



# General Assembly

Distr.: General  
21 August 2023

Original: English

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## Seventy-eighth session

Item 76 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 2022/23 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 31 of General Assembly resolution [77/6](#).

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\* [A/78/150](#).



## Report of the International Criminal Court on its activities in 2022/23

### *Summary*

The present annual report provides an update on the activities of the International Criminal Court during one of its most active periods since its establishment. Drawing on new tools and approaches, the Court has sought to effectively address the exceptionally high workload it faces across situations in the form of investigations, pretrial proceedings, trials and appeals, as well as reparations programmes for victims.

Among the notable developments during the reporting period was the confirmation by the Appeals Chamber of the conviction and 25-year sentence of Dominic Ongwen for crimes against humanity and war crimes committed in northern Uganda between 1 July 2002 and 31 December 2005. The case is now at the victims' reparation stage.

With regard to the situation in Mali, the presentation of evidence in the trial of Al Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud concluded and the Trial Chamber is deliberating on the verdict.

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

With regard to the situation in the Central African Republic II, the trial of Alfred Yekatom and Patrice-Edouard Ngaissonna and the trial of Mahamat Said Abdel Kani continued. In addition, the confirmation of charges hearing in the case of Maxime Jeffroy Eli Mokom Gawaka is scheduled for 22 August 2023.

With regard to the situation in Ukraine, arrest warrants were issued for Vladimir Vladimirovich Putin and Maria Alekseyevna Lvova-Belova for the alleged war crimes of unlawful deportation and unlawful transfer of population (children) from occupied areas of Ukraine to the Russian Federation.

The Prosecutor resumed his investigations into the situations in Afghanistan, the Bolivarian Republic of Venezuela and the Philippines, following judicial decisions on the admissibility challenges presented by the States concerned. With regard to the situation in Georgia and the situation in the Central African Republic II, the Prosecutor announced the conclusion of the investigation phase. During the reporting period, the Office of the Prosecutor also continued its work with respect to the other situations that fall within its mandate.

Reparations to victims continued to feature prominently in the Court's work, with the Trust Fund for Victims implementing reparation orders in four cases. The Trust Fund is also implementing other programmes for the benefit of victims in respect of the situations in the Central African Republic, Côte d'Ivoire, the Democratic Republic of the Congo, Georgia, Kenya, Mali and Uganda, directly benefiting close to 17,000 individuals.

The Court remains strongly committed to the principle of continuous improvement, including in the context of the review process initiated by the Assembly of States Parties in 2019 to strengthen the Court and as reflected in the strategic plans for 2023–2025 of the Court, the Office of the Prosecutor, the Registry and the Trust Fund for Victims, and the Strategy on Gender Equality and Workplace Culture

launched in December 2022, as well as other documents, such as the new Policy on the Crime of Gender Persecution of the Office of the Prosecutor.

The Court is grateful for the support of the United Nations across its activities. It continued to receive highly valuable cooperation from the United Nations on a wide range of issues, notably operational assistance in the field, on a cost-reimbursable basis. The cooperation, assistance and support of States remained equally essential to the Court's operations, particularly at a time when a number of the Court's elected officials are facing unacceptable threats for carrying out their mandate.

Court-issued public arrest warrants are outstanding against 16 individuals:

- (a) Democratic Republic of the Congo: Sylvestre Mudacumura, since 2012;<sup>a</sup>
- (b) Uganda: Joseph Kony and Vincent Otti, since 2005;
- (c) Central African Republic: Mahamah Nouradine Adam, since 2019;
- (d) Darfur: Ahmad Harun, since 2007; Omar Al-Bashir, since 2009 and 2010; Abdel Raheem Muhammad Hussein, since 2012; and Abdallah Banda, since 2014;
- (e) Kenya: Walter Barasa, since 2013; and Philip Kipkoech Bett, since 2015;
- (f) Libya: Saif Al-Islam Gaddafi, since 2011;
- (g) Georgia: Mikhail Mayramovich Mindzaev, Gamlet Guchmazov and David Georgiyevich Sanakoev, since 2022;
- (h) Ukraine: Vladimir Vladimirovich Putin and Maria Alekseyevna Lvova-Belova, since 2023.

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

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

## Introduction

1. The present report, which covers the period from 1 August 2022 to 31 July 2023, 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](#)).<sup>1</sup>

## I. Update on judicial and prosecutorial activities

### A. Situations and cases

2. During the reporting period, the Chambers issued 534 written decisions, in addition to oral and email decisions. Some 227 hearings were held.

