



General Assembly

Distr.: General
24 August 2021

Original: English

Seventy-sixth session

Item 78 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 2020/21 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 28 of Assembly resolution [75/3](#).

* [A/76/150](#).



Report of the International Criminal Court on its activities in 2020/21

Summary

The International Criminal Court made significant progress in its activities during the reporting period despite practical challenges caused by the coronavirus disease (COVID-19) pandemic. Among notable developments, one accused was convicted and sentenced; two first-instance judgments were confirmed on appeal; one trial commenced and the presentation of evidence in another trial continued; charges were confirmed against two accused; two suspects were transferred to the Court; one new investigation was opened; the Prosecutor received one new referral; and four preliminary examinations were concluded. The Court underwent a major change of leadership with the election of six new judges, a new President and a new Prosecutor, and, in addition to its judicial and prosecutorial activities, engaged actively in the review process aimed at strengthening the institution and its overall performance.

In total, since its establishment, the Court has opened 30 cases, involving 46 suspects or accused. Investigations have been opened with regard to 14 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, State of Palestine and Uganda.

During the reporting period, Dominic Ongwen was found guilty of 61 counts of crimes against humanity and war crimes committed in northern Uganda between 2002 and 2005 and was sentenced to 25 years' imprisonment. The conviction and sentence are under appeal.

The Appeals Chamber confirmed the conviction and 30-year sentence of Bosco Ntaganda for crimes against humanity and war crimes committed in Ituri, Democratic Republic of the Congo. With regard to the situation in Côte d'Ivoire, the Appeals Chamber upheld the acquittals of Laurent Gbagbo and Charles Blé Goudé.

With regard to Central African Republic II, the trial of Alfred Yekatom and Patrice-Edouard Ngaïssona, alleged senior members of the anti-balaka movement, commenced on 16 February 2021 on charges of crimes against humanity and war crimes. With regard to the same situation, Mahamat Said Abdel Kani, an alleged senior member of the Séléka militia, surrendered and was transferred to the Court's custody pursuant to the warrant of arrest issued in 2019 for alleged crimes against humanity and war crimes.

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 2012 and 2013 in Timbuktu.

With regard to the situation in Darfur, charges of crimes against humanity and war crimes allegedly committed in 2003 and 2004 were confirmed against Ali Muhammad Ali Abd-Al-Rahman, and he was committed to trial. With regard to the situation in Kenya, Paul Gicheru, after having surrendered himself in November 2020, was committed to trial on charges of offences against the administration of justice consisting in corruptly influencing witnesses of the Court.

With regard to the situation in the State of Palestine, the Prosecutor opened an investigation following a ruling by Pre-Trial Chamber I concerning the Court's territorial jurisdiction. With regard to the situation in the Philippines, the Prosecutor requested judicial authorization to open an investigation; the request is pending.

The Court 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 requests for arrest and surrender remain outstanding against 12 individuals:

- (a) Democratic Republic of the Congo: Sylvestre Mudacumura, since 2012;^a
- (b) Uganda: Joseph Kony and Vincent Otti, since 2005;
- (c) Darfur: Ahmad Harun, since 2007; Omar Al-Bashir, since 2009 and 2010; Abdel Raheem Muhammad Hussein, since 2012; and Abdallah Banda, since 2014;
- (d) Kenya: Walter Barasa, since 2013; Philip Kipkoech Bett, since 2015;
- (e) Libya: Saif Al-Islam Gaddafi, since 2011; Al-Tuhamy Mohamed Khaled, since 2013;^a and Mahmoud Mustafa Busayf Al-Werfalli, since 2017.^a

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 deaths of Sylvestre Mudacumura (in 2019) Al-Tuhamy Mohamed Khaled (in 2021); and Mahmoud Mustafa Busayf Al-Werfalli (in 2021).

I. Introduction

1. The present report, which covers the period 1 August 2020 to 31 July 2021, 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](#)). Detailed information on the Court's activities is available on its website.¹

II. Update on judicial and prosecutorial activities

A. Situations and cases

2. A combined total of approximately 11,000 victims participated in cases before the Court during the reporting period. The Court received more than 2,300 new victim application forms, including 547 in the *Al Hassan* case, 864 in the *Yekatom and Ngaïssona* case and almost 900 in the *Abd-Al-Rahman* case. Altogether 1,151 application forms for reparations were received in the reparation proceedings in the *Al Mahdi*, *Ntaganda* and *Lubanga* cases. In addition, the Court received follow-up information for 947 existing applications.

