defence's submissions justify a postponement of the length requested, the Chamber decided to postpone the opening statements to the second or the third week of July 2015. This decision was issued without prejudice to the Presidency's decision on whether they are to be held in the DRC or not, and that the presentation of the prosecution's evidence will commence provisionally on the week of 17 August 2015.

For more information on this case, click here.

Decisions and orders

Decision replacing a member of the Presidency for the purpose of deliberating on the recommendation submitted to the Presidency by Trial Chamber VI

Issued by the Presidency on 23 April 2015
Katanga Case

Decisions and orders

Version publique expurgée Décision relative à la requête des Nations Unies aux fins de prolongation du délai fixé pour le dépôt d'observations dans le cadre de la procédure en réparation
Issued by Trial Chamber II on 24 April 2015

Décision relative à la requête du Fonds au profit des victimes aux fins de prolongation du délai fixé pour le dépôt d'observations dans le cadre de la procédure en réparation
Issued by Trial Chamber II on 24 April 2015

Ngudjolo Chui Case

Decisions and orders

Décision sur la requête de la Défense sollicitant des instructions de la Chambre en vue de la soumission de sa requête en indemnisation sur pied de Partie 83
Issued by Trial Chamber II on 24 April 2015

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 closing oral statements took place on 12 and 13 November 2014. The judges have commenced their deliberations and the judgement will be pronounced in due course. On 11 November 2014, Pre-Trial Chamber II partially confirmed the charges for Jean-Pierre Bemba Gombo, Aimé Kitolo Musamba, Jean-Jacques Mangenda Kabongo, Fidèle Babala Wandu, and Narcisse Izako and committed the five suspects to trial for offences against the administration of justice allegedly committed in connection with the case of The Prosecutor v. Jean-Pierre Bemba Gombo. On 30 January 2015, the Presidency of the ICC constituted Trial Chamber VII, which will be in charge of the trial in this case. On 21 October 2014, Pre-Trial Chamber II ordered the interim release of Aimé Kitolo Musamba, Jean-Jacques Mangenda Kabongo, Fidèle Babala Wandu and Narcisse Izako.

Bemba, Kitolo et al. Case

Decisions and orders

Decision on the request of Mr Babala related to telephone surveillance
Issued by Trial Chamber VII on 20 April 2015

Situation in Uganda

The cases The Prosecutor v. Joseph Kony, Vincent Otti, Okot Odhiambo and The Prosecutor v. Dominic Ongwen are currently being heard before Pre-Trial Chamber II. Five warrants of arrest have been issued against five top members of the Lords Resistance Army (LRA). Following the confirmation of the death of Mr Lukwja, the proceedings against him have been terminated. On 16 January 2015, Dominic Ongwen was surrendered to the ICC's custody and transferred to the ICC Detention Centre on 21 January 2015. His initial appearance before the single Judge of Pre-Trial Chamber II took place on 26 January 2015. The opening of the confirmation of charges hearing in respect of Dominic Ongwen is scheduled for 21 January 2016. On 6 February 2015, Pre-Trial Chamber II severed the proceedings against Dominic Ongwen from the Kony et al. case. The three remaining suspects are still at large.

Ongwen Case

Decisions and orders

Decision on issues related to disclosure and exceptions thereto
Issued by Pre-Trial Chamber II on 23 April 2015

Decision replacing a judge in the Appeals Chamber
Issued by the Presidency on 20 April 2015
**Situation in Kenya**

