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**Twenty-first session**  
The Hague, 5-10 December 2022**Report on the Activities of the International Criminal Court****I. Introduction**

1. This report presents an overview of the activities of the International Criminal Court (“ICC” or “Court”) between 16 September 2021 and 15 September 2022<sup>1</sup>. The report is structured around the situations before the Court. The Annex provides an overview of the most important statistics (“The ICC’s year in numbers”).

2. During the reporting period, the Court was seized of 24 cases, involving 31 defendants, and 17 situations – Islamic Republic of Afghanistan, People’s Republic of Bangladesh/Republic of the Union of Myanmar (“Bangladesh/Myanmar”), the Republic of Burundi, Central African Republic (“CAR”) I and II, the Republic of Côte d’Ivoire, Darfur (“Sudan”), Democratic Republic of the Congo (“DRC”), Georgia, the Republic of Kenya, Libya, the Republic of Mali, the State of Palestine, the Republic of the Philippines (“Philippines”) , Uganda, Ukraine and Venezuela. A detailed overview of the activities emanating from each situation is provided in Part II of this report.

**II. Situations before the Court****A. Situation in Afghanistan****1. Judicial developments**

3. On 27 September 2021, the Prosecution requested the Chamber to authorise the resumption of the investigation in the situation in Afghanistan pursuant to article 18(2) of the Statute.

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

5. On 8 November 2021, the Chamber instructed the Victims Participation and Reparations Section to collect victims’ views for the purposes under article 18(2) of the Statute. These were transmitted between 17 December 2021 and 25 April 2022.

6. 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, which the Prosecution did on 26 August 2022.

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<sup>1</sup> In the interest of providing the most up-to-date information to the Assembly, selected important developments that occurred between 15 September 2022 and the finalization of the report are nevertheless mentioned.

## **2. Investigations**

7. While the Prosecutor's application to resume the investigation is pending, the Office has continued to prepare the foundation for the commencement of investigative activities, if authorized by the Pre-Trial Chamber. This preparatory work includes the identification, analysis and management of risks, assessment of security and logistical issues, and where appropriate, preservation of evidence.

## **3. Registry Activities**

8. The Registry's Victims Participation and Reparations Section ("VPRS") received 22 consultation forms from victim groups during the Article 18 process and prepared 11 filings, including four reports on victims' representations to the Chamber between 15 November 2021 and 28 April 2022. It continued to inform victims and their representatives of judicial developments and to organise informative sessions upon request.

9. In the absence of judicial developments in the reporting period and with the challenges in relation to the situation, Public Information and Outreach Section ("PIOS"), in cooperation with partners, maintained a regular monitoring of the media and enabled following the news and reporting on the ICC and justice issues, perceptions and rumours, and to identify misinformation and concerns to be answered.

## **B. Situation in Bangladesh/Myanmar**

### **1. Investigations**

10. The Office's investigation, authorized on 14 November 2019, remains ongoing, with regular missions, enhanced efforts to accelerate the collection and analysis of evidence, new initiatives aimed at strengthening engagement and cooperation with partners in the region and a focus on ensuring enhanced presence in Bangladesh in order to engage more effectively with impacted communities. The Office of the Prosecutor has engaged with a range of stakeholders, including Government officials in Bangladesh, members of the diplomatic corps, United Nations entities and non-governmental organisations regarding requests for assistance and to inform them on relevant developments. In February 2022, the Prosecutor conducted a five-day visit to Dhaka and Cox's Bazar, Bangladesh, representing the first visit by the Court's Prosecutor to Bangladesh.

### **2. Registry Activities**

11. The VPRS continued to inform the victims and their representatives of the alleged crimes committed against the Rohingya population and of all relevant judicial developments and potential next steps. It also informed, jointly with PIOS, the Pre-Trial Chamber through periodic reports of the Registry's information and outreach activities.

12. PIOS has developed a system of online outreach activities with partners on the ground to bridge the information gap with the different target groups in Bangladesh. Combined with the distribution of information in the local languages on the social media, website and through partners' networks, PIOS has been able to continue reaching the affected communities. PIOS also started online meetings with affected communities to provide general information on the ICC, manage expectations and respond to concerns. Additionally, a campaign in Rohingya was developed. As part of a broader campaign that will run throughout 2022, animation videos on key aspects were produced and relayed by the partners to the wider communities.

## **C. Situation in Burundi**

### **1. Investigations**

13. The Office of the Prosecutor continued its investigation, authorized on 27 October 2016, throughout the reporting period, with various missions to a number of countries, including a focus on building and maintain cooperation networks in the region. Reflecting

these efforts, the Office has benefitted from good cooperation with States, United Nations entities and non-governmental organisations.

## 2. Registry Activities

14. The Court continued to work with the ICC Network of Burundian Journalists and the member organisations of the Coalition for the International Criminal Court to develop projects aimed at raising knowledge among different target groups, including media and through them general population and particularly legal community, refugees and groups working with them.

## D. Situation in the Central African Republic (“CAR”)

### 1. Judicial Developments

15. 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) *The Prosecutor v. Alfred Yekatom and Patrice-Edouard Ngaïssona*

16. The Prosecution’s presentation of evidence, commenced on 15 March 2021, continued. To date, the Chamber heard the testimony of 46 out of a total of 93 Prosecution witnesses, the prior recorded testimony of a further 51 witnesses has been tendered, and several thousand items of evidence have been recognized as formally submitted.

#### (b) *The Prosecutor v. Mahamat Said Abdel Kani*

17. 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.

18. On 14 December 2021 the Presidency constituted and referred the case to Trial Chamber VI, which set the date for the commencement of the trial to 26 September 2022. The Prosecution anticipates calling 43 witnesses to testify and seeking to introduce into evidence the prior recorded testimony of 42 witnesses pursuant to Rule 68(2).

19. On 19 May and 23 August 2022, the Appeals Chamber heard appeals of the Defence challenging Trial Chamber VI’s decisions on detention pending trial. The Appeals Chamber rejected both appeals.

20. On 8 July 2022, Pre-Trial Chamber II rejected a Prosecution application to amend the charges pursuant to article 61(9), and subsequently rejected the Defence’s request for leave to appeal. On 4 August 2022, Trial Chamber VI issued a decision on the use of video link technology for witness testimony. The Chamber granted leave to appeal that decision to the Defence; the matter is before the Appeals Chamber. On 6 September 2022, Trial Chamber VI issued a decision clarifying the scope of the charged criminal acts.

#### (c) *The Prosecutor v. Maxime Jeoffroy Eli Mokom Gawaka*

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

22. 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 judgement.

23. On 19 August 2022, following the Appeals Chamber’s judgement, Pre-Trial Chamber II issued its decision on legal representation setting out further reasons for its finding in the

25 March 2022 order, and granting Mr Mokom leave to appeal that decision in respect of one issue. Appellate proceedings are ongoing.

## 2. Investigations

24. The Office 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 from 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 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, in May 2022, 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 Mandiaye Niang took part on the Prosecutor's behalf in the opening ceremony of this trial.

## 3. Registry Activities

25. The ICC Country Office ("CO") in CAR supported missions of the Court and the TFV. CO led justice, victim and case-focused outreach activities, and courtroom support, including facilitating video link testimony. In coordination with other parts of the Registry, the CO also conducted cooperation-related activities funded by the European Union, with key focal points.