3. A combined total of over 15,000 victims participated in cases before the Court during the reporting period. The Court received more than 8,900 new victim application forms, including 1,083 in the *Al Mahdi* case (reparations), 1,320 in the *Abd-Al-Rahman* case, over 2,000 for the situation in Ukraine and approximately 600 in the cases related to the situation in the Central African Republic II. A total of 2,341 representation forms were received with regard to the situations in the Bolivarian Republic of Venezuela and the Philippines for processes initiated pursuant to article 18 of the Rome Statute of the International Criminal Court. The Court received follow-up information for a total of 1,300 existing applications.

#### 1. Situation in the Democratic Republic of the Congo

##### (a) *Judicial proceedings and reparations*

###### *The Prosecutor v. Thomas Lubanga Dyilo*

4. Trial Chamber II remained seized of the implementation plans for symbolic collective reparations and collective service-based reparations and continued to receive progress reports from the Trust Fund for Victims pursuant to the Chamber's decisions of 21 October 2016, 6 April 2017 and 7 February 2019.

5. To date, 2,462 child soldiers and their families and other indirect victims have been deemed eligible for a reparations award; 872 beneficiaries are currently benefiting from service-based reparations in the form of medical treatment, psychological rehabilitation and socioeconomic support.

6. As part of the symbolic reparations award, the Trust Fund for Victims launched the construction of a building that will be used by community members for collective activities. To date, the Trust Fund has complemented around 75 per cent of the total liability of Mr. Lubanga for reparations to victims, but there is a funding gap of about \$2.5 million.

###### *The Prosecutor v. Germain Katanga*

7. 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 of the attack on the village of Bogoro, Ituri Province. Individual reparations have been fully implemented and the implementation of collective reparations is almost complete. A ceremony to mark the end of the implementation of the reparations is planned by the Trust Fund for Victims.

<sup>1</sup> More information on the Court's activities can be found on its website, [www.icc-cpi.int](http://www.icc-cpi.int).

*The Prosecutor v. Bosco Ntaganda*

8. Trial Chamber II remained seized of the implementation of the reparations order issued on 8 March 2021. In light of its finding as to the joint liability *in solidum* of Mr. Ntaganda and co-perpetrators, the Chamber adopted, for the purposes of reparations in the *Ntaganda* case, the reparation programmes ordered in the *Lubanga* case, in relation to the overlapping victims and harm in both cases.

9. On 12 September 2022, the Appeals Chamber delivered its judgment on the appeals by Mr. Ntaganda and one of the legal representatives of victims against the reparations order of Trial Chamber II of 8 March 2021, partially reversing the order and remanding the matter to Trial Chamber II.

10. On 14 July 2023, Trial Chamber II delivered an addendum to the reparations order, which included, inter alia, the estimation of the approximate number of direct and indirect victims of crimes against child soldiers (3,000), the estimation of the approximate number of direct and indirect victims of the attacks (7,500), and an assessment of Mr. Ntaganda's liability for reparations of \$31,300,000. The Chamber will next rule on the draft implementation plan of the Trust Fund for Victims for the reparations awarded in this case.

11. In 2022 the Trust Fund for Victims began providing reparations to 29 former child soldiers and 45 victims of the attacks identified as priority victims. Following Trial Chamber II's issuance of the addendum to the reparations order, preparations are under way for the Trust Fund to mobilize resources and prepare for the implementation of this large reparations programme.

(b) *Investigations*

12. In June 2023, the Prosecutor visited the Democratic Republic of the Congo, meeting with high-level officials, survivors, affected communities and civil society organizations. He signed a memorandum of understanding with the President of the Democratic Republic of the Congo on 1 June 2023, which set a new framework for cooperation and complementarity. Following this visit, the Office of the Prosecutor deepened its engagement with authorities in the country and other stakeholders to encourage national proceedings to address serious crimes.

13. On 18 May 2023, the Government of the Democratic Republic of the Congo submitted a second referral to the Prosecutor, relating to alleged crimes under the Rome Statute committed in North Kivu Province from 1 January 2022. The Office will conduct its preliminary examination and determine whether a new investigation should be opened.