On 31 March 2010, Pre-Trial Chamber II granted the Prosecutor’s request to open an investigation *propter rem* 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 22 January 2012, the judges confirmed the charges only against William Samoei Ruto, Joshua Arap Sang, Francis Kipchirchir Muthaura and Uhuru Muigai Kenyatta and committed them to trial. On 18 March 2013, the charges against Francis Kipchirchir Muthaura were withdrawn. The trial in the case *The Prosecutor v. William Samoei Ruto and Joshua Arap Sang* started on 10 September 2013. On 19 September 2014, Trial Chamber VI(b) vacated the trial commencement date in the case *The Prosecutor v. Uhuru Muigai Kenyatta*, provisionally scheduled for 7 October 2014. On 3 December 2014, the Chamber rejected the Prosecutor’s request for further adjournment and directed the Prosecutor to indicate either its withdrawal of charges or readiness to proceed to trial. Subsequently, on 5 December 2014, the Prosecutor filed a notice to withdraw charges against Mr. Kenyatta. On 13 March 2015, Trial Chamber VI(b), noting the Prosecutor’s withdrawal of charges against Mr. Kenyatta, decided to terminate the proceedings in this case and to vacate the summonses to appear against him. On 2 October 2013, Pre-Trial Chamber II unsealed an arrest warrant in the case *The Prosecutor v. Walter Mwai Kibaki*, initially issued on 7 August 2013, for several offences against the administration of justice, consisting of corruptly influence or attempting to corruptly influence ICC witnesses, Mr. Kibaki is not in the Court’s custody.

**Kenya Case**

**Decisions and orders**

Decision on the victims’ request to participate in the appeal proceedings

Issued by the Appeals Chamber on 24 April 2015

**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 jurisdiction for the investigation in Côte d'Ivoire to include crimes within the jurisdiction of the Court committed between 19 September 2002 and 28 November 2010. Laurent Gbagbo and Charles Blé Goudé are accused of four counts of crimes against humanity (murder, rape, other inhumane acts or - in the alternative - attempted murder, and persecution) allegedly committed in the context of post-electoral violence in Côte d'Ivoire between 16 December 2010 and 17 April 2011. Charges were confirmed against them on 12 June 2014 and 11 December 2014 respectively, and their trial assigned to Trial Chamber I. On 11 March 2015, Trial Chamber I joined the two cases in order to ensure the efficacy and expeditiousness of the proceedings. The Chamber will set the trial date in due course. Laurent Gbagbo and Charles Blé Goudé are in the Court’s custody. 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 11 December 2014, Pre-Trial Chamber I rejected the Republic of Côte d'Ivoire's challenge to the admissibility of the case against Simone Gbagbo before the Court, and reminded Côte d'Ivoire of its obligation to surrender Simone Gbagbo to the Court without delay. Mrs. Gbagbo is not in the custody of the Court.

**Gbagbo and Blé Goudé Case**

**Decisions and orders**

Decision on Defence requests for leave to appeal the 'Decision on Prosecution requests to join the cases of The Prosecutor v. Laurent Gbagbo and The Prosecutor v. Charles Blé Goudé and related matters' (including Partial Dissenting Opinion of Judge Olga Herrera Carvajal)

Issued by Trial Chamber I on 22 April 2015

**Situation on Registered Vessels of the Union of the Comoros, the Hellenic Republic and the Kingdom of Cambodia**

On 5 July 2013, the Presidency of the International Criminal Court (ICC) assigned “the Situation on Registered Vessels of the Union of the Comoros, the Hellenic Republic and the Kingdom of Cambodia” to Pre-Trial Chamber I. This situation was referred to the Court by the Union of the Comoros regarding an attack on vessels registered respectively to the Comoros, Greece and Cambodia, which are all States Parties to the Rome Statute. On 6 November 2014, the Office of the Prosecutor announced that it was concluding the preliminary examination of the situation referred by the Union of Comoros because legal requirements of the Rome Statute had not been met. On 29 January 2015, the Representatives of the Government of the Union of the Comoros filed an Application for Review pursuant to Article 53(7) of the Prosecutor’s Decision of 6 November 2014 not to initiate an investigation in the Situation.

**Decisions and orders**

Decision on the Victims’ Participation

Issued by Pre-Trial Chamber I on 24 April 2015

**Relevant Links**

Courtroom proceedings can be followed on the ICC website: www.icc-cpi.int, where you can also consult the hearing schedule.
Situations and cases

22 cases in 9 situations have been brought before the International Criminal Court.