26. The facilitation of the application process for victim participation by the VPRS and related field resources continued throughout the trial proceedings in the *Yekatom and Ngaïssona* and *Saïd* cases and started in the *Mokom* case at the pre-trial stage. Relevant staff reached out to victim groups and communities to inform them about the proceedings and the application process, and collect relevant information. VPRS received a total of 871 victims' applications (454 in the *Yekatom and Ngaïssona* case, 86 in the *Saïd* case and 331 in the *Mokom* case) and assessed and transmitted a total of 1,151 applications. The Section issued 49 filings for the three cases, including 23 transmission filings of applications to the Chamber and parties. In following its 'ABC' application submission approach<sup>2</sup>, redactions had to be applied on 45 applications, saving time and resources of all actors involved.

27. In the *Yekatom and Ngaïssona* case, a counsel from the Office of Public Counsel for Victims ("OPCV") has been representing 269 former child soldiers; a group of 1,167 victims of other crimes has been represented by another counsel from the OPCV, jointly with four external counsels. In the *Saïd* case, a counsel from the OPCV has been representing 27 victims at the pre-trial stage and 20 victims at the trial stage. The same counsel has also represented the collective interests of victims throughout the proceedings. A counsel from OPCV has also been assisting the victims they represent for the purpose of their inclusion and participation in the TFV's full assistance programme in CAR launched in 2021.

28. In the *Mokom* case, VPRS and other staff of the CO engaged in training activities of local interlocutors for engagement with victims for participation in the pre-trial phase of the case. VPRS field staff also engaged with victims directly in informing them and collecting application forms. A counsel from the OPCV has been appointed to represent the collective interests of applicant victims on a provisional basis pending the Chamber's final decision on the matter.

29. The Registry facilitated 12 missions of defence counsel to CAR. The Registry also appointed 26 duty counsel and facilitated four missions in relation to this situation, continued assisting applicants for the purpose of their inclusion and participation in the Trust Fund for Victims' ("TFV") assistance programme in CAR. The Registry supported six missions of legal representatives of victims to CAR

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<sup>2</sup> In the *Saïd* case, due to its limited scope, a modified version of the ABC approach applies whereby the Registry shares all A and C applications with the parties, with redactions as necessary.

## **E. Situation in Côte d'Ivoire ("CIV")**

### **1. Judicial Developments**

#### *(a) The Prosecutor v. Laurent Gbagbo and Charles Blé Goudé*

30. On 9 September 2021, Mr Blé Goudé filed a request for compensation pursuant to Article 85(3) of the Statute before Presidency. Following a hearing held 16 December 2021, the Chamber constituted by the Presidency issued its decision rejecting the request on 10 February 2022.

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

### **2. Investigations**

32. The Office's investigation in relation to crimes allegedly committed from the side 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.

### **3. Registry Activities**

33. The VPRS continued to respond to victim representatives' requests for information. To date, the total number of victim applications for participation received in relation to the situation remains at 3,896.

34. The CO based in CIV supported a total of 37 missions. The Office continued to conduct outreach activities with affected communities, victims, civil societies, schools, and fostered closer collaboration with human rights organisations as part of its Legacy Project. 11 awareness-raising activities were organized in the new areas, and approximately 15,000 people were informed about the Court's operating mechanisms and the acquittal decision in the Gbagbo and Blé Goudé case, either directly or through the media. The Registry continued to liaise with and provide information to NGOs supporting affected communities related to the CIV situation. As a result, 74 victims have been identified between February and March 2022.

35. Given the importance of the positive legacy of the Court in the field, the CO is currently consulting with the various stakeholders about the impact and the future ICC related projects conducted by the local and international partners remaining on the ground.

36. Following the conclusion of the *Gbagbo & Blé Goudé* case, Counsel from the OPCV has completed her mandate to inform victims in the field and liaised with the TFV for the purpose of the inclusion of the victims who participated at trial in the TFV's assistance programme in Côte d'Ivoire.

37. The Registry appointed one duty counsel and facilitated one mission.

## **F. Situation in Darfur**

### **1. Judicial developments**

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

38. 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 took place in a State not party to the Rome Statute (Sudan).

39. On 15 November 2021, Pre-Trial Chamber II rejected the Prosecution and the Defence's requests for reconsideration and leave to appeal the decision on the confirmation of charges. On 25 January 2022, the Prosecution requested the Chamber to 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 victims' lists linked to the charges of murder and rape were to be considered non-exhaustive.

40. The trial – the Court's first in the situation in Darfur and the first based on a referral by the United Nations Security Council – began on 5 April 2022 before Trial Chamber I. To date, the Chamber has heard the testimony of 34 out of 133 Prosecution witnesses and authorised the introduction into evidence of the recorded testimony of 17 witnesses pursuant to Rule 68(2).

## **2. Investigations**

41. The Office has been working to further secure cooperation from 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 Sudan. The 34th report of the Prosecutor in relation to Darfur was presented to the United Nations Security Council on 17 January 2022, with an update on the progress of the investigation and cooperation with the authorities, as well as detailing an updated strategy in relation to the situation so as to accelerate investigative actions.

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

43. The Prosecutor and Deputy Prosecutor Khan visited Sudan, including Darfur, in August 2022. The visit provided an opportunity to meet with local officials as well as to engage with survivors and affected communities. In his meetings with Sudanese officials, the Prosecutor amongst others noted the positive developments in relation to the trial of Ali Muhammad Ali Abd-Al-Rahman ("Mr Abd- Al-Rahman" or "Ali Kushayb") and highlighted continued need for full cooperation from the Sudanese authorities, including to progress the cases concerning the remaining suspects. From Khartoum, the Prosecutor also presented the 35th report in relation to the investigation to UN Security Council, the first time an ICC Prosecutor has provided a briefing to the Council from a situation country.

## **3. Registry Activities**

44. The VPRS continued its activities assisting victims in the process of applying to participate in the proceedings. This entailed the continuous organisation of information and training sessions to a large array of interlocutors, and the collection of victim information and applications including through direct interactions in Darfur and Chad. Due to COVID related restrictions and limited staff resources, VPRS continued to also rely heavily on remote activities and interactive IT solutions.

45. Considering the difficulties in conducting missions, PIOS leveraged existing strong partnerships and created new ones with key media and civil society organisations to provide extensive information before the opening of the trial. An exceptional number of ICC audio-visual programmes in Arabic reached affected communities in Darfur and the Sudanese population especially through radio and social media.

46. Before the trial, PIOS introduced a new model of media training and information briefing, combining training sessions with "on the record" interviews with the spokesperson, and the parties and participants in the trial. Combined with the footage from the courtroom, this provided the media with all necessary material to produce radio and television programs announcing the beginning of the trial and explaining the proceedings in the case. After the opening of the trial, a first group of 115 Khartoum lawyers were engaged in a highly successful 2-day hybrid training about the ICC legal process. In all these activities, the Defence Counsel and LRVs together with staff from the VPRS, the OTP and PIOS had an opportunity to address different audiences, explain their role in the proceedings and what to expect throughout the trial. In the next months the Outreach Unit will continue increasing the reach of its programme through similar activities with the affected communities.

47. PIOS organised a 5-day visit to the Court for the representatives of 16 organisations and local community leaders. This visit contributed to the better understanding and support for the Court and was a step further in building local ICC-related projects.

