



General Assembly

Distr.: General
19 August 2022

Original: English

Seventy-seventh session

Item 72 of the provisional agenda*

Report of the International Criminal Court

Report of the International Criminal Court

Note by the Secretary-General

The annual report of the International Criminal Court on its activities for 2021/22 is submitted herewith to the General Assembly in accordance with article 6 of the Relationship Agreement between the United Nations and the International Criminal Court and paragraph 29 of General Assembly resolution [76/5](#).

* [A/77/150](#).



Report of the International Criminal Court on its activities in 2021/22

Summary

In its twentieth anniversary year, the International Criminal Court made significant progress and expanded its activities despite the challenges caused by the coronavirus disease (COVID-19) pandemic. Among notable developments, two trials commenced, two trials continued, and a fifth one entered the preparation phase, bringing the Court's trial activity to an unprecedented level. Three new arrest warrants were issued, and a fourth one was unsealed; one suspect was transferred to the Court; and three new investigations were opened. Reparations to victims continued to gain prominence in the Court's work, with the Trust Fund for Victims implementing reparation orders in four cases, alongside assistance projects benefiting more than 17,000 victims. In addition to its judicial and prosecutorial activities, the Court continued to engage actively in the review process aimed at strengthening the institution and the wider Rome Statute system.

Since its establishment, the Court has opened 31 cases, involving 50 suspects or accused. Investigations have been opened with regard to 17 situations: Afghanistan, Bangladesh/Myanmar, Burundi, Central African Republic I and II, Côte d'Ivoire, Darfur (Sudan), Democratic Republic of the Congo, Georgia, Kenya, Libya, Mali, Philippines, State of Palestine, Uganda, Ukraine and Venezuela (Bolivarian Republic of) I.

With regard to the situation in Darfur, the trial of Ali Muhammad Ali Abd-Al-Rahman began on 5 April 2022 on charges of war crimes and crimes against humanity. This is the first trial to commence before the Court on the basis of a referral by the Security Council.

With regard to Central African Republic II, the Prosecution's presentation of evidence in the trial of Alfred Yekatom and Patrice-Eduoard Ngaïsonna continued. In the same situation, Maxime Jeoffroy Eli Mokom Gawaka was surrendered to the Court, and 26 September 2022 was set as the date for the trial for Mahamat Said Abdel Kani after the charges of crimes against humanity and war crimes against him had been partially confirmed. Furthermore, an arrest warrant against Mahamat Nouradine Adam, issued in 2019, was unsealed.

With regard to the situation in Mali, the trial of Al Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud continued on charges of crimes against humanity and war crimes allegedly committed in Timbuktu, Mali.

With regard to the situation in Kenya, the trial of Paul Gicheru for alleged offences consisting in corruptly influencing witnesses commenced, and closing statements were held.

With regard to the situation in Georgia, arrests warrants were issued for David Georgiyevich Sanakoev, Gamlet Guchmazov and Mikhail Mayramovich Mindzaev in relation to crimes allegedly committed during the 2008 armed conflict between the Russian Federation and Georgia.

The Prosecutor opened an investigation into the situation in Ukraine, referred to him by a total of 43 States parties. The Prosecutor also opened investigations into the situations in the Philippines and in Venezuela (Bolivarian Republic of). The Government of each of the two States has requested the Prosecutor to defer to the investigation of national authorities; the Prosecutor has requested authorization from

the Pre-Trial Chamber to resume investigative activities in the former situation and signalled his intention to do the same in the latter situation.

The Court is grateful for the support from the United Nations across its activities. It continued to receive highly valuable cooperation from the United Nations on a wide range of issues on a cost-reimbursable basis, notably in the form of operational assistance in the field. In addition, the cooperation, assistance and support of States parties and other States remained essential to the Court's operations.

Court-issued arrest warrants remain outstanding against 15 individuals:

- (a) Democratic Republic of the Congo: Sylvestre Mudacumura, since 2012;^a
- (b) Uganda: Joseph Kony and Vincent Otti, since 2005;
- (c) Central African Republic: Mahamah Nouradine Adam, since 2019;
- (d) Darfur: Ahmad Harun, since 2007; Omar Al-Bashir, since 2009 and 2010; Abdel Raheem Muhammad Hussein, since 2012; and Abdallah Banda, since 2014;
- (e) Kenya: Walter Barasa, since 2013; Philip Kipkoech Bett, since 2015;
- (f) Libya: Saif Al-Islam Gaddafi, since 2011; Al-Tuhamy Mohamed Khaled, since 2013;^b
- (g) Georgia: David Georgiyevich Sanakoev, Gamlet Guchmazov and Mikhail Mayramovich Mindzaev, since 2022.

The Court calls on States parties and others to provide the cooperation and assistance necessary for their arrest and surrender to the Court.

^a The Office of the Prosecutor is in the process of verifying the reported death of Sylvestre Mudacumura (in 2019).

^b The Office of the Prosecutor has received confirmation of the death of Al-Tuhamy Mohamed Khaled (in 2021) and is in the process of notifying the Pre-Trial Chamber.

Introduction

1. The present report, which covers the period from 1 August 2021 to 31 July 2022, is submitted in accordance with article 6 of the Relationship Agreement between the United Nations and the International Criminal Court (see [A/58/874](#) and [A/58/874/Add.1](#)).¹

I. Update on judicial and prosecutorial activities

A. Situations and cases

2. During the reporting period, the Chambers issued over 700 written decisions, in addition to oral and email decisions. Approximately 200 trial hearings were held, alongside status conferences and other hearings.

3. A combined total of approximately 13,000 victims participated in cases before the Court during the reporting period. The Court received more than 2,449 new victim application forms, including 468 in the *Al Hassan* case and 713 in the cases related to the Central African Republic II situation. A total of 195 representation forms were received with regard to the situations in Afghanistan and the Philippines for article 18 and article 15 processes, respectively. Altogether, 1,110 application forms for reparations were received in the reparation proceedings in the *Al Mahdi* and *Lubanga* cases. In addition, the Court received follow-up information for 400 existing applications.