Pursuant to the Rome Statute, the Prosecutor can initiate an investigation on the basis of a referral from any State Party or from the United Nations Security Council. In addition, the Prosecutor can initiate investigations *proprio motu* on the basis of information on crimes within the jurisdiction of the Court received from individuals or organisations (“communications”).

To date, four States Parties to the Rome Statute – Uganda, the Democratic Republic of the Congo, the Central African Republic and Mali – have referred situations occurring on their territories to the Court. In addition, the Security Council has referred the situation in Darfur, Sudan, and the situation in Libya – both non-States Parties. After a thorough analysis of available information, the Prosecutor has opened and is conducting investigations in all of the above-mentioned situations.

On 31 March 2010, Pre-Trial Chamber II granted the Prosecution authorisation to open an investigation *proprio motu* in the situation of Kenya. In addition, 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.

**Situation in Uganda**

The cases *The Prosecutor v. Joseph Kony, Vincent Otti, and Okot Odhiambo* and *The Prosecutor v. Dominic Ongwen* are currently being heard before Pre-Trial Chamber II. Five warrants of arrest have been issued against five top members of the Lords Resistance Army (LRA). Following the confirmation of the death of Mr Lukwia, the proceedings against him have been terminated. On 16 January 2015, Dominic Ongwen was surrendered to the ICC’s custody and transferred to the ICC Detention Centre on 21 January 2015. His initial appearance before the single Judge of Pre-Trial Chamber II took place on 26 January 2015. The opening of the confirmation of charges hearing in respect of Dominic Ongwen is scheduled for 21 January 2016. On 6 February 2015, Pre-Trial Chamber II severed the proceedings against Dominic Ongwen from the Kony et al. case. The three remaining suspects are still at large.

**Situation in the Democratic Republic of the Congo**

In this situation, the following 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 Mubacumure.* Thomas Lubanga Dyilo, Germain Katanga and Bosco Ntaganda are currently in the custody of the ICC. Sylvestre Mubacumure remains at large.

Trial Chamber I convicted Mr Lubanga Dyilo on 14 March 2012. The trial in this case, *The Prosecutor v. Thomas Lubanga Dyilo,* had started on 26 January 2009. On 10 July 2012, he was sentenced to a total period of 14 years of imprisonment. The time he spent in the ICC’s custody will be deducted from this total sentence. On 1 December 2014, the Appeals Chamber confirmed, by majority, the verdict declaring Mr Lubanga guilty and the decision sentencing him to 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. On 3 March 2015, the Appeals Chamber amended Trial Chamber I’s order for reparations and instructed the Trust Fund for Victims to present a draft implementation plan for collective reparations to the newly constituted Trial Chamber I within six months.

The trial in the case of *The Prosecutor v. Germain Katanga and Mathieu Ngudjolo Chui* started on 24 November 2009. Closing statements in the case 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, Mathieu Ngudjolo Chui was released from custody. The Office of the Prosecutor has appealed the verdict. On 27 February 2015, the Appeals Chamber confirmed the decision acquitting Mathieu Ngudjolo Chui of charges of crimes against humanity.

On 7 March 2014, Trial Chamber II found German Katanga guilty, as an accessory, within the meaning of article 25(3)(d) of the Rome Statute, of one count of crime against humanity (murder) and four counts of war crimes (murder, attacking a civilian population, destruction of property and pillaging) committed on 24 February 2003 during the attack on the village of Bogoro, in the Ituri district of the DRC. The Chamber acquitted Germain Katanga of the other charges that he was facing. On 25 June 2014, the Defence for Germain Katanga and the Office of the Prosecutor discontinued their appeals against the judgment in the Katanga case. The judgment is now final. On 23 May 2014, Trial Chamber II 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.

The confirmation of charges hearing in the case The Prosecutor v. Callixte Mbarushimana took place 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. Mr Mbarushimana was released from the ICC's custody on 23 December 2011, upon the completion of the necessary arrangements, as ordered by Pre-Trial Chamber I.