**2. Situation in Uganda**

*Judicial proceedings*

*The Prosecutor v. Dominic Ongwen*

14. On 15 December 2022, the Appeals Chamber delivered two final judgments in open court, the first confirming Trial Chamber IX's conviction decision of 4 February 2021 and the second confirming, by majority, Trial Chamber IX's sentencing decision of 6 May 2021, which imposed a sentence of 25 years of imprisonment on Mr. Ongwen.

15. On 16 December 2022, Trial Chamber IX issued a decision instructing the Registry to extract from the universe of 4,096 victims a random but representative sample constituted of 205 victims, to proceed in a similar fashion as Trial Chamber II had in the *Ntaganda* case at the reparations stage. On 9 January 2023, the Registry

submitted the sample, which was subsequently approved by Trial Chamber IX as sufficiently representative of the universe of potential victims.

*The Prosecutor v. Joseph Kony and Vincent Otti*

16. On 24 November 2022, the Prosecutor requested Pre-Trial Chamber II to hold a hearing on the confirmation of charges against Mr. Kony (for whom a warrant of arrest was issued in 2005) in his absence, pursuant to article 61, paragraph 2 (b), of the Rome Statute. On 30 March 2023, the Office of Public Counsel for Victims and the Office of Public Counsel for the Defence submitted observations.

17. On 1 December 2022, Pre-Trial Chamber II rejected the Prosecution's request to terminate the proceedings against Mr. Otti on account of his death, on grounds that his alleged killing had not been established.

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

(a) *Judicial proceedings*

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

18. The Prosecution's presentation of evidence, which commenced on 15 March 2021, continued. To date, the Chamber has heard the testimony of 72 out of a total of an anticipated 79 witnesses called by the Prosecution. On 29 May 2023, the Chamber directed the Defence to indicate by 25 August 2023 whether it intended to present evidence. If the Defence responds in the affirmative, it is to call its first witness on 11 December 2023.

*The Prosecutor v. Mahamat Said Abdel Kani*

19. The Prosecution's presentation of evidence commenced on 26 September 2022. The Prosecution is expected to call 58 witnesses to testify and was authorized to introduce into evidence the prior recorded testimony of 24 witnesses, pursuant to rule 68, paragraph 2, of the Court's Rules of Procedure and Evidence. As at the end of the reporting period, the Prosecution had called 16 witnesses.

20. Since February 2023 there have been no trial hearings owing to Mr. Said's medical condition. Trial Chamber VI is monitoring the situation and will resume the trial whenever possible.

*The Prosecutor v. Maxime Jeoffroy Eli Mokom Gawaka*

21. Proceedings for the confirmation of the charges have been ongoing since Mr Mokom's surrender on 14 March 2022. On 19 December 2022, the Appeals Chamber confirmed, by majority, Pre-Trial Chamber II's decision to remove Mr. Mokom's counsel of choice owing to an impediment to representation or a conflict of interest.

22. On 3 February 2023, following the appointment of permanent counsel for Mr. Mokom, Pre-Trial Chamber II postponed the commencement of the confirmation of charges hearing, which was initially scheduled to commence on 31 January 2023, to 22 August 2023.

23. Between September 2022 and June 2023, the Chamber held two status conferences and issued a large number of decisions on procedural matters, addressing in particular victims' representation and participation, disclosure and related issues. On 9 March 2023, the Prosecution submitted the document containing the charges.

24. On 8 March 2023, Pre-Trial Chamber II rejected Mr. Mokom's request for interim release, in the absence of a State willing to accept him and to implement any conditions suitable to mitigate any risk of flight. On 19 April 2023, Pre-Trial Chamber II ordered the Registry to assist the Defence in identifying such a State.

(b) *Investigations*

25. On 16 December 2022, the Prosecutor announced the conclusion of the investigation phase in the situation in the Central African Republic II. The Office of the Prosecutor is not pursuing new lines of inquiry into the alleged criminal responsibility of other persons or in relation to other conduct in the situation beyond the cases before the Court. The Office continued to cooperate with the authorities of the Central African Republic, share information with the Special Criminal Court in Bangui and engage on matters of common interest aimed at closing the impunity gap.