1. Situation in the Democratic Republic of the Congo

(a) Judicial proceedings

The Prosecutor v. Thomas Lubanga Dyilo

3. Trial Chamber II remained seized of the implementation plans for symbolic collective reparations and collective service-based reparations, approved in 2016 and 2017, respectively. To date, 1,095 victims have been recognized as beneficiaries of reparations in the case. The final deadline for the submission of applications for reparations is 1 October 2021. Implementation of the collective service-based reparations commenced in March 2021.

The Prosecutor v. Germain Katanga

4. Trial Chamber II remained seized of the implementation of its reparations order issued on 24 March 2017. It issued decisions in which it approved the implementation of collective reparations in the form of psychological support and alternative housing assistance. The implementation of collective reparations in the form of educational assistance and income-generating activities is almost complete.

The Prosecutor v. Bosco Ntaganda

5. On 8 March 2021, Trial Chamber VI issued its order on reparations, in which it set the total award of reparations for which Mr. Ntaganda is liable at \$30 million. The Chamber awarded the victims collective reparations with individualized components as the most appropriate way to holistically address the multifaceted harm suffered by the large number of victims eligible to receive reparations in the case. Appeals against the order have been filed by Mr. Ntaganda and one of the legal representatives of the victims; those appeals are pending.

6. On 30 March 2021, the Appeals Chamber confirmed the conviction of Mr. Ntaganda for crimes against humanity and war crimes and the sentence of 30 years' imprisonment imposed by the Trial Chamber.

¹ www.icc-cpi.int.

(b) Investigations

7. The Office of the Prosecutor continued to engage with national authorities and various stakeholders with a view to securing cooperation and to strengthening complementarity as part of the ongoing proceedings and the efforts made by national authorities in the fight against impunity.

2. Situation in Uganda*(a) Judicial proceedings**The Prosecutor v. Dominic Ongwen*

8. Trial Chamber IX issued its judgment on 4 February 2021 and its sentencing decision on 6 May 2021. Mr. Ongwen was found guilty of 61 counts of crimes against humanity and war crimes and was sentenced to a joint sentence of 25 years' imprisonment. He has appealed both decisions; those appeals are pending.

9. The Trial Chamber is seized of reparations proceedings, the main submissions for which are scheduled to be filed in September 2021. The Chamber has instructed the Registry to undertake a comprehensive mapping of the direct and indirect victims who could be eligible for reparations.

(b) Investigations

10. The Office of the Prosecutor continued to explore leads and avenues for the arrest or surrender of Joseph Kony, alleged leader of the Lord's Resistance Army. The Office continued to encourage the holding of national proceedings in relation to both parties to the conflict.

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

11. On 7 October 2020, Pre-Trial Chamber II informed the Trust Fund for Victims that the proposed activities in the Central African Republic under the Fund's assistance mandate, as described in its notification under regulation 50 (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. Jean-Pierre Bemba Gombo*

12. On 1 October 2020, Pre-Trial Chamber II rejected Mr. Bemba's request for leave to appeal the Chamber's decision dated 18 May 2020, in which the Chamber rejected his claim for compensation and damages as a result of the Appeals Chamber overturning his conviction.

The Prosecutor v. Alfred Yekatom and Patrice-Edouard Ngaïssona

13. On 9 October 2020, the Appeals Chamber rejected Mr. Yekatom's appeal against the 28 April 2020 decision of Trial Chamber V, finding the case against him to be admissible.

14. The trial commenced on 16 February 2021 before Trial Chamber V. The presentation of evidence by the Prosecutor started on 15 March. As at the end of July 2021, 15 witnesses had testified before the Chamber. The testimony of other witnesses has been submitted in writing.

The Prosecutor v. Mahamat Said Abdel Kani

15. On 24 January 2021, Mr. Said, an alleged commander and top-ranking member of the militia group known as Séléka, surrendered and was transferred to the Court's custody pursuant to the warrant of arrest issued against him on 7 January 2019 for seven counts of war crimes and crimes against humanity allegedly perpetrated in Bangui between April and November 2013. On 29 January 2021, Mr. Said made his initial appearance before a single judge of Pre-Trial Chamber II. The confirmation of charges hearing is scheduled to commence on 12 October 2021.

(b) Investigations

16. In its ongoing investigations into the situation, and in particular in relation to the *Yekatom and Ngaissona* case and the *Said* case, the Office of the Prosecutor conducted 15 missions to four countries. Maintaining and further strengthening cooperation with the newly elected and appointed 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 and several United Nations system entities and agencies, as well as neighbouring countries, remained a priority.

17. 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.

4. Situation in Darfur*(a) Judicial proceedings**The Prosecutor v. Ali Muhammad Ali Abd-Al-Rahman ("Ali Kushayb")*

18. The confirmation of charges hearing was held from 24 to 26 May 2021. On 9 July 2021, Pre-Trial Chamber II confirmed 31 counts of war crimes and crimes against humanity allegedly committed between August 2003 and at least April 2004 in Kodoom, Bindisi, Mukjar, Dulayq and their surrounding areas in Darfur, Sudan, and committed Mr. Abd-Al-Rahman to trial.