48. VPRS received 143 victims' applications in the case, 108 of which required a translation into English. The applications were transmitted to the Chamber for participation in the trial proceedings. All have been admitted. All victims are represented in the proceedings by a team of external counsel.

49. The Registry appointed one duty counsel and facilitated four missions of defence counsel.

## **G. Situation in the Democratic Republic of the Congo ("DRC")**

### **1. Judicial developments**

#### *(a) The Prosecutor v. Thomas Lubanga Dyilo*

50. Trial Chamber II remained seized of the implementation plans for symbolic collective reparations and collective service-based reparations. To date, 1547 victims have been deemed eligible for a reparations award and 555 beneficiaries are benefitting from service-based reparations.

#### *(b) The Prosecutor v. Germain Katanga*

51. 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.

#### *(c) The Prosecutor v. Bosco Ntaganda*

52. Trial Chamber II remained seized of the implementation of the reparation order issued on 8 March 2021. The Chamber adopted, for the purposes of reparations in Ntaganda, the reparation programmes ordered in Lubanga in relation to the overlapping victims and harms of both cases. The Trust Fund for Victims submitted an updated Draft Implementation Plan on 24 March 2022.

53. On 12 September 2022, the Appeals Chamber issued its judgment on the appeals by Mr Ntaganda and one of the legal representatives of victims against the reparation order. The Appeals Chamber found several errors in Trial Chamber II's decision and instructed the Trial Chamber to issue a new reparation order.

### **2. Investigations**

54. The Office continued to engage with the DRC authorities and stakeholders to encourage national proceedings in addressing serious crimes, and to reinforce cooperation and complementarity aiming at increasing efforts through a comprehensive assessment on progress. The Office continued to receive good cooperation from domestic authorities and others, including United Nations entities.

### **3. Registry Activities**

55. CO in Kinshasa closed its physical premises in 2021. One staff member remains on the ground mainly to conduct the residual outreach function and serve as a liaison with the Government. CO Bunia, however, continued to support the activities of the TFV in relation to the implementation of the ongoing reparations programs in the *Lubanga* and *Katanga* cases in Ituri province. Total of 53 missions were conducted and the office worked in close collaboration with the TFV, providing logistics, administrative and security support to TFV staff during this period.

56. Outreach activities were reduced due to, among others, the end of the proceedings in the cases related to the situation, the closing of the Kinshasa office, and the ongoing conflict in Ituri. The office focused on the preservation of archives, legacy issues, consultations with partners on the way to continue with some of the projects, the impact and occasional activities with particular target groups. About 300 women were reached in this period through information sessions. The UN Organisation Stabilization Mission in the Democratic Republic of the Congo (“MONUSCO”) continued to play a key role in supporting the Court’s operations.

57. 719 applications for reparations for the *Lubanga* case were received, analysed and transmitted through eight email transmissions by the VPRS to the TFV. In total, and including applications received during the previous reporting period, 935 applications have been transmitted. The Registry also facilitated the Trial Chamber’s access to the applications admitted for reparations by the TFV.

58. In the field, the Registry continued to support the TFV in identifying and assisting victims that are child soldiers to obtain reparations. By 1 October 2021, an additional 61 victims had filled reparation forms to access reparations in the *Lubanga* case in Kisangani, DRC. Due to the lack of financial resources, missions to meet victims identified by intermediaries both in *Lubanga* and *Ntaganda* could not take place. Instead, bi-weekly verification calls with all VPRS intermediaries continued to take place to monitor the situation of victims pre-identified by intermediaries and to share information and respond to queries.

59. In the *Ntaganda* case, VPRS engaged actively with the TFV and the LRVs in the implementation of the Trial Chamber’s orders relating to reparations, including a mapping of potential reparation beneficiaries. VPRS prepared two filings, including one joint filing with the TFV. In the reparations proceedings in the *Ntaganda* case, 1,837 victims of the attacks and 284 former child soldiers continued to be represented by two counsel from the OPCV.

60. 283 victims are represented by external counsel in relation to the *Katanga* reparations proceedings, and 39 victims are represented by a Counsel from the OPCV. Of the 1,255 victims that were admitted to receive reparations in the *Lubanga* case, 565 are represented by the OPCV and 690 by external counsel.

61. The Registry assisted the teams of legal representatives of victims to conduct nine missions to the DRC.

## **H. Situation in Georgia**

### **1. Investigations**

#### *(a) Judicial proceedings*

62. 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(a) of the Regulations of the Trust Fund, did not appear to pre-determine any issue to be determined by the Court.

63. 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 are reasonable grounds to believe that each suspect bears responsibility for war crimes.

### **2. Investigations**

64. The Office continued to examine evidence related to alleged crimes committed by all parties to the armed conflict between 1 July and 10 October 2008. On 22 March 2022, the Prosecutor filed an application for warrants of arrest in relation to the three individuals named above.



65. In October 2022, Deputy Prosecutor Nazhat Shameem Khan conducted an official visit to Tbilisi, Georgia, where she held discussions with representatives from Government on cooperation and complementarity, and participated in the 27<sup>th</sup> Annual Conference of the International Association of Prosecutors.

### 3. Registry Activities

66. The CO continued its outreach activities in line with its outreach/communication strategy, focusing primarily on affected communities, including victims, civil society and academia. In June 2022 the Georgian public was informed about the issuance of three arrest warrants for three individuals through various online platforms, and the news was widely covered by the Georgian media.

67. Due to COVID restrictions, the CO was able to carry out only a limited number of face-to-face outreach meetings with affected communities in IDP settlements and villages near the Administrative Boundary Line area. The main focus was on social media and providing relevant information to the general public, affected communities and victims via various social media platforms.

68. The Court and its CO conducted different online and in-person outreach activities, including around ten meetings and workshops with affected communities and academia, as well as the “Life after Conflict” mini-exhibitions, engaging directly around 150 individuals and indirectly reaching out to more than million people, including affected communities and victims.

69. VPRS has engaged with interlocutors on victim matters and provided relevant information. The OPCV has been contacted by local lawyers and has provided support and assistance on substantive matters related to the participation of victims.

### I. Situation in Kenya

70. 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(a) of the Regulations of the Trust Fund, did not appear to pre-determine any issue to be determined by the Court.

#### 1. Judicial developments

##### (a) *The Prosecutor v. Paul Gicheru*

71. 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 held on 27 June 2022.

#### 2. Registry Activities

72. The Registry appointed five duty counsel and facilitated three missions of defence counsel.

### J. Situation in Libya

#### 1. Judicial developments

##### (a) *The Prosecutor v. Mahmoud Mustafa Busayf Al-Werfalli*

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

(b) *The Prosecutor v. Al-Tuhamy Mohamed Khaled*

74. On 7 September 2022, Pre-Trial Chamber I terminated the proceedings against Al-Tuhamy Mohamed Khaled following the notification of his death.

**2. Investigations**

75. Since the referral of the situation in 2011, the initial focus of the Office on crimes committed during 2011 and issuance of arrest warrants was 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 in April 2022, the Prosecutor outlined a renewed strategy for action based on a comprehensive assessment of progress achieved in the investigation and continued challenges. Core principles guiding this new strategic approach include the enhancement of the ability of the Office to engage on the ground, and 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 implementation of this renewed strategy, Deputy Prosecutor Khan conducted a mission to Libya in June 2022.