1. Situation in the Democratic Republic of the Congo

Judicial proceedings

The Prosecutor v. Thomas Lubanga Dyilo

4. Trial Chamber II remained seized of the implementation plans for symbolic collective reparations and collective service-based reparations. To date, 1,547 victims have been deemed eligible for an award of reparations, and 555 beneficiaries are benefiting from service-based reparations.

The Prosecutor v. Germain Katanga

5. Trial Chamber II remained seized of the implementation of its reparations order issued on 24 March 2017, wherein individual and collective reparations were granted to 297 victims. The implementation of individual reparations has been completed; the implementation of collective reparations continues.

The Prosecutor v. Bosco Ntaganda

6. Trial Chamber II remained seized of the implementation of the reparation order issued on 8 March 2021. In the light of its finding as to the joint liability *in solidum* of Mr. Ntaganda and co-perpetrators, the Chamber adopted, for the purposes of reparations in the *Ntaganda* case, the reparation programmes ordered in the *Lubanga* case, in relation to the overlapping victims and harm in both cases. The Trust Fund for Victims submitted an updated draft implementation plan on 24 March 2022. Appeals by Mr. Ntaganda and one of the legal representatives of victims against the reparation order remain pending.

¹ More information on the Court's activities can be found on its website, available at www.icc-cpi.int.

2. Situation in Uganda

Judicial proceedings

The Prosecutor v. Dominic Ongwen

7. Trial Chamber IX is seized of reparations proceedings; submissions were received between December 2021 and March 2022.

8. Defence appeals against the conviction and sentence are pending. A hearing involving submissions from the parties, the victims and *amici curiae* was held from 14 to 18 February 2022.

3. Situation in Central African Republic I and situation in Central African Republic II

9. On 28 July 2022, Pre-Trial Chamber II issued a public redacted version of the warrant of arrest against Mahamat Nouradine Adam for alleged war crimes and crimes against humanity committed in detention centres in Bangui between at least 12 April 2013 and at least 27 November 2013. The warrant of arrest had originally been issued under seal on 7 January 2019, following the Prosecutor's application.

(a) *Judicial proceedings*

The Prosecutor v. Alfred Yekatom and Patrice-Edouard Ngaïssona

10. The Prosecution's presentation of evidence, which had commenced on 15 March 2021, continued. To date, the Chamber has heard the testimony of 42 out of a total of 96 witnesses called by the Prosecution.

The Prosecutor v. Mahamat Said Abdel Kani

11. The confirmation of charges hearing was held from 12 to 14 October 2021. On 9 December 2021, Pre-Trial Chamber II partially confirmed the charges against Mr. Said.

12. On 14 September 2021, the Appeals Chamber confirmed the Pre-Trial Chamber's decision establishing the principles applicable to victims' applications for participation. The Appeals Chamber held that the "ABC approach", whereby a chamber places victims' applications into three categories – those that clearly demonstrate victim status, those that clearly do not and those for which the Registry cannot not make a clear determination – was in principle an adequate tool to ensure both the fairness and the expeditiousness of the proceedings and respect for the rights of the accused and the victims.

13. On 14 December 2021, the presidency constituted and referred the case to Trial Chamber VI, which set 26 September 2022 as the date for the commencement for the trial. The Prosecution anticipates calling 44 witnesses to testify and seeking to introduce into evidence the prior recorded testimony of 42 witnesses pursuant to rule 68, paragraph 2, of the Court's Rules of Procedure and Evidence.

14. On 8 July 2022, Pre-Trial Chamber II rejected the Prosecution's application to amend the charges pursuant to article 61, paragraph 9. The Defence has requested leave to appeal the decision.

The Prosecutor v. Maxime Jeoffroy Eli Mokom Gawaka

15. On 14 March 2022, Mr. Mokom was surrendered to the Court, and on 22 March 2022, he made his first appearance before Pre-Trial Chamber II. The confirmation of charges hearing is scheduled to commence on 31 January 2023.

16. On 19 July 2022, the Appeals Chamber reversed Pre-Trial Chamber II's 25 March 2022 order instructing the Registry to revoke its appointment of Mr. Mokom's counsel and remanded the issue to Pre-Trial Chamber II to provide further reasons for its decision, as directed in the appeals judgment.

(b) *Investigations*

17. The Office of the Prosecutor conducted several investigative missions in relation to the proceedings before the Chambers. Maintaining and further strengthening cooperation with the authorities of the Central African Republic, and enhancing and sustaining cooperation with key stakeholders, including the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic, as well as neighbouring countries, remained a priority. The Office continued to monitor and encourage national criminal proceedings, as well as to cooperate and share expertise with national judicial actors, including the Special Criminal Court. The Prosecutor welcomed the opening of the first trial before the Special Criminal Court as a landmark moment and underlined the commitment of his Office to actively support its work in line with the principle of complementarity. Deputy Prosecutor Niang took part on the Prosecutor's behalf in the opening ceremony.

4. Situation in Darfur

(a) *Judicial proceedings*

The Prosecutor v. Ali Muhammad Ali Abd-Al-Rahman ("Ali Kushayb")

18. On 1 November 2021, the Appeals Chamber confirmed the Pre-Trial Chamber's decision rejecting a jurisdictional challenge by Mr. Abd-Al-Rahman. The Chamber rejected the defence's arguments that the Security Council's referral of the situation in Darfur, Sudan, was invalid and that the Court could not exercise its jurisdiction over the alleged crimes, as they had been carried out in a State not party to the Rome Statute (Sudan).

19. On 15 November 2021, Pre-Trial Chamber II rejected the requests made by the Prosecution and the defence for reconsideration and leave to appeal the decision on the confirmation of charges. On 25 January 2022, the Prosecution requested that the Chamber amend the charges of murder in order to adjust the number of identified victims. On 14 March 2022, the Chamber rejected the Prosecution's application while clarifying that the lists of victims linked to the charges of murder and rape were to be considered non-exhaustive.