19. During the reporting period, Mr. Abd-Al-Rahman appealed nine decisions of Pre-Trial Chamber II, including four decisions to maintain his detention pending trial. Of those nine appeals, the Appeals Chamber rejected all but two, which are still pending.

(b) Investigations

20. The Office of the Prosecutor conducted 35 missions to six countries to collect evidence and conduct witness interviews. As highlighted in the most recent report of the Prosecutor to the Security Council pursuant to Council resolution [1593 \(2005\)](#), dated 9 June 2021, in early June 2021, the incumbent Prosecutor at the time conducted – with crucial support from the United Nations and the Government of the Sudan – the first-ever visit of a Prosecutor of the Court to Darfur in the more than 15 years since the Security Council had referred the Darfur situation to the Prosecutor. A memorandum of understanding between the Office and the Government of the Sudan was signed on 14 February 2021, following which the Office undertook investigative activities on the ground and carried out its mission to Darfur. The Office has intensified constructive engagements with relevant government ministries with respect to the outstanding warrants of arrest.

5. Situation in Kenya

(a) *Judicial proceedings*

The Prosecutor v. Paul Gicheru

21. On 2 November 2020, Mr. Gicheru surrendered himself to the authorities of the Netherlands pursuant to an arrest warrant issued by Pre-Trial Chamber II on the basis of suspected offences against the administration of justice consisting in corruptly influencing witnesses of the Court. On 6 November 2020, Mr. Gicheru made his initial appearance before Pre-Trial Chamber A. On 11 December 2020, the Chamber severed the case against Mr. Gicheru from that against Mr. Bett. On 29 January 2021, the Chamber granted Mr. Gicheru's request for interim release subject to conditions on the basis of rule 119.

22. On 8 March 2021, the Appeals Chamber rejected the appeal of the Office of Public Counsel for the Defence against the decision of Pre-Trial Chamber A concerning the applicability to the case of rule 165 of the Rules of Procedure and Evidence, as provisionally amended. On 30 April 2021, Pre-Trial Chamber A received written submissions of the parties in lieu of a hearing on the confirmation of the charges in accordance with rule 165 (3); responses to those submissions were filed on 7 and 18 May 2021.

23. On 29 June 2021, the Chamber issued an order on the recusal of the Prosecutor from the current case, in which it took note of the Prosecutor's recusal and specified the consequences that it had.

24. On 15 July 2021, Pre-Trial Chamber A confirmed eight counts of offences against the administration of justice allegedly committed between April 2013 and September 2015 and committed Mr. Gicheru to trial.

(b) *Investigations*

25. The Office of the Prosecutor conducted three missions to one country to collect evidence and conduct witness interviews regarding crimes allegedly committed against the administration of justice with regard to the situation in Kenya. The Office continued to encourage the surrender of remaining individuals subject to warrants of arrest relating to offenses against the administration of justice under article 70 of the Rome Statute of the International Criminal Court. The Office also continued to receive information on the alleged commission of crimes against humanity during the post-election violence of 2007–2008.

6. Situation in Libya

Investigations

26. The Office of the Prosecutor conducted 13 missions to six countries to collect evidence and conduct witness interviews regarding crimes allegedly committed by all parties to the conflict. As highlighted in its reports to the Security Council pursuant to resolution 1970 (2011), the most recent of which was dated 17 May 2021, the Office continued its efforts to advance investigations relating to both existing and potential new cases and to call for support from States and stakeholders to secure the execution of outstanding arrest warrants. In that regard, the Office has received reports on the alleged deaths of two suspects, namely Mr. Al-Werfalli and Mr. Al-Tuhamy, and is conducting checks to verify those allegations. In its investigative activities, the Office has continued to secure the cooperation of several States and international and regional organizations, including the United Nations Support Mission in Libya, and has continued to extend and enhance its existing network of cooperation to achieve further progress in its investigations.

7. Situation in Côte d'Ivoire

27. On 8 September 2020, Pre-Trial Chamber II informed the Trust Fund for Victims that the proposed activities in Côte d'Ivoire under the Fund's assistance mandate, as described in its notification under regulation 50 (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. Laurent Gbagbo and Charles Blé Goudé

28. On 31 March 2021, ruling on the appeal of the Prosecutor against the decision of Trial Chamber I to acquit the two accused following no-case-to-answer motions, the Appeals Chamber confirmed, by majority, the acquittals of Mr. Gbagbo and Mr. Blé Goudé.