76. On 7 September 2022, the Office became a formal member of the Joint Team aimed at supporting investigations into crimes against migrants and refugees in Libya, joining relevant national authorities from Italy, the Netherlands, the United Kingdom of Great Britain and Northern Ireland, and Spain.

**3. Registry Activities**

77. Outreach activities were limited to following the developments on the ground and updating contact lists due to security concerns, the lack of judicial developments and the need to prioritise available resources. PIOS produced an online depository of general public information material in Arabic, which includes legal texts, videos, animations, documents and other public information tools about the Court. Access to these materials has been provided to the interested professional and general public in Libya.

78. The Registry appointed one duty counsel.

**K. Situation in Mali**

**1. Judicial developments**

79. 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(a) of the Regulations of the Trust Fund, did not appear to pre-determine any issue to be determined by the Court.

(a) *The Prosecutor v. Al Mahdi*

80. Trial Chamber VIII remains seized of the implementation of its reparation order issued on 17 August 2017. On 18 August 2022, the Chamber varied the deadlines previously set and fixed the final deadlines for the Legal Representatives of Victims to complete the collection of applications for individual reparations to 15 October 2022 and for the Trust Fund for Victims to complete the implementation of individual awards to 14 January 2023.

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

(b) *The Prosecutor v. Al Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud (“Mr Al Hassan”)*

82. The Prosecution’s presentation of evidence, during which the Chamber heard the testimony of 52 witnesses and introduced into evidence 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 9 May 2022. To date, the Chamber heard the testimony of 17 Defence witnesses and introduced into evidence the prior recorded testimony of 7 Defence witnesses pursuant to Rule 68(2).

83. Anticipating that the Defence’s presentation of evidence may conclude during the course of November 2022, Trial Chamber X issued additional directions on 29 August 2022 concerning the end of the Defence case, potential evidence in rebuttal / rejoinder, as well as the closure of evidence and closing statements.

## 2. Investigations

84. The Office 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 this situation and the wider Sahel region. It continued to receive cooperation from domestic authorities and others, including United Nations entities.

## 3. Registry Activities

85. The CO in Mali provided operational support to 44 missions. All ICC entities operating in Mali received administrative, logistic and security support. In coordination with IMSS, CO provided support for video-link hearings for 70 days from confidential locations in the Al Hassan case.

86. CO provided operational and administrative support to TFV during the official launch of the collective and symbolic reparations measures, sharing the survey result with the community and the initiation of the campaign on symbolic reparation measures in Timbuktu.

87. The presence of a dedicated outreach team made it possible to carry out public activities relating to the Court's work. In particular, in the context of the opening of the presentation of the Al Hassan Defence evidence, the outreach team conducted several sessions with the media, civil society and local and religious authorities in Timbuktu and Bamako. In addition, numerous meetings with the international community and the academic world enabled to present the Court's work in Mali and to contribute building the network of justice actors.

88. VPRS continued information sessions and training for its partners and affected communities in the field. These sessions and training took place in Bamako with the participation of 30 persons including 18 women, victims, intermediaries and resource persons from the team of Legal Representatives of Victims in the Al Hassan case. From January 2022 to 8 August 2022, with the assistance of intermediaries in the field, CO and VPRS identified 542 new victims, including 125 women.

89. In *Al Mahdi* case, VPRS processed a total of 159 reparation applications and transmitted them to the TFV. The VPRS also submitted three filings in the case. All victims participating in the proceedings are represented by external counsels.

90. In the *Al Hassan* case, VPRS has continued its efforts to reach out to victims and collect further applications. It moreover registered, assessed and transmitted a total of 309 applications to the Trial Chamber. The VPRS submitted ten filings in the case. All victims participating in the proceedings are represented by a team of three external counsel. Efforts to identify potential reparation beneficiaries are ongoing.

91. The Registry facilitated eight missions of defence counsel and seven missions of LRVs. It also appointed six duty counsels and facilitated two missions.

**L. Situation in Uganda****1. Judicial Developments***(a) The Prosecutor v. Dominic Ongwen*

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

93. Defence appeals against the conviction and sentence are pending. A hearing involving submissions from the parties, the victims and amici curiae took place from 14-18 February 2022.

**2. Investigations**

94. The Office continued to galvanize efforts, together with the Registry, for the execution of the pending arrest warrant against Joseph Kony including strengthening the already existing cooperation with several States and stakeholders, while ensuring the preservation of evidence.

**3. Registry Activities**

95. VPRS and the CO conducted two missions, one in Lango and Teso sub-regions and another in Acholi, Teso and Lango sub-regions. Meetings with various interlocutors were also organized in Kampala. During the two joint missions, a total of 56 meetings and focus-group interviews with approximately 330 individuals took place. The main goals of the missions were to collect information for the mapping ordered by the Trial Chamber and to collect victims' views on reparation, on which the Registry subsequently made observations. In January 2022, further consultations on reparations with former child soldiers, victims of sexual and gender based crimes ("SGBV victims") and children of war born in captivity of abducted women were conducted in Gulu. Three focus-group discussions with a total of ninety survivors were conducted. The groups were composed of 83 women and seven men from different districts in the Acholi sub-region with a small representation from the Lango sub-region and the Adjumani and Moyo districts of the West-Nile sub-region. In March 2022, the CO conducted a joint mission with Outreach to Lira and Soroti, in order to inform civil society and VPRS intermediaries and survivors of the latest key judicial developments related to the appeal hearings and reparations. In July 2022, two additional field missions took place. During the first mission, a workshop with survivors was organised in Gulu. A second mission was a tripartite exercise between Outreach, OPCV and VPR at the CO level. The aim was to provide clear information regarding an alleged exercise registering victims for reparations and to explain to the victims and their communities in Pajule that victims can exercise their right to participation and reparations for free. VPRS prepared altogether three filings, including the aforementioned mapping report on victims.

96. The CO continued to support the activities of its clients in the country and support was provided to total of 162 missions. Due to its geographical position as well as stable and sufficient office facilities, including the audio visual equipment for a remote testifying of witnesses, IT support, fleet management and trained and experienced staff resources, the CO has been utilised to provide support to the operational requirements associated with other situations in the region. The CO continued facilitating direct access to the Ongwen trial, enhancing the meaningful involvement of victims and relevant stakeholders, and managing their expectations regarding the possible reparations process.

97. Using creative approaches, the CO established video screening centres to live-stream the appeal hearings held from 14 to 18 February 2022 in various victims' locations in Northern Uganda. Four community radio stations provided live broadcasts of the proceedings in the local language of Acholi. Simultaneously, several meetings of radio listening clubs were organised in 25 victims' communities in Northern Uganda within the four case locations - Abok, Pajule/Lapul, Odek and Lukodi and Coorom, Ongwen's birthplace. These initiatives allowed victims and affected communities to follow what happened in the Courtroom, share their reactions and discuss the next steps in the proceedings.

98. 232 outreach-related activities were conducted, including special events to commemorate International Women's Day, the Court's 20th anniversary and the day of the African Child. These face-to-face activities reached a population of 26,024 people across northern Uganda. With the Ongwen case already in the appeal and reparation phase, the CO has used every available opportunity to provide accurate information, address misconceptions and manage expectations related to the outcome of the appeals and possible decisions on reparations.

99. The Outreach of the CO continued to engage with victims' communities through its free SMS platform and weekly radio programs, reaching up to 12,000 subscribers and 8 million people.