**4. Situation in Darfur**

(a) *Judicial proceedings*

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

26. The trial of Mr. Abd-Al-Rahman, which commenced on 5 April 2022, continued in 2022. The Prosecution concluded its presentation of evidence, in which 56 witnesses were heard and written statements of an additional 25 witnesses and more than 1,200 items of evidence were submitted. On 19 April 2023, Trial Chamber I rejected the Defence's request for a motion of acquittal. From 5 to 7 June the victims' legal representatives made their opening statements and called witnesses and victims, who appeared in court. On 7 July, the Chamber granted a second Defence request for postponement of the commencement of its case, which is now scheduled to start on 16 October 2023.

27. On 28 June 2023, the Appeals Chamber, by majority, confirmed Trial Chamber I's decision of 17 February 2023 recognizing the admission of a video of Mr. Abd-Al-Rahman into evidence.

28. On 17 July 2023, the Appeals Chamber, by majority, dismissed the Defence's request for reconsideration of the Appeals Chamber's judgment of 1 November 2021 confirming Pre-Trial Chamber II's decision of 17 May 2021 that rejected the Defence's jurisdictional challenge of 15 March 2021.

(b) *Investigations*

29. In addition to its prosecution case in the trial of Mr. Abd-Al-Rahman, the Office of the Prosecutor continued to advance investigations in relation to suspects at large, despite very limited cooperation from the Sudanese authorities. The outbreak of fighting across the Sudan, including Darfur, continues to pose additional challenges to the Office's investigations.

30. On 26 January and 13 July 2023, pursuant to Security Council resolution [1593 \(2005\)](#), the Prosecutor briefed the Security Council on the situation in Darfur, detailing the progress in the case of Mr. Abd-Al-Rahman, addressing the armed hostilities that have prevailed in the Sudan since April 2023 and outlining the significant challenges his Office has encountered in receiving cooperation from the Government of the Sudan. In his briefing in July 2023, the Prosecutor confirmed that he had commenced investigations in relation to incidents occurring in the context of the present hostilities, in accordance with the mandate of his Office pursuant to resolution [1593 \(2005\)](#).

## 5. Situation in Kenya

### *Judicial proceedings*

#### *The Prosecutor v. Paul Gicheru*

31. On 14 October 2022, Trial Chamber III terminated the proceedings against Mr. Gicheru following the confirmation of his passing.

## 6. Situation in Libya

### (a) *Judicial proceedings*

32. On 7 September 2022, Pre-Trial Chamber I terminated proceedings against Mr. Al-Tuhamy Mohamed Khaled following the Prosecution's submission of the notification of the death of Mr. Al-Tuhamy and request to withdraw the arrest warrant, dated 2 August 2022, to which it annexed a copy of a death certificate issued by the Libyan authorities.

### (b) *Investigations*

33. The Office of the Prosecutor continued to implement its investigative strategy across multiple lines based on its assessment of progress achieved in the investigation as well as continued challenges. The Office undertook missions to Libya and other countries while strengthening cooperation and engagement with States, international organizations and civil society organizations. On 7 September 2022, the Office became a formal member of the joint team supporting investigations into crimes against migrants and refugees in Libya. In October 2022, two key suspects were arrested and extradited to partner countries of the joint team as part of an operation supported by the Office.

34. On 9 November 2022 and 11 May 2023, pursuant to Security Council resolution [1970 \(2011\)](#), the Prosecutor briefed the Council on the situation in Libya, detailing the progress made as a result of his Office's renewed approach to the situation. The Prosecutor's briefing of 9 November marked the first time he presented to the Council from Libya. The briefing was conducted virtually while the Prosecutor was on an official visit to various parts of the country with the aim of strengthening engagement both with Libyan authorities and victims' groups.

## 7. Situation in Côte d'Ivoire

### *Investigations*

35. The Office of the Prosecutor continued its efforts to secure cooperation from national authorities and other stakeholders to assist in accelerating the ongoing investigations into crimes allegedly committed between December 2010 and June 2011 in the context of post-electoral violence.

## 8. Situation in Mali

### (a) *Judicial proceedings and reparations*

#### *The Prosecutor v. Ahmad Al Faqi Al Mahdi*

36. Trial Chamber VIII remained seized of the implementation of its reparations order issued on 17 August 2017, wherein individual, collective and symbolic reparations for the community of Timbuktu were granted.

37. The Trust Fund for Victims provided individual awards in the form of compensation to 1,450 victims of the attacks against religious and historic buildings carried out in June and July 2012. In 2022, together with the United Nations



Educational, Scientific and Cultural Organization, the Trust Fund launched the implementation of collective awards for the restoration of cultural heritage in Timbuktu. The awards provide for commemorations that address the moral harm caused to the community and the building of a facility for socioeconomic activities to address the damage caused to the economy as a result of the destruction of its cultural heritage.