The Prosecutor v. Simone Gbagbo

29. On 19 July 2021, Pre-Trial Chamber II granted the request of the Prosecutor, dated 15 June 2021, to vacate the arrest warrant against Simone Gbagbo. The Chamber concluded that developments at the trial and appeal stage of the case of Laurent Gbagbo had made it apparent that the evidence on which the warrant of arrest for Simone Gbagbo had been grounded could no longer be considered as satisfying the evidentiary threshold required in article 58, paragraph 1, subparagraph a, of the Rome Statute.

(b) Investigations

30. The Office of the Prosecutor conducted 16 missions to three countries and continued its collection of evidence in relation to alleged crimes committed during the post-electoral violence by the other parties involved.

8. Situation in Mali

(a) Judicial proceedings

The Prosecutor v. Ahmad Al Faqi Al Mahdi

31. In March 2019, Trial Chamber VIII issued a decision in which it approved the updated reparations implementation plan of the Trust Fund for Victims. Following that decision, implementation continued during the reporting period and is projected to continue until 2022.

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

32. The trial, which commenced on 14 July 2020 before Trial Chamber X, continued throughout the remainder of 2020 and into 2021. The presentation of evidence by the Prosecution started on 25 August 2020. To date, 36 witnesses have testified and the testimony of several other witnesses has been submitted in writing. On 1 July 2021, the Appeals Chamber confirmed the decision of Trial Chamber X on the application of the Prosecution for notice of the possibility to modify the legal characterization of certain facts in the charges.

(b) Investigations

33. The Office of the Prosecutor conducted seven missions to two countries to investigate alleged crimes with regard to the situation in Mali. It continued to receive cooperation from the national authorities and others, including United Nations system entities – in particular, the United Nations Multidimensional Integrated Stabilization

Mission in Mali and the United Nations Educational, Scientific and Cultural Organization.

9. Situation in Georgia

Investigations

34. The Office of the Prosecutor conducted 11 investigative missions to two countries and continued to engage with national authorities and various stakeholders, in part to secure cooperation as part of the ongoing investigation. The Office continues to call upon all parties to cooperate with its investigations, including the Russian Federation and the de facto authorities of South Ossetia, in the interests of seeking justice for victims on all sides of the conflict.

10. Situation in Burundi

Investigations

35. The Office of the Prosecutor conducted 12 missions to five countries in connection with its investigation into the alleged crimes committed with regard to the situation in Burundi, as well as to strengthen cooperation networks.

11. Situation in Afghanistan

(a) Judicial proceedings

36. On 16 April 2021, the Prosecutor filed a notification on the status of the deferral request filed by Afghanistan under article 18, paragraph 2, of the Rome Statute. In the notification, the Prosecutor gave details about the communications between the Office and Afghanistan following that country's request for deferral to its investigation, communicated by the Prosecutor to the Chamber on 15 April 2020.

37. Several motions seeking remedies in connection with information and outreach were filed before Pre-Trial Chamber II by potential victims between April and May 2021; those motions are pending.

(b) Investigations

38. Following the authorization of the investigation on 5 March 2020, the Office of the Prosecutor has engaged with a range of stakeholders to build relevant cooperation networks. That preparatory work has included the identification, analysis and management of risks, the assessment of security and logistical issues, and, where appropriate, the preservation of evidence.

39. The Office is currently analysing the information provided by the Government of Afghanistan in support of its deferral request pursuant to article 18 of the Rome Statute. The Office is actively engaging with representatives of the Government about its request. A high-level delegation from Afghanistan was received on 7 May 2021 by the incumbent Prosecutor at the time for a full day of consultations on the matter. The Office has requested and received additional information from the Government in support of its deferral request; the Prosecutor's decision on the request remains pending.

12. Situation in Bangladesh/Myanmar

(a) Judicial proceedings

40. Between December 2020 and June 2021, the Registry submitted three reports on information and outreach activities undertaken with the affected communities and

the victims pursuant to an order issued to the Registry by Pre-Trial Chamber III on 20 January 2020.

41. On 27 October 2020, Pre-Trial Chamber III dismissed a joint request of the victims concerning hearings outside the host State, dated 4 August 2020.

(b) *Investigations*

42. The Office of the Prosecutor conducted 13 missions to two countries following the opening of the investigation. The Office has engaged with a range of stakeholders and continues to build relevant cooperation networks. The Prosecutor received a high-level visit from the authorities of Bangladesh on 16 July 2021, aimed at strengthening cooperation.