20. The trial – the Court's first with regard to the situation in Darfur – began on 5 April 2022 before Trial Chamber I. To date, the Chamber has heard the testimony of 28 out of 134 witnesses called by the Prosecution and authorized the introduction into evidence of the recorded testimony of 17 witnesses pursuant to rule 68, paragraph 2, of the Court's Rules of Procedure and Evidence.

(b) *Investigations*

21. Taking into account developments on the ground since August 2021, when the Prosecutor visited the Sudan, the Office of the Prosecutor has been working to further secure the cooperation of Sudanese authorities, to advance investigations in relation to suspects at large and to conduct its prosecution case in the ongoing trial of Mr. Abd-Al-Rahman. With support from the Registry, the Office is also seeking to establish an enhanced field presence in the Sudan. The thirty-fourth report of the Prosecutor in relation to Darfur was presented to the Security Council on 17 January 2022, with an update on the progress of the investigation and the cooperation with the authorities.

22. On 27 January 2022, the Prosecution filed submissions, at the request of Pre-Trial Chamber II, clarifying statements made before the Security Council on 17 January 2022 regarding the Office's activities with respect to the cases against Mr. Al-Bashir and Mr. Hussein.

5. Situation in Kenya

23. On 24 May 2022, Pre-Trial Chamber II informed the Trust Fund for Victims that the proposed activities in Kenya, described in its notification under regulation 50, paragraph (a), of the regulations of the Fund, did not appear to predetermine any issue to be determined by the Court.

Judicial proceedings

The Prosecutor v. Paul Gicheru

24. The trial commenced on 15 February 2022 before Trial Chamber III. The Prosecution called eight witnesses to testify and introduced into evidence the prior recorded testimony of six witnesses. The defence did not elect to present evidence in court. Closing statements were made on 27 June 2022.

6. Situation in Libya

(a) *Judicial proceedings*

The Prosecutor v. Mahmoud Mustafa Busayf Al-Werfalli

25. On 15 June 2022, Pre-Trial Chamber I terminated the proceedings against Mr. Al-Werfalli on account of his death.

(b) *Investigations*

26. Since the referral of the situation in 2011, the initial focus on crimes committed during 2011 and the issuance of arrest warrants has been followed by additional lines of inquiry, including an investigative focus on alleged crimes committed in detention centres, alleged crimes committed during the 2014–2020 operations and alleged crimes against migrants. A number of these lines of inquiry are at an advanced stage. In his report to the Security Council of April 2022, the Prosecutor outlined a renewed strategy for action based on a comprehensive assessment of progress achieved and continued challenges. Core principles identified include enhancing the ability of the Office to engage on the ground and adopting a fresh approach to engagement with Libyan authorities in order to promote and support accountability efforts at the national level, in line with the principle of complementarity. As an initial step in the implementation of that renewed strategy, Deputy Prosecutor Nazhat Shameem Khan conducted a mission to Libya in June 2022.

7. Situation in Côte d'Ivoire

(a) *Judicial proceedings*

The Prosecutor v. Laurent Gbagbo and Charles Blé Goudé

27. On 9 September 2021, Mr. Blé Goudé filed a request for compensation pursuant to article 85, paragraph 3, of the Rome Statute before the presidency. Following a hearing held on 16 December 2021, the Chamber constituted by the presidency issued its decision rejecting the request on 10 February 2022.

28. On 13 April 2022, Trial Chamber VII issued its decision on two requests filed by Mr. Gbagbo concerning the public nature of the proceedings, granting in part his request for all email decisions to be placed on the case record.

(b) *Investigations*

29. The investigation in relation to crimes allegedly committed by the parties opposed to former President Laurent Gbagbo in the context of post-electoral violence in Côte d'Ivoire between December 2010 and June 2011 is ongoing.

8. Situation in Mali

30. On 22 February 2022, Pre-Trial Chamber I decided that the activities in Mali proposed by the Trust Fund for Victims, described in its notification under regulation 50, paragraph (a), of the regulations of the Fund, did not appear to predetermine any issue to be determined by the Court.

(a) *Judicial proceedings*

The Prosecutor v. Ahmad Al Faqi Al Mahdi

31. Trial Chamber VIII remains seized of the implementation of its reparation order issued on 17 August 2017. The Chamber issued final deadlines for the legal representatives of victims to complete the collection of applications for individual reparations by 15 August 2022 and for the Trust Fund for Victims to complete the implementation of awards of individual reparations by 14 November 2022.

32. On 25 November 2021, a panel of three judges of the Appeals Chamber, seized of a review of sentence pursuant to article 110, paragraph 3, of the Rome Statute, reduced Mr. Al Mahdi's nine-year sentence by two years, setting 18 September 2022 as the date for the completion of the sentence.

The Prosecutor v. Al Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud

33. The Prosecution's presentation of evidence, during which the Chamber heard the testimony of 52 witnesses and authorized the introduction into evidence of the prior recorded testimony of 17 witnesses, concluded on 24 February 2022. Two witnesses called by the legal representatives of victims testified from 7 to 10 February 2022. The defence's presentation of evidence commenced on 9 May 2022. To date, the Chamber has heard the testimony of 11 witnesses called by the defence and authorized the introduction into evidence the prior recorded testimony of 10 witnesses called by the defence.

(b) *Investigations*

34. The Office of the Prosecutor conducted investigative activities in support of the ongoing trial activities and closely monitored developments and incidents on the ground, including reports of atrocity crimes in the situation and in the wider Sahel region. It continued to receive cooperation from domestic authorities and others, including United Nations system entities.

9. Situation in Georgia

(a) *Judicial proceedings*

35. On 16 June 2022, Pre-Trial Chamber I decided that the activities in Georgia proposed by the Trust Fund for Victims, described in its notification under regulation 50, paragraph (a), of the regulations of the Fund, did not appear to predetermine any issue to be determined by the Court.