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

38. The Defence's presentation of evidence concluded on 6 February 2023 and Trial Chamber X subsequently declared the submission of evidence closed. In total, the Chamber heard the in-court testimony of 76 witnesses and received the evidence of 31 witnesses, pursuant to rule 68, paragraph 2, of the Court's Rules of Procedure and Evidence. Closing statements were delivered from 23 to 25 May 2023. The Chamber is deliberating on its judgment.

(b) *Investigations*

39. The Office of the Prosecutor continued its activities related to this situation, including those concerning the *Al Hassan* case, and monitored developments and incidents on the ground, including reports of atrocity crimes. The Office has been seeking to explore further options to reinforce the impact of its activities with respect to the situation in Mali, including by developing synergies with the Malian national justice system and other partners within the framework of complementarity.

**9. Situation in Georgia**

*Investigations*

40. On 16 December 2022, the Prosecutor announced the conclusion of the investigation phase of the situation in Georgia. The Office of the Prosecutor will not pursue new lines of inquiry into the alleged criminal responsibility of other persons or in relation to other conduct in the situation beyond the case pending before the Court. The Office focused its efforts on ensuring trial readiness in relation to the existing warrants and on preserving witness evidence, including in accordance with article 56 of the Rome Statute. The Office is also monitoring developments in the context of suspect tracking.

**10. Situation in Burundi**

*Investigations*

41. The Office of the Prosecutor continued its investigation, conducting missions to a number of countries. The investigation advanced steadily following the Office's comprehensive analysis of the evidence collected since the start of the investigation and benefited from the cooperation of States, United Nations entities and non-governmental organizations.

**11. Situation in Afghanistan**

(a) *Judicial proceedings*

42. On 31 October 2022, Pre-Trial Chamber II authorized the Prosecution to resume its investigation into the situation in Afghanistan, pursuant to article 18, paragraph 2, of the Rome Statute. The Chamber found, inter alia, that the information presented did not show that Afghanistan had investigated or was investigating the alleged crimes in a manner that would cover the full scope of the Prosecution's intended investigation and that would justify even a partial deferral.

43. On 4 April 2023, the Appeals Chamber issued a judgment amending Pre-Trial Chamber II's decision of 31 October 2022 in order to align it with the scope of the Prosecutor's investigation in relation to alleged crimes committed on the territory of Afghanistan in the period since 1 May 2003, as well as other alleged crimes that have a nexus to the armed conflict in Afghanistan and are sufficiently linked to the situation and were committed on the territory of other States Parties in the period since 1 July 2002, as previously determined by the Appeals Chamber in its judgment of 5 March 2020.

(b) *Investigations*

44. Following the authorization granted by the Pre-Trial Chamber in October 2022, the Office of the Prosecutor resumed investigative activities, with a focus on identifying and interviewing witnesses, collecting relevant documentary evidence, identifying and analysing representative incidents and further refining the case hypotheses. The Office has further worked to galvanize cooperation from States, international organizations and civil society organizations.

**12. Situation in Bangladesh/Myanmar**

*Investigations*

45. The Office of the Prosecutor continued its investigation, conducting regular missions, collecting and analysing evidence and carrying out initiatives aimed at strengthening engagement and cooperation with partners in the region. The investigation into this situation included the conduct of interviews with witnesses in Bangladesh, drawing on the almost permanent presence of investigators in the country. The Office engaged with government ministries in Bangladesh, diplomats, United Nations entities and non-governmental organizations to request assistance and inform them of developments. The Prosecutor conducted an official visit to Bangladesh from 3 to 7 July 2023, meeting with civil society and survivors from the Rohingya community in Cox's Bazar and with high-level officials in Dhaka.

**13. Situation in the State of Palestine**

*Investigations*

46. The Office of the Prosecutor continued its investigation in line with its independent mandate and in a manner that ensured the preservation of the integrity of the process and the safety and security of all of those involved. The investigation encompasses conduct that might amount to crimes under the Rome Statute committed since 13 June 2014 in Gaza and the West Bank, including East Jerusalem. The Office continued to collect, preserve and analyse information, communications and evidence from key stakeholders, including civil society organizations and various national and international sources.