13. Situation in the State of Palestine

(a) *Judicial proceedings*

43. On 5 February 2021, Pre-Trial Chamber I issued a decision on the request of the Prosecution pursuant to article 19, paragraph 3, of the Rome Statute for a ruling on the Court's territorial jurisdiction in the State of Palestine. The Chamber found that (a) the State of Palestine was a State Party to the Statute; (b) by majority, the State of Palestine qualified as the State on the territory of which the conduct in question occurred for the purposes of article 12, paragraph 2, subparagraph a, of the Statute; and (c) by majority, the Court's territorial jurisdiction with regard to the situation in the State of Palestine extended to the territories occupied by Israel since 1967, namely Gaza and the West Bank, including East Jerusalem.

(b) *Investigations*

44. On 3 March 2021, the Office of the Prosecutor announced the opening of its investigation into the situation. The Office is assessing how best to meet the unique challenges arising in that situation, taking into account the operating environment and resource capacity, and is exploring ways to secure cooperation.

14. Situation in the Philippines

Judicial proceedings

45. On 24 May 2021, the Prosecutor filed, in a confidential filing, a request for the authorization of an investigation pursuant to article 15 (3) of the Rome Statute. The request was made in relation to crimes within the jurisdiction of the Court allegedly committed on the territory of the Philippines between 1 November 2011 and 16 March 2019 in the context of the "war on drugs" campaign, as well as any other crimes sufficiently linked to those events. On 14 June 2021, the Prosecutor made public a redacted version of the request. On 17 June 2021, Pre-Trial Chamber I extended to 13 August 2021 the time limit for victims to make representations to the Chamber under article 15, paragraph 3, of the Statute and rule 50, paragraph 3, of the Court's Rules of Procedure and Evidence.

15. Situation in the Bolivarian Republic of Venezuela

Judicial proceedings

46. On 28 May 2021, the Bolivarian Republic of Venezuela filed with Pre-Trial Chamber I a request for judicial control pursuant to article 15 and article 21, paragraph 3, of the Rome Statute and regulation 46, paragraph 2, of the Regulations of the Court, after the Prosecution had indicated, in its report of 14 December 2020 on preliminary examination activities, that, since at least April 2017, crimes against

humanity may have been committed by civilian authorities, members of the armed forces and pro-government individuals. On 14 June 2021, Pre-Trial Chamber I rejected the request for judicial review filed by the Bolivarian Republic of Venezuela.

B. Preliminary examinations

47. The Office of the Prosecutor conducted preliminary examinations into 10 situations during the reporting period. The Office concluded its analysis in four preliminary examinations. In the first, Iraq/United Kingdom of Great Britain and Northern Ireland, it decided not to request the opening an investigation, having concluded that none of the potential cases arising from the situation would be admissible before the Court. In the second and third, on Nigeria and Ukraine, respectively, it determined that the criteria for opening investigations in both situations were met. In the fourth, on the Philippines, the Office requested judicial authorization for the opening of an investigation into the situation. The Office also opened an investigation into the situation of the State of Palestine. The Office further opened a new preliminary examination, having received a referral from the Government of the Plurinational State of Bolivia regarding the situation in its territory. The Office published a report on its preliminary examination activities on 14 December 2020, in which further details of this key activity of the Office can be found.

48. The Office pursuant to Prosecutor continued to analyse information received related to allegations of crimes potentially falling within the Court's jurisdiction. From 1 August 2020 to 31 May 2021, the Office registered 612 communications submitted under article 15 of the Rome Statute, of which it found 438 to be manifestly outside the Court's jurisdiction, 33 were unrelated to current situations and warranted further analysis, 72 were linked to a situation already under preliminary examination, and 69 were linked to an investigation or prosecution.

1. Colombia

49. The Office of the Prosecutor continued to assess the progress of relevant national proceedings carried out by the Colombian authorities under the ordinary justice system, under the Justice and Peace Law, and by the Special Jurisdiction for Peace. On 15 June 2021, the Office issued a report on its benchmarking consultation with regard to the situation in Colombia, in which it explained why the situation in Colombia remained under preliminary examination and what remained to be done before the Prosecutor would reach a final determination. In particular, it examined the role that the Office should play in a preliminary examination that would face long-term, multilayered domestic accountability processes, and proposed the development of a benchmarking framework. Such a framework had been introduced in a skeletal form to invite an open and inclusive process for consideration and finalization by the current Prosecutor.

2. Guinea

50. The Office of the Prosecutor continued to conduct its admissibility assessment to determine whether the ongoing national proceedings were vitiated by an unwillingness or inability to genuinely carry out the proceedings within a reasonable delay. The Office continued its regular exchanges with the Guinean authorities and with Guinean civil society to discuss the holding of a trial in all its aspects and encourage, as appropriate, national and international stakeholders to work towards that goal.