100. Out of the 4,095 victims currently participating in the Ongwen case, 1,501 are represented by Counsel from the OPCV and 2,594 by external counsel. Counsel from the OPCV was able to maintain regular contact with victims throughout the pandemic and was involved in the reparations proceedings.

101. The Registry facilitated three missions of defence counsel and five missions of LRVs.

## **M. Situation in the State of Palestine**

### **1. Investigations**

102. The Office's investigation, commenced on 3 March 2021, is ongoing. It encompasses any alleged conduct by all sides that may amount to Rome Statute crimes committed since 13 June 2014 in Gaza and the West Bank, including East Jerusalem. Against this background, the Office of the Prosecutor 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 of Foreign Affairs and Expatriates of the State of Palestine during his visit to the Court.

### **2. Registry Activities**

103. Outreach activities have been conducted in order to continue providing information, through production and distribution of general and situation specific information materials in Arabic and Hebrew. PIOS has been monitoring perceptions and reactions on social and online media, using the presence of the various stakeholders at the Court as well as online information sessions and meetings to discuss activities aimed at increasing the knowledge about the Court and providing correct information about its work, jurisdiction and mandate.

104. VPRS and PIOS continued to update the Pre-Trial Chamber on the Registry's outreach activities in relation to the situation through the submission of seven filings<sup>3</sup>. Both sections provided general information on the situation to a network of interlocutors. VPRS also continued to respond to victims' queries and organise informative sessions upon requests.

## **N. Situation in the Philippines**

### **1. Judicial Developments**

105. Following Pre-Trial Chamber I's 15 September 2021 decision authorising the commencement of an investigation in the situation, on 18 November 2021, the Prosecutor notified Pre-Trial Chamber I that, the Republic of the Philippines had on 10 November 2021 requested that he defer to the Philippines' "investigations and proceedings" relating to its nationals or others within its jurisdiction "with respect to the alleged crimes against humanity of murder under Article 7(1)(a) of the Statute 'committed throughout the Philippines between 1 July 2016 and 16 March 2019 in the context of the so-called "war on drugs" campaign, as

<sup>3</sup> See Public Redacted version of "Registry's Sixteen Report on Information and Outreach Activities Concerning Victims and Affected Communities in the Situation", ICC-01/18-152-Red, 11 August 2022.

well as in the Davao area between 1 November 2011 and 30 June 2016”’. On 24 June 2022, the Prosecutor submitted a request seeking the Chamber’s authorisation to resume the investigation, holding that the requested deferral is not warranted.

106. On 14 July 2022, the Chamber invited the Philippines to provide observations on the Prosecution’s request, and the victims and their legal representatives to submit additional or different views than those expressed during the Article 15(3) consultation process on the OTP and instructed the VPRS to liaise with victims and their legal representatives, if any, to collect the victims’ views and concerns related to the OTP Request and to transmit them to the Chamber, together with a short report summarising those views and concerns.

## **2. Investigations**

107. On 18 November 2021, the Prosecutor notified Pre-Trial Chamber I that the Republic of the Philippines had on 10 November 2021 requested that the Prosecutor defer to the Philippines’ “investigations and proceedings” relating to its nationals or others within its jurisdiction “with respect to the alleged crimes against humanity of murder under Article 7(1)(a) of the Statute ‘committed throughout the Philippines between 1 July 2016 and 16 March 2019 in the context of the so-called “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, holding that the requested deferral is not warranted. The Office meanwhile continued to prepare for the resumption of investigative activities, if authorized by the Pre-Trial Chamber.

## **3. Registry Activities**

108. Being mindful of the security concerns, PIOS maintains an open channel of communication with partners on the ground and organizes in cooperation information sessions on the mandate and jurisdiction of the ICC, the status of the investigations of the Office of the Prosecutor, and on the role of victims in the Rome Statute system. PIOS has been developing messages, distributing timely information on the relevant judicial developments as well as translations of public documents in the local languages.

109. Following the 14 July 2022 Order of the PTC referred to above, the VPRS organized several informative sessions with individuals and organisations that have knowledge of the context of this situation in order to collect and assess victims’ views on a potential resumption of the investigation.

## **O. Situation in Venezuela**

### **1. Judicial Developments**

110. On 3 November 2021, the Prosecutor announced that the preliminary examination had been concluded with a decision to proceed with 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 Venezuela”. The Prosecutor further informed the Chamber of his intention to seek authorization from the Pre-Trial Chamber to resume its investigation.

### **2. Investigations**

111. The announcement by the Prosecutor on 3 November 2021 to proceed with investigations, referred to above, was coupled with the joint signing of a Memorandum of Understanding with the Government of Venezuela, strengthening the basis for dialogue and cooperation. Since then, the Office sought to explore modalities to strengthen cooperation with the Venezuelan authorities and facilitate technical assistance under the framework of the Memorandum of Understanding, while progressing its independent mandated activities. This has included a second official visit by the Prosecutor to Venezuela in March 2022,

during which agreement was reached for the establishment of an office in Caracas in support of cooperation under the framework of the MoU. The Office has also engaged with other relevant actors working in the region in the field of rule of law and capacity building.

### **3. Registry Activities**

112. Following the announcement on 3 November 2021 of the Prosecutor to open investigations in the situation in Venezuela, PIOS ensured publicity of this development in close coordination with the Office of the Prosecutor through e-mails, posts on the Court's website and social media channels. Various information materials and publications were also translated and distributed in Spanish to raise awareness about the Court. PIOS engaged with civil society, participated in relevant meetings and conferences and started working on a mapping report to compile information relating to the political context, channels of communication and a detailed mapping of media, including the reporting about the Court and relevant justice issues.

113. The OPCV has been contacted by local lawyers and has provided support and assistance on substantive matters related to the participation of victims.

## **P. Situation in Ukraine**

### **1. Judicial developments**

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

115. On 2 and 7 March 2022, the Prosecution informed the Chamber that, pursuant to articles 13(a) and 14(1) of the Statute, it had received 40 State Party referrals with respect to the situation and since a request for authorisation 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.

### **2. Investigations**

116. 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 onwards.

117. The Office has engaged actively on the ground Ukraine and the region, including through three missions deployments of the Prosecutor personally. This has encompassed a constant presence of the Office in Ukraine since May 2022. The Office has been engaging in cooperation and coordination efforts with a variety of domestic and international stakeholders, including States Parties and international and regional organisations. This includes the joining by the Office, on 25 April 2022, of national authorities in the Joint Investigation Team under auspices of Eurojust.

118. In July 2022, the Office co-hosted the Ukraine Accountability Conference, aimed at ensuring effective cooperation and coordination across actors aimed at ensuring accountability for alleged international crimes committed in Ukraine.

### **3. Registry Activities**

119. Following the start of the investigation, VPRS posted messages for victims on the ICC website, responded to queries from victims and interlocutors and organized informative sessions at the request of various actors. VPRS is currently in contact with a number of interlocutors, including victims, organisations and legal representatives, who expressed interest in engaging with the Court, including by submitting application forms for participation in ICC proceedings and reparations. VPRS received 124 applications for

participation and/or reparations, of which 68 required a translation into English. In its interactions, the Registry is guided by the objective that victims and their representatives have a thorough understanding of the ICC proceedings and victims' rights before the ICC in order to make an informed decision. The OPCV has been contacted by local lawyers and has provided support and assistance on substantive matters related to the participation of victims.