36. On 24 June 2022, following the Prosecution's application of 22 March 2022, the Chamber issued three warrants of arrest, for David Georgiyevich Sanakoev, Gamlet Guchmazov and Mikhail Mayramovich Mindzaev, with the consideration that there

were reasonable grounds for believing that each suspect bore responsibility for war crimes.

(b) *Investigations*

37. The Office of the Prosecutor continued to examine evidence related to crimes allegedly committed by all parties to the armed conflict between 1 July and 10 October 2008.

10. Situation in Burundi

Investigations

38. The Office of the Prosecutor continued its investigation, authorized on 27 October 2016, throughout the reporting period, conducting various missions to a number of countries, including in the light of continuous efforts to build and maintain cooperation networks in the region. The Office benefited from cooperation with States, United Nations system entities and non-governmental organizations (NGOs).

11. Situation in Afghanistan

(a) *Judicial proceedings*

39. On 27 September 2021, the Prosecution requested that the Chamber authorize the resumption of the investigation into the situation in Afghanistan pursuant to article 18, paragraph 2, of the Rome Statute.

40. On 8 October 2021, Pre-Trial Chamber II requested the Secretary-General and the Bureau of the Assembly of States Parties to the Rome Statute of the International Criminal Court to submit information on the identification of the authorities currently representing Afghanistan. On 5 November 2021, the Registry transmitted the communications submitted in response.

41. On 8 November 2021, the Chamber instructed the Victims Participation and Reparations Section to collect victims' views pursuant to article 18, paragraph 2, of the Rome Statute. These were transmitted between 17 December 2021 and 25 April 2022.

42. On 22 July 2022, Pre-Trial Chamber II ordered the Prosecution to communicate any materials received from Afghanistan in support of its original request to defer the investigation, and to submit an assessment of the merits of that request, or any other relevant observations, by 26 August 2022.

(b) *Investigations*

43. While the Prosecutor's application to resume the investigation remains pending, his Office has continued to prepare the foundation for the commencement of investigative activities, if authorized by the Pre-Trial Chamber. That preparatory work includes the identification, analysis and management of risks, the assessment of security and logistical issues and, where appropriate, the preservation of evidence. The Prosecutor has stated that, if authorization is granted, taking into account the limited resources available to the Office, as well as the relative gravity of the alleged crimes, his Office's investigation will focus on crimes allegedly committed by the Taliban and the Islamic State in Iraq and the Levant-Khorasan.

12. Situation in Bangladesh/Myanmar*Investigations*

44. The investigation, authorized on 14 November 2019, remains ongoing, with regular missions and efforts to accelerate the collection and analysis of evidence and to strengthen engagement and cooperation with partners in the region and enhanced presence in Bangladesh. The Office of the Prosecutor has engaged with a range of stakeholders, including government ministries in Bangladesh, diplomats, United Nations system entities and NGOs, regarding requests for assistance and to inform them about developments. On 27 February 2022, the Prosecutor concluded a five-day visit to Dhaka and Cox's Bazar, Bangladesh, constituting the first visit by the Court's Prosecutor to Bangladesh.

13. Situation in the State of Palestine*Investigations*

45. The investigation, which commenced on 3 March 2021, is ongoing. It encompasses any alleged conduct by all sides that may amount to crimes under the Rome Statute committed since 13 June 2014 in Gaza and the West Bank, including East Jerusalem, including alleged war crimes and crimes against humanity that were not relied upon for the conclusion of the preliminary examination or that have occurred more recently. Against this background, the Office of the Prosecutor has also been looking further at particular areas and incidents as the possible primary focus of its investigative activities. In parallel, the Office has been collecting, preserving and analysing information, communications and evidence from various sources. The Office has engaged with relevant stakeholders, including civil society representatives, proactively exploring further avenues for cooperation and information-sharing. On 9 June 2022, the Prosecutor received the Minister for Foreign Affairs and Expatriates of the State of Palestine during his visit to the Court.

14. Situation in the Philippines*Judicial proceedings*

46. On 15 September 2021, Pre-Trial Chamber I granted the Prosecution's request of 24 May 2021 and authorized the commencement of an investigation into the situation in relation to any crimes within the jurisdiction of the Court allegedly committed on the territory of the Philippines between 1 November 2011 and 16 March 2019 – the Philippines' withdrawal from the Rome Statute having taken effect on 17 March 2019 – in the context of the "war on drugs" campaign.

47. On 18 November 2021, the Prosecutor notified Pre-Trial Chamber I that, on 10 November 2021, the Philippines had requested that he defer to the "investigations and proceedings" of the Philippines relating to its nationals or others within its jurisdiction with respect to the alleged murders constituting crimes against humanity under article 7, paragraph 1 (a), of the Rome Statute committed throughout the Philippines between 1 July 2016 and 16 March 2019 in the context of the "war on drugs" campaign, as well as in the Davao area between 1 November 2011 and 30 June 2016. On 24 June 2022, the Prosecutor, following his analysis of the information provided by the Philippines, as well as other information available publicly or provided by third parties, submitted a request seeking the Chamber's authorization to resume the investigation, maintaining that the requested deferral was not warranted.

48. On 14 July 2022, the Chamber invited the Philippines to provide observations on the Prosecution's request and invited the victims and their legal representatives to submit additional or different views.

15. Situation in the Bolivarian Republic of Venezuela

(a) *Judicial proceedings*

49. On 3 November 2021, the Prosecutor announced that the preliminary examination had been concluded with a decision to proceed with the investigations. On 21 April 2022, Pre-Trial Chamber I received the Prosecutor's notification that the Government of the Bolivarian Republic of Venezuela had on 16 April 2022 requested that he defer the investigation "in favour of the actions carried out by the appropriate national authorities" of the country. The Prosecutor further informed the Chamber of his intention to seek authorization from the Pre-Trial Chamber to resume the investigation.