On 22 March 2013, Bosco Ntaganda surrendered himself 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 took place on 10-14 February 2014. On 9 June 2014, Pre-Trial Chamber II unanimously confirmed charges consisting in 13 counts of war crimes (murder and attempted murder; attacking civilians; rape; sexual slavery of civilians; pillaging; displacement of civilians; attacking protected objects; destroying the enemy’s property; and rape, sexual slavery, enlistment and conscription of child soldiers under the age of fifteen years and using them to participate actively in hostilities) and 5 counts of crimes against humanity (murder and attempted murder; rape; sexual slavery; persecution; forcible transfer of population) against Bosco Ntaganda and committed him for trial before a Trial Chamber. On 22 April 2015, Trial Chamber VI rescheduled the opening of the trial, initially scheduled for 2 June 2015, to the second or the third week of July 2015. A specific date will be announced in due course.

**Situation in Darfur, Sudan**


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 hearing of confirmation of charges, on February 2010, Pre-Trial Chamber I declined to confirm the charges. Mr Abu Garda is not in the custody of the ICC.

Two other summonses to appear were issued for 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’s Prosecutor against Mr Banda and Mr Jerbo, and committed them to trial. 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 11 September 2014, Trial Chamber IV issued an arrest warrant against Abdallah Banda Abakaer Nourain. The Chamber also vacated the trial date previously
scheduled to open on 18 November 2014 and directed the ICC Registry to transmit
the new requests for arrest and surrender to any State, including the Sudan, on
whose territory Mr Banda may be found.

**Situation in the Central African Republic**

The situation was referred to the Court by the Government of the Central African
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 closing oral statements took
place on 12 and 13 November 2014. The judges have commenced their
deliberations and the judgement will be pronounced in due course. On
11 November 2014, Pre-Trial Chamber II partially confirmed the charges for Jean-
Pierre Bemba Gombo, Aimé Kilolo Musamba, Jean-Jacques Mangenda Kabongo,
Fidèle Babala Wandu, and Narcisse Arido and committed the five suspects to trial
for offences against the administration of justice allegedly committed in connection
with the case of *The Prosecutor v. Jean-Pierre Bemba Gombo*. On 30 January 2015,
the Presidency of the ICC constituted Trial Chamber VII, which will be in charge of
the trial in this case. On 21 October 2014, Pre-Trial Chamber II ordered the interim
release of Aimé Kilolo Musamba, Jean-Jacques Mangenda Kabongo, Fidèle Babala
Wandu and Narcisse Arido. Aimé Kilolo Musamba, Narcisse Arido and Fidèle Babala
Wandu were subsequently released from ICC custody. The release of Jean-Jacques
Mangenda Kabongo will be implemented as soon as the ICC Registry finalises all
the necessary arrangements.

**Situation in the Republic of Kenya**

On 31 March 2010, Pre-Trial Chamber II granted the Prosecutor’s request to open
Following summonses to appear issued on 8 March 2011, six Kenyan citizens
voluntarily appeared before Pre-Trial Chamber II on 7 and 8 April 2011. The
confirmation of charges hearing in the case *The Prosecutor v. William Samoei Ruto
and Joshua Arap Sang* were held from 1 to 8 September 2011. The confirmation of
charges hearing in the case *The Prosecutor v. Uhuru Muigai Kenyatta* took place
from 21 September to 5 October 2011. On 23 January 2012, the judges declined to
confirm the charges against Henry Kiprono Kosgey and Mohammed Hussein Ali.
Pre-Trial Chamber II confirmed the charges 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 of William Samoei Ruto and Joshua Arap started on 10
September 2013. On 9 September 2014, Trial Chamber V(b) vacated the trial
commencement date in the case *The Prosecutor v. Uhuru Muigai Kenyatta*, which
had been provisionally scheduled for 7 October 2014. On 3 December 2014, ICC
Trial Chamber V(b) rejected the Prosecutor’s request for further adjournment and
directed the Prosecutor to indicate either its withdrawal of charges or readiness to
proceed to trial. Subsequently, on 5 December 2014, the Prosecutor filed a notice
to withdraw charges against Mr. Kenyatta. On 13 March 2015, Trial Chamber V(B),
noting the Prosecutor’s withdrawal of charges against Mr. Kenyatta, decided to
terminate the proceedings in this case and to vacate the summons to appear against
him. On 2 October 2013, Pre-Trial Chamber II unsealed an arrest warrant against
Walter Osapiri Barasa, initially issued on 2 August 2013, for several offences
against the administration of justice consisting in corruptly or attempting to
corruptly influencing ICC witnesses.

