

Democratic Republic of the Congo
Ministry of Foreign Affairs
International Cooperation and La Francophonie

Ref. 130AE/131.10.3.4/357/2013

The Ministry of Foreign Affairs, International Cooperation and La Francophonie presents its compliments to the Secretariat of the Assembly of States Parties in The Hague and has the honour to refer to its Note Verbale reference number ICC-ASP/12/S/ of 13 February 2013 on information relevant to paragraph 6, sub-paragraph (h) of the Plan of Action to achieve universality and full implementation of the Rome Statute and in particular national contact points for matters related to promotion of ratification and full implementation of the Rome Statute.

The Ministry of Foreign Affairs informs the Secretariat that **Ms Fidelie Kasanji Kalala**, Bureau Chief responsible for United Nations Subsidiary Organs and Expert on ICC matters at the Directorate for International Organisations (Direction des Organisations Internationales) at the Ministry of Foreign Affairs, is hereby appointed as “National Contact Point” and her contact details are as follows: Tel. +243 99 78 75 695, +243 89 55 13 807; E-mail: fidefrans@yahoo.fr

The Ministry of Foreign Affairs, International Cooperation and La Francophonie would like to take this opportunity to renew to the Assembly of States Parties in The Hague the assurances of its highest consideration.

Kinshasa, 20 [illegible] 2013

TO THE SECRETARIAT OF THE ASSEMBLY
OF STATES PARTIES IN THE HAGUE
OFFICE C-0458, MAANWEG 174,
2516 AB THE HAGUE, THE NETHERLANDS

MINAFFECIF: Place de l'Indépendance, Commune de la Gombe – Kinshasa

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**PERMANENT MISSION OF THE DEMOCRATIC REPUBLIC OF THE CONGO
TO THE UNITED NATIONS**

866 UNITED NATIONS PLAZA, SUITE 511, NEW YORK, NY 10017

Tel. 1-212-319-8061

Fax: 1-212-319-8232

Reference: 132.61/RDCONU/A3/520/13

The Permanent Mission of the Democratic Republic of the Congo to the United Nations Organization presents its compliments to the Secretariat of the Assembly of States Parties to the Rome Statute and, referring to the information requested pursuant to the provisions of paragraph 6, sub-paragraph (h) of the Plan of Action for achieving universality and full implementation of the Rome Statute, has the honour of informing the Secretariat that Ms Fidélie Kasanji Kalala, Bureau Chief responsible for United Nations Subsidiary Organs and Expert on ICC matters at the Directorate for International Organisations (*Direction des Organisations Internationales*) at the Ministry of Foreign Affairs, has been appointed as National Contact Point for matters relevant to promotion of the ratification and implementation of the Rome Statute.

The Permanent Mission of the Democratic Republic of the Congo to the United Nations Organization would like to take this opportunity to renew to the Secretariat of the Assembly of States Parties the assurances of its highest consideration.

New York, 04 November 2013

To:

The Secretariat of the Assembly of States Parties

to the Statute of the International Criminal Court

Office C-0690, Maanweg 174, 2516 AB, The Hague, The Netherlands

Fax: +31 70 381 54 76

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The Permanent Mission of the Democratic Republic of the Congo to the United Nations Organization presents its compliments to the Secretariat of the Assembly of States Parties to the Rome Statute and, referring to the information requested pursuant to the provisions of paragraph 6, sub-paragraph (h) of the Plan of Action for achieving universality and full implementation of the Rome Statute, has the honour of submitting as an Annex to this memorandum, the Government's response to the implementing legislation questionnaire for States Parties.

The Permanent Mission of the Democratic Republic of the Congo to the United Nations Organization would like to take this opportunity to renew to the Assembly of States Parties the assurances of its highest consideration.

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ANNEX III

RESPONSE TO THE IMPLEMENTING LEGISLATION QUESTIONNAIRE FOR STATES PARTIES

1. No, to date the Government of the Democratic Republic of the Congo has not adopted any national legislation implementing the Rome Statute or enacted legislation pertaining to the Rome Statute.
2. To include the provisions of the Statute into national law, after the Government of the Republic acceded to the Rome Statute it:
 - Tasked the Ministry for Justice and Human Rights with proposing legislation to implement the Rome Statute: a Bill for the amendment of certain provisions in the Penal Code, the Criminal Procedure Code and the Military Penal Code of the Republic in accordance with the Rome Statute of the International Criminal Court, known as the Implementing Act. The work was carried out at the time by the Commission for the Standing Reform of Congolese Legislation (*Commission de Réforme permanente du Droit Congolais*), a specialist department within the Ministry, and was then adopted by the Government at a Cabinet Meeting and finally sent to Parliament to be examined and adopted. After the Government Bill, two Members of Parliament submitted a draft Bill along the same lines, which is being examined by Parliament. The Bill combines the national provisions which are consistent, together with the ICC instruments, to obtain a single text which is easy to apply;
 - Signed a legal cooperation agreement with the Office of the Prosecutor of the International Criminal Court which has been applied a number of times;
 - Recognised the jurisdiction of the Court of Appeal to examine offences under the Rome Statute, again through its Ministry of Justice;
 - Drafted a text, which is being examined, to establish a special Chamber or Court in the absence of an International Criminal Tribunal for the DRC;
 - Organised several seminars attended by civil society with a view to improving this legislation.
3. The DRC, a country which has a situation before the ICC, had just exited the political agreement known as the “Global and Inclusive Agreement”, which aimed to bring together all political movements, and in particular former enemies, and those same political figures were members of the Government, the National Assembly and the Senate. So much so that political collaboration at the time could not accept changes to the text, which would have disadvantaged the ex-warlords and their henchmen. This was therefore a purely political obstacle which the Government came up against in its efforts to introduce the provisions of the Rome Statute in its domestic legislation.
4. Technical assistance (in the making since no legal decisions have yet been taken regarding the new law on the organisation and running which grants jurisdiction to the

Court of Appeal to hear international crimes committed by those not in the armed forces and logistical support for the Commission for the Standing Reform of Congolese law, which has a number of experts on issues involving violations of international humanitarian law).