(b) *Investigations*

50. The announcement by the Prosecutor on 3 November 2021 of the decision to proceed with the investigations, referred to above, was coupled with the joint signing of a memorandum of understanding with the Government of the Bolivarian Republic of Venezuela, strengthening the basis for dialogue and cooperation. Since then, the Office has sought to explore ways of strengthening cooperation with the Venezuelan authorities and of facilitating technical assistance under the framework of the memorandum of understanding, while progressing with its independent mandated activities. This included a second official visit by the Prosecutor to the Bolivarian Republic of Venezuela in March 2022, during which an agreement was reached for the establishment of an office in Caracas in support of cooperation under the framework of the memorandum of understanding. The Office also engaged with other relevant actors working in the region in the field of the rule of law and capacity-building, including from the United Nations.

16. Situation in Ukraine

(a) *Judicial proceedings*

51. On 2 March 2022, following the Prosecution's notice pursuant to regulation 45 of the Regulations of the Court concerning its intention to request authorization from a Pre-Trial Chamber to open an investigation into the situation in Ukraine, the presidency assigned the situation to Pre-Trial Chamber II.

52. On 2 and 7 March 2022, the Prosecution informed the Chamber that, pursuant to article 13, paragraph (a), and article 14, paragraph 1, of the Rome Statute, it had received 40 State party referrals with respect to the situation, and that, since a request for authorization to open an investigation under article 15 of the Statute was no longer required, the Prosecutor had decided to open an investigation. The number of referrals has since increased to 43.

(b) *Investigations*

53. In accordance with the overall jurisdictional parameters conferred through the referrals by 43 States parties, and without prejudice to the ultimate focus of the investigation, the scope of the investigation opened by the Prosecutor on 2 March 2022 encompasses any past and present allegations of war crimes, crimes against humanity or genocide committed on any part of the territory of Ukraine by any person from 21 November 2013 onward. The Office is currently actively deploying to Ukraine and the region, including through three missions conducted by the Prosecutor personally, and engaging in cooperation and coordination efforts with a variety of national and international stakeholders, including States parties and international and regional organizations.

17. Other judicial proceedings

54. On 27 April 2022, the International Federation for Human Rights and the Colectivo de Abogados “José Alvear Restrepo” submitted a request for review of the Prosecutor’s decision of 28 October 2021 to close the preliminary examination of the situation in Colombia. On 22 July 2022, Pre-Trial Chamber I rejected the request, while urging the Prosecutor to provide additional information as to the reasons for his decision to those who have provided information to him, pursuant to article 15, paragraph 6, of the Rome Statute.

B. Preliminary examinations

55. As at the end of the reporting period, the Office of the Prosecutor was seized of three preliminary examinations, in relation to the following situations: Guinea, Nigeria and Venezuela (Bolivarian Republic of) II.

56. The preliminary examination in Nigeria was concluded previously, in 2020. The situation has since been the subject of a high-level mission by the Prosecutor, in April 2022, during which discussions were held between Nigerian authorities and the Office to further complementarity and cooperation, with a view to achieving accountability for alleged crimes committed by members of Boko Haram and the Nigerian security forces through domestic proceedings or, failing that, through the Court.

57. In relation to Guinea, the Office continued to seek ways of supporting the initiation by domestic authorities of trials at the national level. In November 2021, the Office conducted a mission to Conakry to hold meetings with the new Government, judicial authorities and other stakeholders in order to take stock of the progress made.

58. With respect to Bolivarian Republic of Venezuela II, the Office has been working to progress its assessment of subject-matter jurisdiction.

59. With respect to the Plurinational State of Bolivia, the Office completed the preliminary examination of the situation, referred to it by the Government of the country on 4 September 2020, with the determination that the criteria set out in the Rome Statute for opening an investigation had not been met. In particular, the Prosecutor determined that there was not a reasonable basis for believing that alleged crimes within the Court’s subject-matter jurisdiction had been committed, given that the alleged conduct neither satisfied the contextual elements for crimes against humanity nor constituted any relevant offences under article 7, paragraph 1, of the Statute.

60. On 28 October 2021, the Prosecutor concluded the preliminary examination regarding Colombia, simultaneously concluding a cooperation agreement between his Office and the Government of Colombia that renewed the commitment of the Office to the country’s national accountability process and further defined the mutual roles that the Office and the Government would undertake to ensure that the progress achieved by national prosecutorial and judicial entities, in particular the Special Jurisdiction for Peace, was sustained and strengthened.

61. The Office also continued to conduct the required assessments of communications received under article 15 of the Rome Statute, including those at the initial filtering stage, to determine whether proceeding with a preliminary examination into any other specific situations might be warranted, as well as in relation to any other situations that might be referred to the Office.

II. International cooperation

A. Cooperation with the United Nations

1. General cooperation with United Nations Headquarters and entities present in the field

62. As provided for in the Relationship Agreement between the United Nations and the International Criminal Court of 2004, relations between the two organizations are based on respect for each other's status and mandates and aim to promote the effective discharge of each organization's respective responsibilities in a mutually beneficial manner. In the Agreement, the organizations established the framework for many forms of cooperation between them, including the exchange of information, the provision of services and facilities, judicial assistance, appearance of United Nations personnel in court to provide testimony, and field support. The Agreement is complemented by supplementary agreements on specific forms of cooperation.

63. The Court continued to receive crucial support from the senior leadership of the United Nations. The Court principals valued the various bilateral meetings held throughout the reporting period with United Nations officials, including Secretary-General António Guterres. The Court is grateful for his continued commitment and also recognizes the critical role of the Under-Secretary-General for Legal Affairs as the interface between the Court and the United Nations, in particular for the transmission and coordination of requests for judicial cooperation. The Court continued to provide funding to the United Nations for a post in the Office of Legal Affairs, at the P-3 level, to handle requests for assistance and cooperation from the Court, while ensuring full respect for the independent mandates of the Court and the United Nations. The Court also continued to reimburse the staffing costs associated with a post at the P-2 level in order to support the significantly increased workload arising from the Court's requests.