**14. Situation in the Philippines**

(a) *Judicial proceedings*

47. On 26 January 2023, Pre-Trial Chamber I authorized the Prosecution to resume its investigation, pursuant to article 18, paragraph 2 of the Rome Statute. The Chamber determined that the domestic initiatives and procedures relied on by the Philippines did not amount to tangible, concrete and progressive investigative steps carried out with a view to conducting criminal proceedings, in a way that would sufficiently mirror the Court's investigation as authorized by the Chamber in its decision of 15 September 2021 under article 15 of the Rome Statute.

48. On 21 March 2023, the Appeals Chamber issued a decision on the involvement of victims in the appeal by the Philippines against Pre-Trial Chamber I's decision of 26 January 2023, and on a request by the Office of Public Counsel for Victims. On 27 March 2023, the Appeals Chamber rejected the request of the Philippines for suspensive effect.

49. On 18 July 2023, the Appeals Chamber confirmed, by majority, Pre-Trial Chamber I's decision of 26 January 2023.

(b) *Investigations*

50. Following the decision of Pre-Trial Chamber I of 26 January 2023, the Office of the Prosecutor resumed its planning and investigative activities, while at the same time engaging in litigation before the Chamber following the appeal lodged by the authorities of the Philippines.

**15. Situation in the Bolivarian Republic of Venezuela I**

(a) *Judicial proceedings*

51. On 27 June 2023, Pre-Trial Chamber I authorized the Prosecution to resume its investigation into the situation in the Bolivarian Republic of Venezuela I, pursuant to article 18, paragraph 2, of the Rome Statute. The Chamber determined that, while the State was taking some investigative steps, its criminal proceedings did not sufficiently mirror the scope of the Prosecution's intended investigation as they did not cover the factual allegations underlying the contextual elements of crimes against humanity, and its domestic investigations appeared limited and generally focused on direct and low-level perpetrators and did not sufficiently address the forms of criminality the Prosecution intended to investigate.

52. On 12 July 2023, the Appeals Chamber, in the appeal of the Bolivarian Republic of Venezuela against Pre-Trial Chamber I's decision of 27 June 2023, extended the deadline for the filing of the appeal brief to 14 August 2023.

(b) *Investigations*

53. The Office of the Prosecutor continued to engage with the Venezuelan authorities within the framework of the memorandum of understanding signed by the Office and the Government of the Bolivarian Republic of Venezuela in November 2021 to promote cooperation and complementarity. In June 2023 the Prosecutor conducted a third official visit to the country where he signed a second memorandum of understanding establishing, among others, the legal and operational framework for the establishment of an in-country office for his Office.

54. Following the 27 June 2023 ruling by Pre-Trial Chamber I, the Office of the Prosecutor resumed its planning and investigative activities while remaining committed to the terms and spirit of the above-mentioned memorandums of understanding.

**16. Situation in Ukraine**

(a) *Judicial proceedings*

55. On 17 March 2023, Pre-Trial Chamber II issued warrants of arrest against Vladimir Vladimirovich Putin and Maria Alekseyevna Lvova-Belova for the alleged war crimes of unlawful deportation and the unlawful transfer of population (children) from occupied areas of Ukraine to the Russian Federation, under article 8, paragraph 2 (a) (vii), and article 8, paragraph 2 (b) (viii), of the Rome Statute. The crimes were allegedly committed in Ukrainian occupied territory from at least 24 February 2022.

(b) *Investigations*

56. The Office of the Prosecutor continued its investigation during the reporting period, engaging actively and maintaining a near constant presence on the ground in Ukraine and the region. The Office engaged in cooperation and coordination efforts with a variety of domestic and international stakeholders, including States parties, notably in the context of the joint investigation team established under the auspices of the European Union Agency for Criminal Justice Cooperation, and international and regional organizations. Following the issuance of the two arrest warrants by the Court, the Office continued to develop multiple, interconnected lines of investigation, building on the cooperation with the Ukrainian Prosecutor-General's office and other domestic authorities. The Registry and the Office of the Prosecutor worked with Ukrainian authorities to establish a country office of the Court in Ukraine on the basis of an agreement signed between the Court and Ukraine on 23 March 2023.