#### **Q. Other judicial developments**

120. On 27 April 2022, the International Federation for Human Rights and CAJAR submitted the '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(6) of the Statute.

#### **R. Outstanding requests for arrest and surrender**

121. Requests for arrest and surrender issued by the Court are outstanding against 14 individuals:

- (i) DRC: Sylvestre Mudacumura, since 2012<sup>4</sup>;
- (ii) Uganda: Joseph Kony and Vincent Otti, since 2005;
- (iii) Central African Republic: Mahamat Nouradine Adam, since 2019;
- (iv) Darfur: Ahmad Harun, since 2007; Omar Al-Bashir, since 2009 and 2010; Abdel Raheem Muhammad Hussein, since 2012; Abdallah Banda, since 2014;
- (v) Kenya: Walter Barasa, since 2013 and Philip Kipkoech Bett, since 2015;
- (vi) Libya: Saif Al-Islam Gaddafi, since 2011; and
- (vii) Georgia: David Georgiyevich Sanakoev, Gamlet Guchmazov and Mikhail Mayramovich Mindzaev, since 2022.

### **III. Preliminary examinations**

122. At the end of the reporting period, the Office of the Prosecutor was seized of three preliminary examinations, in relation to Nigeria, Guinea (closed on 28 September 2022), and Venezuela II.

123. The preliminary examination in Nigeria was concluded 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 with the Nigerian authorities to progress complementarity and cooperation, with a view to achieving accountability for alleged crimes committed by members of Boko Haram and the Nigerian security forces.

124. In relation to Guinea, the Prosecutor undertook a visit to Conakry end of September 2022 in continuation of extensive and constructive engagement of the Office with Guinean authorities. On the occasion of the visit and the opening of the domestic trial related to the events of 28 September 2009 in Conakry, the Prosecutor signed with the President of the Transition, Colonel Mamady Doumbouya a Memorandum of Understanding furthering the principal of complementarity and strengthening future cooperation in pursuit of justice., and decided to close the preliminary examination in Guinea.

125. With respect to Venezuela II, the Office has been working to progress its subject-matter assessment.

126. With respect to Bolivia, the Office on 14 February 2022 completed the preliminary examination of the situation, referred to it by the Government of Bolivia on 4 September 2020, with the determination that the criteria set out in the Statute for opening an investigation were not met. In particular, the Prosecutor determined that there was not a reasonable basis

<sup>4</sup> The Office of the Prosecutor is in the process of verifying the reported death of Sylvestre Mudacumura (in 2019).



to believe 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(1) of the Statute.

127. On 28 October 2021, the Prosecutor concluded the preliminary examination regarding Colombia, simultaneously concluding a Cooperation Agreement between the Office and the Government of Colombia that renews the commitment of the Office to Colombia's national accountability process, and further defines the mutual roles that the Office and the Government will undertake to ensure that the progress achieved by domestic prosecutorial and judicial entities, in particular the Special Jurisdiction for Peace, is sustained and strengthened.

128. 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 may be warranted, as well as in relation to any other situations which may be referred to the Office.

## **IV. Administration, management, and judicial support activities**

### **1. Appointments of Deputy Prosecutors**

129. On 10 December 2021, Ms Nazhat Shameem Khan (Fiji) and Mr Mame Mandiaye Niang (Senegal), were elected as ICC Deputy Prosecutors, for a nine-year term, at the twentieth session of the Assembly of States Parties to the Rome Statute ("ASP"). Ms Khan and Mr Niang took a public oath of office in accordance with article 45 of the Rome Statute on 7 March 2022.

130. On 8 March 2022, Ms Khan and Mr Niang officially assumed their functions as Deputy Prosecutors.

### **2. Effect of the COVID-19 pandemic on operations**

131. The Court continued to undertake a multi-layered response to mitigate the effects of the 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. In order to protect the health and safety of personnel, the Court continued to allow only limited physical access to its premises, 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 building 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.

### **3. Adoption of new Administrative Instructions**

132. On 14 March 2022, two new administrative instructions were issued, Administrative Instruction on Investigations of Unsatisfactory Conduct and the Administrative Instruction on Unsatisfactory Conduct and Disciplinary Proceedings. These were prepared in accordance with best practices of administrative investigations in UN organisations. They will apply to all misconduct investigations, whether conducted by the IOM or by anyone else appointed to conduct such investigations.

133. On 6 April 2022, Administrative Instruction on Addressing Discrimination, Harassment, including Sexual Harassment, and Abuse of Authority was issued. It is based on a zero-tolerance policy on discrimination, harassment, including sexual harassment, and

abuse of authority. Reports of prohibited conduct can be submitted by any person against any person, irrespective of whether such persons have a contractual status with the Court. This Administrative Instruction follows the relevant UN policy, adapted to the needs of the Court. The prohibited conduct is addressed and sanctioned through different means, including training. Individuals can resort to both formal and informal resolution mechanisms. Importantly, there is no time limit to make a complaint.

134. On 14 September 2022, the new Administrative Instruction on Flexible Working Arrangements was issued, introducing some changes to the existing policy, namely: the option of “five working days in four and half” as an added modality to the compressed schedule; the option of working half days from home and/or any combination of half days or full days within the maximum 2 full days working from home allowed; and the possibility to work outside of the duty station for exceptional circumstances and subject to authorization by the Registrar or the Prosecutor, as appropriate.

#### **4. Consultations on the Court’s Strategy on Gender Equality and Workplace Culture**

135. From December 2021 to March 2022, the Court held intensive internal and external consultations on the zero draft version of its first Strategy on Gender Equality and Workplace Culture. The ICC Strategy provides a way forward to address part of the findings and recommendations made by the Independent Experts Review (“IER”) in their Report, as well as the relevant gaps and needs identified in the ICC Staff Engagement Surveys in 2018 and 2021 regarding gender and workplace culture. The final version of the Strategy is expected to be adopted by the Court Principals before the end of 2022, and its implementation by 2025 is the Court’s commitment as part of Generation Equality.

## **V. Conclusion**

136. This report covers the most active period of work of the Court during its 20 years of existence. Among notable developments, three trials commenced in addition to two trials that continued, 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; two new investigations were opened, bringing the number of open situations to 17; and four preliminary examinations were concluded. The Trust Fund for Victims implemented court-ordered reparations in a record number of four cases. Alongside its judicial and prosecutorial activities, the Court engaged actively in the Review process aimed at strengthening the institution.