64. The Court is represented at the United Nations by a liaison office in New York, which continued to promote cooperation between the two organizations, represent the Court in various meetings, follow developments of relevance for the Court and assist in organizing events involving the participation of senior Court officials.

65. As in previous years, various United Nations system entities, departments, offices, and special advisers and representatives of the Secretary-General provided important and much-valued support to the Court.

66. The Office of the Prosecutor in particular appreciated exchanges with, and looks forward to further deepening relations with, the United Nations High Commissioner for Human Rights, the Special Adviser to the Secretary-General on the Prevention of Genocide, the Special Representative of the Secretary-General on Sexual Violence in Conflict, the Special Representative of the Secretary-General for Children and Armed Conflict and UN-Women.

67. The Court continued to benefit from the cooperation of United Nations system entities present in the field, in accordance with their mandates and with the agreement of host States. The Court highly appreciates that cooperation, which was essential for its operations. The Court's offices in the Central African Republic, Côte d'Ivoire, the Democratic Republic of the Congo, Georgia, Mali and Uganda played an important role by liaising with United Nations system entities in that respect.

68. The Registry of the Court continued to receive, with appreciation, support from the United Nations in fulfilling requests made by the counsel for defence and victims. In 2022, an increase in missions supported by the Registry prompted an increase in requests for operational support relating to situations in various geographical

locations and for support for several actors and participants in the proceedings (defence teams, legal representatives of victims, Chambers staff and staff of the Trust Fund for Victims). The continued assistance and the inclusion of related provisions in agreements between the Court and the United Nations are of particular importance in the light of the principle of equality of arms. When an existing legal framework does not apply to the specific request for cooperation, the Registry and the United Nations strive to find ad hoc solutions reflected in exchanges of letters to facilitate the cooperation. Such measures were successfully applied in 2022.

69. The Court continued to cooperate with United Nations common system organizations by participating in inter-agency meetings on facilities management, travel and security. In addition, the country offices and the Court's liaison office at the United Nations in New York have benefited from coordination in the areas of administration and management across the United Nations system. In particular, as a participant in the United Nations security management system, the Court relied on the United Nations for services such as transportation, radio and video communication, medical assistance, security briefings, security training, information-sharing and risk-management resources, on a reimbursable basis. Also, the Court participated in meetings of the High-level Committee on Management.

70. Since 2019, the Court has been an organization participating in the Inter-Organization Agreement concerning Transfer, Secondment or Loan of Staff among the Organizations Applying the United Nations Common System of Salaries and Allowances. During the reporting period, eight of the Court's staff members were on loan or on secondment to other international organizations and five were transferred to other organizations under the Agreement. One United Nations staff member is currently on loan to the Court, and the Court received two staff members on transfer from other international organizations.

71. The Senior Legal Adviser of the Registry and the Director of the secretariat of the Assembly of States Parties attended a meeting of the United Nations Legal Advisers Network in Madrid on 21 April 2022.

2. Mainstreaming the International Criminal Court in the United Nations system

72. The Court greatly appreciates the support for its activities expressed in resolutions, declarations and other documents adopted by the General Assembly, the Security Council and other United Nations organs, committees and commissions. The Court also values opportunities for its senior officials to participate in relevant United Nations meetings, such as those related to the rule of law, international criminal and humanitarian law, transitional justice, sexual violence in conflict, children and armed conflict, peacebuilding, sustainable development and the responsibility to protect.

73. National jurisdictions have the primary responsibility to investigate and prosecute crimes under the Rome Statute. With that in mind, the Court encourages the inclusion of capacity-building elements in legal and judicial reform programmes supported by the United Nations as part of its rule of law development assistance, such as by incorporating into national law the crimes and principles of the Statute, establishing or enhancing national processes for cooperation with the Court and training legal professionals on the investigation and prosecution of international crimes, in particular as part of mandates to support justice and corrections institutions in post-conflict settings. The United Nations is encouraged, where appropriate, to consider drawing on the Court's expertise in such activities.

74. The Court continued its campaign for the attainment of Sustainable Development Goal 16 on peace and justice and marked international days designated by the United Nations with stories and posts on social media for Peace Day, Human Rights Day, the International Day against the Use of Child Soldiers, the International

Day for the Elimination of Sexual Violence in Conflict, World Refugee Day, the United Nations International Day in Support of Victims of Torture, and others. In collaboration with the Trust Fund for Victims and Fondation Carmignac, the Court displayed a photo exhibition at United Nations Headquarters and coordinated with the United Nations to showcase stories from its “Life after conflict” series on the United Nations News web page and social media channels. Commemorating the entry into force of the Rome Statute on 1 July 2002, the Court marked its twentieth anniversary, highlighting the relevance of its mandate, its unique nature as a permanent international tribunal, and the support and cooperation it needs from States. Sustainable Development Goal 16 will be one of the monthly themes of the year-long #ICCis20 social media campaign.

3. Cooperation with the Security Council

75. The Court and the Security Council have different yet complementary roles in addressing the gravest crimes of concern to the international community, which have the potential to destabilize international peace and security. The Council’s prerogative to refer a situation to the Court can help to promote accountability in situations where grave crimes may have been committed but the Court lacks jurisdiction. This is demonstrated in concrete terms by the initiation of the trial of Ali Muhammad Ali Abd-Al-Rahman in April 2022, representing the first trial to commence at the Court on the basis of a referral by the Council.

76. Where the Security Council has made a referral, active follow-up is necessary to ensure cooperation, especially for the arrest and surrender of individuals for whom the Court has issued arrest warrants. Following the Darfur and Libya referrals, the Court has communicated to the Council a total of 16 findings of non-cooperation in respect of a State. The Council has not, however, responded to those communications in any substantive form.