3. Iraq/United Kingdom of Great Britain and Northern Ireland

51. On 9 December 2020, the Office of the Prosecutor closed its preliminary examination into Iraq/United Kingdom. Despite identifying several overarching

concerns regarding the way in which the authorities of the United Kingdom had conducted its relevant investigations, the Office was not satisfied that it would be able to demonstrate, in proceedings before the Court under article 18 of the Rome Statute that would inevitably ensue, that the investigative actions and/or the prosecutorial decisions taken by the competent domestic authorities showed evidence of shielding of persons within the meaning of article 17, paragraph 2, of the Statute.

4. Nigeria

52. On 11 December 2020, the Office of the Prosecutor announced the completion of its preliminary examination of the situation in Nigeria, having concluded that there was a reasonable basis to believe that war crimes and crimes against humanity had been committed and that the statutory criteria for opening an investigation had been met. Pending the next step, that of seeking judicial authorization to open an investigation, the Office continued to take measures to preserve the integrity of any future investigation into the situation

5. State of Palestine

53. On 3 March 2021, the Office of the Prosecutor announced the opening of its investigation into the situation in Palestine, following the decision by Pre-Trial Chamber I of 5 February 2021 referred to in paragraph 43 of the present report. On 12 May 2021, the Prosecutor issued a preventive statement, in which she noted with concern the escalation of violence in the region, including the possible commission of crimes under the Rome Statute.

6. Philippines

54. On 24 May 2021, the Office of the Prosecutor requested judicial authorization to proceed with an investigation into the situation in the Philippines. Having completed its preliminary examination, it had concluded that there was a reasonable basis to believe that crimes against humanity had been committed and that the statutory criteria for opening an investigation had been met. Pending a decision on its request, the Office continued to take measures to preserve the integrity of any future investigation into the situation.

7. Ukraine

55. On 11 December 2020, the Office of the Prosecutor announced the completion of its preliminary examination of the situation in Ukraine, having concluded that there was a reasonable basis to believe that war crimes and crimes against humanity had been committed and that the statutory criteria for opening an investigation had been met. Pending the next step, that of seeking judicial authorization to open an investigation, the Office continued to take measures to preserve the integrity of any future investigation into the situation.

8. Bolivarian Republic of Venezuela I

56. In 2020, the Office of the Prosecutor completed its assessment of subject-matter jurisdiction and determined that there was a reasonable basis to believe that crimes within the Court's jurisdiction had occurred in the Bolivarian Republic of Venezuela since at least April 2017. As part of its admissibility assessment, the Office had sought information from the country's authorities on relevant domestic proceedings and their conformity with the requirements under the Rome Statute. As noted in paragraph 46 of the present report, on 14 June 2021, Pre-Trial Chamber I rejected a request by the country's authorities for judicial control with respect to the conduct of the preliminary examination and ordered, inter alia, that the proceedings be reclassified as public. On

15 June 2021, the outgoing Prosecutor announced that she was handing over the determination on the preliminary examination, which had been completed, to the incoming Prosecutor for his consideration and ultimate decision-making.

9. Bolivarian Republic of Venezuela II

57. Following the referral received from the Government of the Bolivarian Republic of Venezuela regarding the situation in its own territory, in which crimes against humanity were alleged as a result of economic measures imposed by the United States Government since 2014, the Office continued to analyse the information provided by the country's Government along with information from other reliable sources with a view to determining whether the alleged conduct amounted to crimes under the Rome Statute.

10. Plurinational State of Bolivia

58. The Government of the Plurinational State of Bolivia submitted a referral regarding the situation in its territory on 4 September 2020. In the referral, it alleges the commission of crimes against humanity in connection with road blockades organized throughout the country that allegedly prevented the passage of ambulances and essential medical supplies. The Office has continued to analyse the information provided by the country's Government along with information from other reliable sources with a view to determining whether the alleged conduct amounted to crimes under the Rome Statute.

III. International cooperation

A. Cooperation with the United Nations

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

59. As provided for in the Relationship Agreement between the United Nations and the International Criminal Court, concluded in 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. Specific forms of cooperation are negotiated and are subject to supplementary agreements.

60. The Court continued to receive crucial support and cooperation from the senior leadership of the United Nations. The Court is particularly grateful for the continued commitment of the Secretary-General and 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 to retain a post at the Office of Legal Affairs, at the P-3 level, to handle requests for assistance and cooperation from the Court in the most efficient manner possible 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 long-standing, significantly increased workload arising from the Court's requests.

61. 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.

62. 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 operational support to the Court.

63. 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 offices of the Court 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.

64. 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. Owing to the pandemic, the number of requests for logistical assistance was lower than usual. 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 on behalf of counsel, the Registry and the United Nations strive to find ad hoc solutions reflected in exchanges of letters to facilitate the cooperation.

65. 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.