## Annex

## The ICC's year in numbers

<i>Where</i>	<i>What</i>	<i>Details and remarks</i>
	17 situations 23 cases involving 27 suspects or accused	AFGHANISTAN – no case; BANGLADESH/MYANMAR – no case; BURUNDI – no case; CAR I – no case.; CAR II – 1) <i>Alfred Yekatom</i> and <i>Patrice-Edouard Ngaïssona</i> ; 2) <i>Mahamat Said Abdel Kani</i> ; 3) <i>Maxime Jeoffroy Eli Mokom Gawaka</i> ; COTE D'IVOIRE – no case; DARFUR (SUDAN) – 4) <i>Omar Al Bashir</i> , 5) <i>Ahmad Muhammad Harun</i> , 6) <i>Ali Muhammad Ali Abd-Al-Rahman</i> , 7) <i>Abdallah Banda</i> , 8) <i>Abdel Raheem Muhammad Hussein</i> ; DRC – 9) <i>Thomas Lubanga</i> , 10) <i>Bosco Ntaganda</i> , 11) <i>Germain Katanga</i> , 12) <i>Sylvestre Mudacumura</i> ; GEORGIA – 13) <i>David Georgiyevich Sanakoev</i> , <i>Gamlet Guchmazov</i> and <i>Mikhail Mayramovich Mindzaev</i> ; KENYA – 14) <i>Walter Osapiri Barasa</i> , 15) <i>Philip Kipkoech Bett</i> ; 16) <i>Paul Gicheru</i> ; LIBYA – 17) <i>Saif Al-Islam Gaddafi</i> , 18) <i>Al-Tuhamy Mohamed Khaled</i> , 19) <i>Mahmoud Mustafa Busayf Al-Werfalli</i> ; MALI – 20) <i>Ahmad Al Faqi Al Mahdi</i> , 21) <i>Al Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud</i> ; STATE OF PALESTINE – no case; PHILIPPINES – no case UGANDA – 22) <i>Dominic Ongwen</i> , 23) <i>Joseph Kony</i> and <i>Vincent Otti.</i> ; UKRAINE – no case; VENEZUELA – no case.
In the courtroom	262 hearings with 104 witnesses testifying	104 witnesses testified, with 65 appearing physically before the Court in The Hague and 39 testifying via video link.
	13,058 participating victims <sup>1</sup>	The figure includes more than 2,100 victims in the <i>Ntaganda</i> case, apprx. 4,100 in the <i>Ongwen</i> case, 1,456 in the <i>Yekatom/Ngaïssona</i> case and 2,199 in the <i>Al Hassan</i> case; 142 in <i>Abd-Al-Rahman</i> ; 1,546 individuals in relation to reparation proceedings in <i>Lubanga</i> ; and 918 in <i>Al Mahdi</i> . Victims are represented by both external counsel and the OPCV in different constellations: in <i>Said</i> (pre-trial and trial) and <i>Ntaganda</i> proceedings, OPCV counsel represent the entirety of participating victims; in the <i>Abd-Al-Rahman</i> , <i>Al Mahdi</i> and <i>Al Hassan</i> cases, legal representation is entirely external; and in the <i>Lubanga</i> , <i>Ongwen</i> , and <i>Yekatom/Ngaïssona</i> cases, victims are divided into different groups, represented by external counsel and the OPCV respectively (and specifically in the <i>Yekatom/Ngaïssona</i> case, a counsel from the OPCV is representing a victim group alongside four external counsel). In <i>Mokom</i> , OPCV represents the general interests of victim applicants pending a final decision on representation at pre-trial.

<sup>1</sup> A growing number of victims participating in the proceedings also become reparation applicants where cases enter into the reparations phase, as currently in *Al Mahdi*; *Lubanga*; *Ntaganda* and *Ongwen*. Figures of participating victims and reparations applicants/beneficiaries largely overlap as many individuals choose both instruments in their application forms to the ICC.

	660 decisions and 68 orders issued	Decisions: excluding annexes, redacted versions and translations – 397. Orders: excluding annexes, redacted versions and translations – 65.
	1 appeal judgment on reparations	On 12 September 2022, the Appeals Chamber issued its judgment on the appeals by the Defence and by the Legal Representative of one of the two groups of victims against the order on reparations of 8 March 2021, and remanded several issues to the Trial Chamber for the Trial Chamber to issue a new reparations order.
	5 interlocutory appeals	<u>Abd-Al-Rahman</u> (2) OA8 (1 November 2021) OA10 (17 December 2021) <u>Said</u> (2) OA3 (19 May 2022) OA4 (23 August 2022) <u>Al-Hassan</u> (1) OA4 (13 May 2022)
	10,827 filings made	Includes originals, translations, annexes, corrected and redacted versions. 94,448 court record pages filed.
	Assistance provided on requests to 26 defence and victims' teams (excluding States' representatives and situation-related representatives)	The Registry's Counsel Support Section ("CSS") centralises and coordinates all logistical and administrative support to defence counsel, legal representatives of victims and their teams as well as duty counsel and state representatives. During the reporting period, it facilitated the deployment of 123 missions to both situation and non-situation countries. CSS provided support to 16 defence and 10 victims' teams, including 125 defence team members in Lubanga, Ntaganda, Bemba, Gbagbo, Blé Goudé, Ongwen, Al Mahdi, Banda, Gaddafi, Al Hassan, Yekatom, Ngaïssona, Abd-Al-Rahman, Gicheru, Said and Mokom and 48 members of legal representatives of victims' teams in Lubanga 1 & 2, Katanga, Bemba, Banda, Al Hassan, Al Mahdi, Ongwen, Yekatom and Ngaïssona and Abd-Al-Rahman. CSS appointed 40 duty counsel.
Behind the room	7 to 8 persons in custody	The total number of persons in custody during the reporting period varied between 7 and 8: Mr Ntaganda, Mr Ongwen, Mr Al Hassan, Mr Yekatom, Mr Ngaïssona, Mr Abd-Al-Rahman, Mr Said, Mr Mokom and a detained witness.
	4,143 victim forms for participation and/or reparations received	This figure contains also relevant follow-up information on individual victim forms processed by VPRS, including e.g. TFV decisions on individual victim reparation forms ( <i>Al Mahdi</i> ).
	120 witnesses and 641 dependents protected or relocated	Due to overall increase in the ICC activities, the number of protected witnesses significantly increased compared to last year figure as well as the number of dependants. The figures provided

		are based on averages calculated over the 12 months including in the reporting period.
	29 candidates admitted to the ICC List of counsel with a total of 930 persons	In addition, 27 persons added to the ICC List of Assistants to counsel, making a total of 454 persons. 2 persons admitted to the List of professional investigators, making a total of 46 persons.
	785 Article 15 communications received	The OTP continued to analyse information received alleging the commission of crimes potentially falling within the Court's jurisdiction. From 1 September 2021 to 31 August 2022, the OTP registered 785 communications submitted under Article 15, of which 639 were manifestly outside the Court's jurisdiction; 22 were unrelated to current situations and warranted further analysis; 17 were linked to a situation already under analysis; and 107 were linked to an investigation or prosecution. Additionally, during the same period, the Office received 3910 items of additional information to already existing communications.
	4,020 interpreter days	Court and conference interpretation: hearings, seminars/ roundtables, visits from delegations, NGO/diplomatic briefings and others – 3,036 interpreter days; field and operational interpreter days – 984.
	76,827 pages or 1076 hearing-related transcripts, 721 pages or 9 non-hearing related transcripts	Hearing related: Includes 34,958 pages French and 41,869 pages of English transcripts. Non hearing related: includes 158 pages French and 563 pages of English transcripts.
	18,861 pages of translation requested; 8,220 pages finalized	15,341 pages of judicial translations were requested, with 5,089 pages finalized. 3,520 pages of non-judicial translations were requested, with 3,131 pages finalized.
	9,662 visitors received (including virtual visitors)	230 VIP visitors in 74 visits; 609 individuals who participated in 73 stakeholder visits (diplomats, NGOs, lawyers, prosecutors and journalists) 2,740 general information visitors (university students and general public, in person and virtually) 6,142 individuals who attended hearings during the times where limited public was allowed in the public galleries. The swearing-in of the newly elected Judges as well as the one of the Prosecutor took place under strict COVID-19 measures.
	7,980,519 website page views, 1,091,306 YouTube views, 676K Twitter followers, 152K LinkedIn followers	On the reporting period, the Court's website received a total of 7,980,519 page views and 2,727,823 visitors, including 2,074,122 new visitors. 221 new videos were posted on YouTube, attracting 1,091,306 views. 139 press releases were distributed to a mailing list of more