77. The Prosecutor’s biannual briefings to the Security Council on the situations in Darfur and Libya provided opportunities to inform the Council and the United Nations membership of progress and challenges related to the Office’s investigations and of the importance of cooperation, including with regard to the outstanding arrest warrants. During his first briefing to the Council, in November 2021, Prosecutor Karim Khan called for a new era of engagement between the Council and the Court, seeking a renewed convergence of action to address atrocity crimes.

78. In addition to these briefings, the Prosecutor also participated in a number of other meetings with the Security Council, including the Arria-formula meetings with the themes “Ensuring accountability for atrocities committed in Ukraine”, held on 27 April 2022, and “Twentieth anniversary of the entry into force of the Rome Statute: reflections on the relationship between the International Criminal Court and the Security Council”, held on 24 June 2022.

79. The Court believes that, building on past exchanges, the dialogue between the Court and the Security Council on matters of mutual interest, both thematic and situation-specific, can be enhanced further, with a view to strengthening synergies between the mandates of both entities and further developing their working methods.

80. The Court is grateful for the support of the Security Council, which the States parties to the Rome Statute serving on the Council play a key role in securing. The Office of the Prosecutor has benefited from formal and informal exchanges and from the strong support expressed, in part, at media stakeouts held after the Prosecutor’s briefings by the Court’s focal points in the Council on behalf of those Council members that are also States parties.

B. Cooperation with and assistance from States, international organizations and civil society

81. During the reporting period, the Registry transmitted 505 requests for visas to States. The Registry also transmitted 346 primary requests for cooperation to States parties, other States, and international and regional organizations, in addition to following up on pending requests.

82. The Office of the Prosecutor transmitted 355 requests for assistance to, among others, States parties, States not parties, international and regional organizations, and other public and private entities. In addition, the Office followed up on the execution of pending requests. Also, the Office received 22 incoming requests for cooperation under article 93, paragraph 10, of the Rome Statute.

83. States continued to provide highly valuable assistance in relation to investigations and prosecutions, including with respect to arrests, the identification and freezing of assets, the provision of documents and the facilitation of missions of the Court to their territory.

84. In addition to issuing its own requests and transmitting requests on behalf of the Court's Chambers, the Registry requested that States support the investigative activities of defence teams, including by giving them access to documents or potential witnesses. The Registry also facilitated visits by the families of the detainees to the Court's detention centre by coordinating with the relevant authorities to secure visas. States were also requested to provide assistance for reparations proceedings, including by identifying the whereabouts of victims and by supporting the activities of the Trust Fund for Victims. All these forms of assistance are appreciated, as they contribute to the efficiency and fairness of the Court's proceedings.

85. As demonstrated by the list of outstanding arrest warrants in the summary of the present report, the arrest and surrender of individuals subject to the Court's warrants remain a critical challenge.

86. The Court continued to encourage States to conclude cooperation agreements with it regarding the relocation of witnesses who are under threat, the enforcement of sentences, and the interim and final release of suspects or accused. Two new agreements were concluded during the reporting period, including an agreement with France on the enforcement of sentences.

87. The Registry and the Office of the Prosecutor continued efforts to further enhance cooperation with national, regional and international judicial and law enforcement networks in support of the Court's needs, and to assist with national proceedings, where appropriate, in accordance with the principle of complementarity. The two organs also continued to work closely together within the inter-organ working group on arrest strategies to devise and implement strategies to facilitate the arrest of suspects and to develop a network of partners to foster the exchange of information and facilitate cooperation in the identification, freezing and seizure of assets. On 30 November 2021, an expert meeting was held between the Court and representatives of States to discuss financial investigations and the recovery of assets. The event provided an opportunity for the Court to explain the challenges it faced and areas of success, as well as its recent case law. At the twentieth session of the Assembly of States Parties, the Court invited States to identify relevant national experts on financial investigations and the recovery of assets who could act as operational focal points. Lastly, the Registry continued its efforts to obtain sufficient funds for the trust fund it relies on to ensure family visits for indigent detainees.

88. With the financial support of the European Commission and other donors, the Court organized more than 10 seminars and events in support of efforts to strengthen

cooperation, complementarity and universality, including a high-level virtual seminar for judges in the Asia-Pacific region, a high-level regional conference in Dakar, a conference marking the twentieth anniversary of the entry into force of the Rome Statute, and the fourth Asia-Pacific Forum of the Hague.

89. The Court continued to develop its interaction and cooperation with international and regional organizations as key partners in promoting universal ratification and full national implementation of the Rome Statute, raising awareness of the Court's work, enhancing cooperation and promoting wider geographical representation among the staff.

90. The Court greatly values the activities that civil society partners undertake to raise awareness of the Court and promote the universal ratification and full implementation of the Rome Statute, and it continued to participate in those activities. From 1 to 3 June 2022, the Court held, on a virtual platform, an annual round table with NGOs.

III. Institutional developments

A. Treaty matters

91. Three States accepted or ratified the amendment to article 8 of the Rome Statute adopted in 2010, bringing the total number of States parties having accepted or ratified the amendment to 43. Two States accepted or ratified the amendment on the crime of aggression, bringing the total number of States parties having accepted or ratified the amendment to 43. Three States accepted or ratified the amendment to article 124, of the Statute, bringing the total number of States parties having accepted or ratified the amendment to 18. Three States accepted or ratified the amendment to article 8 of the Statute regarding the use of weapons that use microbial or other biological agents, or toxins, bringing the total number of States parties having accepted or ratified the amendment to 12. One State accepted or ratified the amendments to article 8 regarding the use of weapons designed to injure by fragments undetectable by X-rays, and regarding the use of blinding laser weapons, bringing the total number of States parties having accepted or ratified each of these amendments to 10. Two States accepted or ratified the amendment to article 8 on intentionally using the starvation of civilians, bringing the total number of States parties having accepted or ratified the amendment to eight.

92. One State ratified the Agreement on the Privileges and Immunities of the International Criminal Court, bringing the number of parties to the Agreement to 79.