66. 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, 15 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 three staff members on transfer from other international organizations.

67. A joint round table of the United Nations and the Court was held in virtual format on 19, 20 and 25–27 May 2021. On that important occasion, officials of the United Nations and the Court discussed cooperation matters and reflected on best practices and the lessons learned from cooperation between the United Nations and the Court with a view to further strengthening the relationship between the two organizations.

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

68. 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.

69. In April 2021, the Court participated in the fourteenth United Nations Congress on Crime Prevention and Criminal Justice, held in Kyoto, Japan, including by exhibiting artwork showcasing the Court's activities, with messages to encourage States to consider joining the Rome Statute system.

70. During the high-level segment of the seventy-fifth session of the General Assembly, held in September 2020, the incumbent Prosecutor at the time addressed the meeting of the informal ministerial network for the Court.

71. 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 related 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 Rome Statute, establishing or enhancing national processes for cooperation with the Court and training legal professionals on the investigation and prosecution of international crimes, particularly 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.

72. 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 throughout the year with stories and posts in social media for Peace Day, Human Rights Day, International Day against the Use of Child Soldiers, 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 more. The Court coordinated with the United Nations to showcase stories from its "Life after conflict" series on the United Nations News "Stories from the field" web page. The Court focused on commemorations of the Day of International Criminal Justice on 17 July 2021 with the theme of building a #MoreJustWorld, demonstrating the determination of the Court and its personnel, as well as those affected by crimes, to build a more peaceful, more just world and crafting many calls to action for the general public to get involved. The ongoing campaign will set the tone for the Court's activities to mark Peace Day in 2021.

3. Cooperation with the Security Council

73. 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. Where the Council has made such 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; however, the Council has not responded to those communications in any substantive form.

74. 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.

75. 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, could be enhanced further with a view to strengthening synergies between the mandates of both entities and further developing their working methods.

76. The Court, and the Office of the Prosecutor in particular, 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 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

77. During the reporting period, the Registry transmitted 437 requests for visas to States. The Registry also transmitted 222 primary requests for cooperation to States parties, other States, and international and regional organizations, in addition to following up on pending requests. That figure does not reflect secondary requests sent by the Registry as a follow-up to primary requests.

78. The Office of the Prosecutor transmitted 472 requests for assistance (an increase of 11,05 per cent compared with the previous year) 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 28 incoming requests for cooperation under article 93, paragraph 10, of the Statute.

79. 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 provisions of documents and the facilitation of missions of the Court to their territory.

80. In addition to issuing its own requests and transmitting requests on behalf of the Court's Chambers, the Registry requested States to 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 ensure visas for family members. 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.

81. 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 remains a critical challenge.

82. 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. Regrettably, no new agreements were concluded during the reporting period.

83. 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.

84. In March 2021, in collaboration with the International Criminal Court Bar Association and with the financial support of the European Commission, the Court held a five-day event in the series “Training for counsel” with the participation of 197 lawyers on the Court’s list of counsel and list of assistants to counsel. Participants discussed issues of mutual interest with the overall objective of improving the quality of the assistance given to suspects, victims and witnesses appearing in proceedings before the Court.

85. 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.

86. 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 continued to participate in those activities. On 19, 21, 28 and 31 May and 3 June 2021, the Court held, by videoconference, an annual round table with non-governmental organizations.

87. On 2 September 2020, the United States announced sanctions against the Court’s Prosecutor and a member of her Office under executive order 13928 entitled “Blocking property of certain persons associated with the International Criminal Court”, issued on 11 June 2020. The Court is highly appreciative of the expressions of strong support received in the face of the executive order and the unprecedented sanctions from the Assembly of States Parties, individual States parties, States parties jointly across regional groups, international and regional organizations, professional associations and civil society. On 2 April 2021, the President of the United States revoked the executive order, ending the threat as well as the economic sanctions and visa restrictions imposed in connection with the Court.

IV. Institutional developments

A. Treaty matters

88. The amendment to article 8 of the Rome Statute, adopted in 2010, and the amendments on the crime of aggression were each ratified by two States, bringing the total number of States parties having ratified or accepted these amendments to 40 and 41, respectively. One State accepted the amendment to article 124, bringing the total number of States parties having ratified or accepted the amendment to 15. Three States ratified the three amendments to article 8 adopted in 2017, bringing the number of States parties having ratified each of these amendments to nine. Six States ratified or accepted the amendment to article 8 relating to intentionally using starvation of civilians as a method of warfare in armed conflicts not of an international character. The amendment, adopted by the Assembly of States Parties on 6 December 2019, had not been previously ratified or accepted by any State.