**Situation in Libya**

On 26 February 2011, the United Nations Security Council decided unanimously to
refer the situation in Libya since 15 February 2011 to the ICC Prosecutor. On 3
March 2011, the ICC Prosecutor announced his decision to open an investigation in
the situation in Libya, which was assigned by the Presidency to Pre-Trial Chamber
I. 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. The two other suspects are not in the custody of the Court. On 31 May 2013, Pre-Trial Chamber I rejected Libya’s challenge to the admissibility of the case against Saif Al Islam Gaddafi and reminded Libya of its obligation to surrender the suspect to the Court. On 21 May 2014, the ICC Appeals Chamber confirmed the decision of Pre-Trial Chamber I declaring the case against Saif Al-Islam Gaddafi admissible. On 11 October 2013, Pre-Trial Chamber I decided that the case against Abdullah Al-Senussi is inadmissible before the ICC as it was currently subject to domestic proceedings conducted by the Libyan competent authorities and that Libya is willing and able genuinely to carry out such investigation. On 24 July 2014, the Appeals Chamber unanimously confirmed Pre-Trial Chamber I’s decision, declaring the case against Abdullah Al-Senussi inadmissible before the ICC.

**Situation in Côte d’Ivoire**

Côte d’Ivoire, 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 15 February 2013, Côte d’Ivoire ratified the Rome Statute. 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. 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.

Laurent Gbagbo and Charles Blé Goudé are accused of four counts of crimes against humanity (murder, rape, other inhumane acts or – in the alternative – attempted murder, and persecution) allegedly committed in the context of post-electoral violence in Côte d’Ivoire between 16 December 2010 and 12 April 2011. Charges were confirmed against them on 12 June 2014 and 11 December 2014, respectively and their trial assigned to Trial Chamber I. On 11 March 2015, Trial Chamber I joined the two cases in order to ensure the efficacy and expeditiousness of the proceedings. The Chamber will set the trial date in due course. Laurent Gbagbo and Charles Blé Goudé are in the Court’s custody.

On 22 November 2012, Pre-Trial Chamber I decided to unseal a warrant of arrest issued initially on 29 February 2012 against Simone Gbagbo for four counts of crimes against humanity allegedly committed in the territory of Côte d’Ivoire between 16 December 2010 and 12 April 2011. Mrs. Gbagbo is not in the custody of the Court.

**Situation in Mali**

On 16 January 2013, the Office of the Prosecutor opened an investigation into alleged crimes committed on the territory of Mali since January 2012.

The situation in Mali was referred to the Court by the Government of Mali on 13 July 2012. After conducting a preliminary examination of the situation, including an assessment of admissibility of potential cases, the OTP determined that there was a reasonable basis to proceed with an investigation.

The situation in Mali is assigned to Pre-Trial Chamber II.

**Situation in the Central African Republic II**

On 24 September 2014, following an independent and comprehensive preliminary examination, the Office of the Prosecutor announced the opening of open a second investigation in the Central African Republic (CAR) with respect to crimes allegedly committed since 2012.
On 30 May 2014, the ICC Prosecutor received a referral from the Central African authorities regarding crimes allegedly committed on CAR territory since 1 August 2012. The situation is assigned to Pre-Trial Chamber II.

The OTP is currently conducting preliminary examinations in a number of situations including Afghanistan, Georgia, Guinea, Colombia, Honduras, Korea and Nigeria.

**Submitting Information**

To submit information about alleged crimes, please write to:

International Criminal Court  
Office of the Prosecutor  
Communications  
Post Office Box 19519  
2500 CM The Hague  
The Netherlands.

Or email: otp.informationdesk@icc-cpi.int.

Or send information by facsimile to: +31 70 515 8555.