93. The Court continued its efforts to attract all States not among the 123 parties to the Rome Statute to join the treaty as soon as possible.

B. Elections

94. At its twentieth session, the Assembly of States Parties elected two Deputy Prosecutors, Nazhat Shameen Khan and Mame Mandiaye Niang, for a nine-year term commencing on the date of their solemn undertaking, which was made on 7 March 2022.

95. The Assembly also elected the seventh Board of Directors of the Trust Fund for Victims for a mandate of three years, consisting of Ibrahim Yillah (African States), Sheikh Mohammed Belal (Asia-Pacific States), Andres Parmas (Eastern European States), Minou Tavárez Mirabal (Latin American and Caribbean States) and Kevin Kelly (Western European and other States).

C. Trust Fund for Victims

96. The newly elected Board of Directors of the Trust Fund unanimously elected Minou Tavárez Mirabal as its Chair and Ibrahim Sorie Yillah as Vice-Chair. The key decisions taken by the Board during the reporting period included the adoption of a policy on its working methods, the adoption of an agreement on leadership transition within the Trust Fund secretariat, the decision to initiate the next strategic plan (2023–2025), and the adoption of strategies for fundraising and communications. Also, the Trust Fund continued to work on issues identified in the course of the review by the group of independent experts.

97. During the reporting period, the Trust Fund was engaged in five reparations proceedings, in the *Lubanga*, *Katanga*, *Al Mahdi*, *Ntaganda* and *Ongwen* cases. By mid-2022, the Trust Fund had: (a) mostly implemented court-ordered collective reparations awards in the *Katanga* case, pending completion of the award modalities for housing and psychological support; (b) officially launched the implementation of collective reparations awards in the *Al Mahdi* case, while having assessed the eligibility of and administered individual reparations awards to over 880 victims; (c) begun to provide collective service-based reparations to the beneficiaries in the *Lubanga* case, having reached over 550 victims to date; and (d) started to provide reparations to priority victims in urgent need in the *Ntaganda* case, and submitted the draft implementation plan for providing collective reparations with individual components to all victims in the *Ntaganda* case. The Trust Fund also submitted observations on reparations in the *Ongwen* case.

98. With regard to assistance programmes, the Trust Fund has 20 ongoing projects, of which 5 are in the Central African Republic, 3 in Côte d'Ivoire, 7 in the Democratic Republic of the Congo and 5 in Uganda. In 2021 alone, these programmes benefited about 17,000 victims. The Trust Fund has selected implementing partners for assistance programmes in Georgia, Kenya and Mali.

99. Apart from €330,000 received from fines, reparations are currently being funded through voluntary contributions, mostly by States parties. To date, the Trust Fund has been able to complement the payments of reparations in the *Katanga* case (\$1 million) and in the *Al Mahdi* case (€2.7 million), but there is a funding gap for the *Lubanga* case (at least €4.5 million), the *Ntaganda* case (at least €16 million) and the *Ongwen* case. In addition, the continuation of the assistance programmes in the next contractual period will require about €3 million. The Trust Fund calls on all States and entities to make voluntary contributions for the benefit of victims and their families, so as to ensure that the right of victims to receive reparations is realized.

D. Review of the International Criminal Court and the Rome Statute system

100. The review process initiated by the Assembly of States Parties at its eighteenth session, aimed at strengthening the Court and the Rome Statute system of international criminal justice, remained a priority for the leadership of the Court. The Court coordinated closely with the Assembly in assessing and implementing, where warranted, the recommendations contained in the final report on the review by the group of independent experts, issued on 30 September 2020, concerning a large number of thematic areas, ranging from governance and human resources to strategic planning, efficiency of the judicial process, working methods of the judiciary, prosecutorial strategies, investigations and prosecutions, defence and legal aid, and victim participation and reparations. Significant steps were taken with regard to, inter alia, implementing measures to improve the Court's workplace culture.

E. Effect of the coronavirus disease pandemic on operations

101. The Court continued to mount a multilayered response to mitigate the effects of the coronavirus disease (COVID-19) pandemic on its operations. In 2021 and the first quarter of 2022, the Court continued to operate under the particular conditions imposed by the pandemic. Thanks to the flexible working arrangements, as well as creative solutions in the courtrooms, the Court managed to advance its judicial proceedings. To protect the health and safety of personnel, the Court continued to allow limited physical access to its premises only where considered essential to key operations. In its response to the pandemic, the Court continued to closely follow the advice of the authorities of its host State, the Netherlands. The Court also continued to implement similar measures across its country offices and its liaison office in New York, in close coordination with the United Nations. In the second quarter of 2022, the conditions allowed for a gradual return to the pre-pandemic situation, while remaining vigilant. The restriction on the entry to the Court's premises by external visitors was lifted on 25 April 2022, and the final phase of the gradual return of staff to the premises formally ended on 2 May 2022. On the same day, the crisis management team for dealing with the circumstances surrounding the pandemic was dissolved; if necessary, it can be rapidly re-established.

IV. Conclusion

102. The Court made significant progress during the reporting period in its pretrial, trial and appeals proceedings and reparations, as well as the investigations and preliminary examinations conducted by the Office of the Prosecutor. Among notable developments, two trials continued, another two opened and a fifth one entered the preparation phase, bringing the Court's trial activity to an unprecedented level. Three new arrest warrants were issued, and a fourth one was unsealed; one suspect was transferred to the Court; three new investigations were opened; and four preliminary examinations were concluded. The Trust Fund for Victims implemented court-ordered reparations in a record number of four cases, alongside assistance projects in several countries.

103. The Court recognizes with gratitude the many forms of important assistance provided by the United Nations system during the reporting period and is equally appreciative of the cooperation of States for its ongoing investigative, prosecutorial and judicial activities, as well as the numerous, vocal statements of support expressed in high-level forums such as the General Assembly. The Court looks forward to further strengthening these relations as it seeks to enhance the delivery of justice under its mandate, while managing a growing workload.