B. Elections

89. At its nineteenth session, the Assembly of States Parties elected Joanna Korner, Gocha Lordkipanidze, María del Socorro Flores Liera, Sergio Gerardo Ugalde

Godinez, Miatta Maria Samba and Althea Violet Alexis-Windsor as judges of the Court, each for a nine-year term beginning on 11 March 2021. The Assembly further elected Karim Asad Ahmad Khan as Prosecutor of the Court for a nine-year term beginning on 16 June 2021. The Assembly also elected, by acclamation, Silvia Fernández de Gurmendi as its President for its twentieth to twenty-second sessions.

90. On 11 March 2021, the Court's judges elected Piotr Hofmański as President of the Court for a three-year term, with immediate effect. Luz del Carmen Ibáñez Carranza and Antoine Kesia-Mbe Mindua were elected First and Second Vice-President, respectively.

C. Trust Fund for Victims

91. The Trust Fund for Victims responds to the harm suffered by victims as a result of crimes that come under the Court's jurisdiction. Throughout 2020 and 2021, the Fund's activities grew significantly: from 6 project contracts with implementing partners to 27. The projects vary in volume and complexity.

92. In Katanga, the Trust Fund continued to implement collective reparations awards and almost finalized the implementation of educational and income-generating support activities. The payment of individual reparations awarded in the *Al Mahdi* case began in January 2021. During the reporting period, 132 beneficiaries received the individual reparations awarded to them. The Board of Directors of the Trust Fund issued 961 eligibility decisions, with 795 victims found eligible. On 30 March 2021, a symbolic reparations award ceremony was held in Bamako. In the *Lubanga* case, the five-year contract with the implementing partner for the collective service-based reparations in the amount of nearly \$10 million entered into force on 15 March 2021. To date, 1,095 beneficiaries have been found eligible and still more will benefit from the programme. The planning for a reparations programme has started in the *Ntaganda* case after the Trial Chamber had issued its reparations order.

93. The number of assistance programmes has multiplied from the original single programme in Uganda. There are now assistance programmes in Côte d'Ivoire that are managed with three partners, in the Central African Republic with six partners and in the Democratic Republic of the Congo with 10 partners. Additional assistance programmes are projected to start in Georgia, Kenya and Mali around the end of 2021; the procurement process to find partners is ongoing.

94. The Board of Directors of the Trust Fund held 19 remote meetings, including one in which they discussed the review process (see sect. C of the present report). The Trust Fund published its strategic plan in 2020, which is aligned to that of the Court. In mid-2021, the Board of Directors of the Trust Fund, under its Chair, Mama Koité Doumbia, and with its new member Andres Parmas, elected in April 2021, in attendance, provisionally adopted a policy on working methods.

95. The Trust Fund for Victims calls on all States and entities to make voluntary contributions for the benefit of victims and their families.

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

96. Enhancing the Court's delivery of justice in accordance with its mandate under the Rome Statute is a top priority for the Court's leadership. In that context, the Court continued the review process initiated by the Assembly of States Parties at its eighteenth session, in 2019. The process is aimed at strengthening the Court and the Rome Statute system of international criminal justice. A major step was the issuance,

on 30 September 2020, of the final report on the review by the group of independent experts. The report contains 384 recommendations 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. On 14 April 2021, the Court issued its overall response to the final report, in which it gave a preliminary analysis of the recommendations and gave information on relevant activities it had already undertaken. The Court coordinates closely with the Assembly as the process moves forward towards a detailed assessment and, where warranted, the implementation of recommendations to enhance the Court's operations.

E. Effect of the coronavirus disease pandemic on operations

97. The Court has continued to mount a multilayered response to mitigate the effects of the coronavirus disease (COVID-19) pandemic on its operations. New working arrangements have been implemented rapidly and creative solutions have been introduced in the courtrooms to allow hybrid proceedings involving physically present participants and those connected remotely. As a result of those actions, the Court has managed to advance its judicial proceedings during the pandemic with only limited delays. 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 has closely followed the advice of the authorities of its host State, the Netherlands. The Court has continued to implement similar measures across its country offices and its liaison office at the United Nations in New York, in close coordination with the United Nations.

V. Conclusion

98. The Court made significant progress during the reporting period in its pretrial, trial and appeals proceedings, as well as with regard to reparations and the investigations and preliminary examinations conducted by the Office of the Prosecutor. Among notable developments, one accused was convicted and sentenced, two first-instance judgments were confirmed on appeal, one trial commenced and the presentation of evidence in another trial continued, charges were confirmed against two accused, two suspects were transferred to the Court, one new investigation was opened and four preliminary examinations were concluded. The Court underwent a major change of leadership with the election of new judges, a new President and a new Prosecutor, and, in addition to its judicial and prosecutorial activities, engaged actively in the review process aimed at strengthening the institution.

99. 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.