		<p>than 6,500 journalists and other stakeholders around the world. More than 230 interviews were conducted with officials of the Court. PIOS also continued to actively engage with global audiences through its various social media channels.</p> <p>The Court's two Twitter accounts (English and French) have garnered more than 676K followers, from which 82K are new followers, the two Facebook accounts had more than 320K likes and almost 359K followers, and the Court's two Instagram pages have attracted almost 77K followers, ensuring that the various ICC messages, campaigns, informative products and innovative visuals were shared to a wide audience. Facebook Live was also used successfully to broadcast further ICC hearings to a more global audience.</p> <p>The ICC LinkedIn Company Page is a platform to contribute in the efforts to increasing the awareness of the ICCs and its mandate, deliver content supporting gender and geographical representation, diversity in its workforce and promoting career opportunities at the Court.</p>
	17,806 job applications processed, with 157 recruitments, 834 staff members on established posts, 4 elected officials, and 18 judges	During the period covered: 5,956 applications for short-term positions, 11,850 applications for fixed-term positions, with 87 recruitments for fixed-term and 70 recruitments for short-term positions. In addition, 171 staff members are on positions funded by General Temporary Assistance, 55 on short-term appointments and 7 staff occupy Junior Professional Officer (JPO) positions.
	235 interns and 71 visiting professionals recruited	There were 235 interns and 71 visiting professionals at the Court, of which 1 visiting professional received a monthly stipend from the Court funded by the European Commission Grant and 2 interns and 1 visiting professional received a monthly stipend from the Court funded by the Trust Fund for the development of interns and visiting professionals.
	1 Presidential Directive, 3 Administrative Instructions	Presidential Directives set up procedures for implementation of regulations, resolutions and decisions adopted by the ASP, including regulations and rules on finance, staff, programme planning and budget. One Presidential Directives was promulgated during the reporting period. Administrative Instructions involve procedures, policies and regulatory matters of general concern. 3 were published in this reporting period.
	3 external audits and 9 internal audits	<b>External audits:</b> Audit of Financial Statements of the International Criminal Court for the year ended 31 December 2021; Audit of Financial Statements of the Trust Fund for Victims for the year ended 31 December 2021; and Performance audit on temporary personnel. <b>Internal audits:</b> Court's external communication framework (December 2021), Court's external communication expenses (December 2021), Audit of incidents response (October 2021),

		Administrative and Financial Controls in Country Offices: Review of completed self-assessment, testing of sample and identify areas for improvement (December 2021), Audit on the administrative and financial controls over procurement contracts, monitoring and control of approved budget, staffing levels and official travels in the Office of the Prosecutor (March 2022), Audit of the legal claims (May 2022), Audit of logical access management related to the systems managed by VPRS, CMS, SAP, IMSS, VWS and Investigation Division (June 2022), Audit of the Management of funds of the protection program for VWS (June 2022), Audit of the Duty Care Framework (July 2022)
	799 missions undertaken	OTP undertook 93 missions in non-situation countries and 78 missions in situation countries for the purposes of, inter alia, collecting evidence, screening and interviewing witnesses, and securing the continued cooperation of its partners. The Registry, including the Defence Teams, the Legal Representatives of the Victims undertook 323 missions in situation countries and 252 missions in non-situation countries. 33 additional missions were conducted in situation countries and 20 in non-situation countries by other entities including the Presidency, the Chambers, the Assembly of States Parties, the Trust Fund for Victims, the Audit and IOM.
In the field	569 outreach meetings and workshops for affected communities, reaching out to around 56,961 individuals	Between 1 September 2021 and end-August 2022:  569 Outreach meetings and workshops, including in Darfur (86), CAR (127), CIV (11), DRC (7), Georgia (17), Kenya (16), Uganda (254), Mali (13), Palestine (2), Myanmar (1), Philippines (6), Venezuela (2) and Ukraine (1).  These meetings reached out to 56,961 individuals, of whom in Darfur (658), CAR (23,339), CIV (4,150), DRC (365), Georgia (642), Kenya (64), Uganda (27,437), Mali (194), Palestine (11), Myanmar/Bangladesh (40), Philippines (35), Venezuela (23) and Ukraine (3).
	307 hours of media broadcast, with an estimated audience of 43,717,000	Includes ICC radio and TV productions and local productions in partnership with the ICC, in English, French and local languages.  According to local media statistics, estimated audiences reached: CAR – 3 million, CIV – 117,000, Darfur – 11.6 million, Mali – 7 million, Uganda – 20 million and Georgia – 2 million .
	7 country offices, 1 liaison office	Country offices in Bunia (DRC); Kampala (Uganda); Bangui (CAR); Abidjan (Côte d'Ivoire), Bamako (Mali) and Tbilisi (Georgia). The liaison office to the UN in New York promotes cooperation between the ICC and the United Nations, represents the Court in various meetings, and assists in organising relevant events as well as visits of senior Court officials.

	Requests for arrest and surrender outstanding against 14 individuals	Against: Mr Sylvestre Mudacumura <sup>2</sup> , Mr Joseph Kony, Mr Vincent Otti, Mr Mahamat Nouradine Adam, Mr Ahmad Muhammad Harun, Mr Omar Hassan Ahmad Al Bashir, Mr Abdel Raheem Muhammad Hussein, Mr Abdallah Banda Abakaer Nourain, Mr Walter Osapiri Barasa, Mr Philip Kipkoech Bett, Mr Saif Al-Islam Gaddafi, Mr David Georgiyevich Sanakoev, Mr Gamlet Guchmazov and Mr Mikhail Mayramovich Mindzaev.
States-related	123 States Parties	
	563 cooperation requests sent	During the reporting period, the Registry transmitted 323 primary judicial cooperation requests (including 34 requests from the Victims and Witnesses Section). 240 requests from OTP (in addition, 152 notifications of missions were sent).
	2 new cooperation agreements	The Court entered into one agreement on the enforcement of sentences.
	147 high-level visitors welcomed at the seat of the Court	Visitors to the seat of the Court included the President of Colombia, President of Bosnia and Herzegovina, Prime Minister of Albania, Vice President of Colombia, Vice President of El Salvador, Vice President of Iran; Deputy Prime Minister of UK, Ministers of Foreign Affairs from Bolivia, UK, Andorra, Palestine, Finland and Belgium; Ministers of Justice from France, CAR, DRC, Italy, Lithuania, Czech Republic, Niger, Canada and Norway; the President of Eurojust, the Mayor of The Hague as well as State Attorneys, high representatives from other International and EU Organisations.
	7 documents submitted for the ASP and 65 documents for the CBF. 27 documents submitted for the Audit Committee	For the 37th session and 38th and 38th resumed sessions of the CBF, the Court submitted 35 documents and 30 documents, respectively. For the 15th session and 16th session of the Audit Committee, the Court submitted 15 documents and 12 documents, respectively. The Court submitted 7 documents for the ASP during the reporting period.

<sup>2</sup> The Office of the Prosecutor is in the process of verifying the reported death of Sylvestre Mudacumura (in 2019).