## **B. Preliminary examinations**

57. As at the end of the reporting period, the Office of the Prosecutor was seized of three preliminary examinations, in relation to the following situations: Nigeria, Venezuela (Bolivarian Republic of) II and Democratic Republic of the Congo II. The preliminary examination of the situation in Nigeria was completed and the Office engaged with domestic authorities on the next immediate steps to be taken. The preliminary examination of the situation in the Bolivarian Republic of Venezuela II was at the advanced stage of analysis. In relation to the situation in the Democratic Republic of the Congo II, the Office will conduct a preliminary examination in order to assess, as a preliminary matter, whether the scope of the situation is sufficiently linked to the scope of the existing situation in the Democratic Republic of the Congo to constitute a single situation.

58. The Office continued to review its policy on preliminary examinations and make efforts to optimize its internal processes and enhance synergies between preliminary examinations and investigations, which are now fully integrated, in accordance with the Office's organizational structure.

## **C. Other situations**

59. In June 2023 the Prosecutor conducted a second official visit to Colombia, to receive firsthand information on the authorities' ongoing accountability efforts and to continue efforts to ensure the effective implementation of the cooperation agreement signed by the Office of the Prosecutor and the Government of Colombia in November 2021. To this end, an action plan was signed between the Office of the Prosecutor and the Government of Colombia to facilitate enhanced implementation of the cooperation agreement and of a complementary workplan with the Special Jurisdiction for Peace, which will facilitate, inter alia, the provision of support in the near term with respect to the investigation and prosecution of sexual and gender-based crimes.

60. In relation to Guinea, the Prosecutor undertook a visit to Conakry at the end of September 2022, continuing the extensive and constructive engagement of his Office with the 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 and the President of the Transition signed a memorandum of understanding aimed at furthering the principle of complementarity and strengthening future cooperation in pursuit of justice. On that basis, the Prosecutor decided to close the preliminary examination in Guinea. During the reporting period, the Office of the Prosecutor

continued to engage with the national authorities and relevant stakeholders in the context of the implementation of the memorandum of understanding.

## **II. International cooperation**

### **A. Cooperation with the United Nations**

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

61. The Court continued to receive crucial cooperation and support from the United Nations and its senior leadership, in line with the 2004 Relationship Agreement.

62. The Court principals valued the constructive bilateral meetings held throughout the reporting period with United Nations officials, including the Under-Secretary-General for Legal Affairs and United Nations Legal Counsel, the Under-Secretary-General for Political and Peacebuilding Affairs, the Under-Secretary-General for Safety and Security, the Under-Secretary-General for Management Strategy, Policy and Compliance, the United Nations High Commissioner for Human Rights and several special advisers and special representatives of the Secretary-General. The meetings were aimed at reinforcing and clarifying existing parameters for cooperation and initiating discussions on new domains of cooperation.

63. The Court 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 judicial cooperation requests. The Court continued to provide funding to the United Nations for a post in the Office of Legal Affairs, at the P-3 level, to handle requests for assistance and cooperation from the Court while ensuring full respect for the independent mandates of the Court and the United Nations. The Court also continued to reimburse the staffing costs associated with a post at the P-2 level in order to support the significantly increased workload arising from the Court's requests.

64. The Court's liaison office to the United Nations continued to promote and facilitate cooperation between the two organizations, represent the Court in various meetings, apprise the Court of relevant developments at the United Nations and facilitate and support meetings between officials of the two organizations. The liaison office also continued to act as a key contact point between the Court and permanent missions to the United Nations, especially of those countries without representation in The Hague.

65. The Court continued to benefit from the cooperation of various United Nations system entities, departments and offices, and special advisers and representatives of the Secretary-General, including those present in the field, in accordance with their mandate and with the agreement of host States. The Court highly appreciates such cooperation, which is essential to its operations. The Court's offices in the Central African Republic, Côte d'Ivoire, the Democratic Republic of the Congo, Georgia, Mali and Uganda played an important role by liaising with United Nations entities in this respect. This support will also be invaluable as the Court is currently undertaking to open offices in a number of new countries. In this context, an important development took place on 7 October 2022, when the Court and the United Nations Development Programme (UNDP) signed a framework agreement for the provision of support services, which facilitates the provision of operational support from UNDP to the Court, including UNDP country offices in geographical areas of relevance.

66. The Registry of the Court continued to receive, with appreciation, support from the United Nations for the deployment of Court personnel throughout the many

countries in which it operates. In this context, 2023 saw continued requests for operational support relating to situations in various geographical locations (namely, Bangladesh, Colombia, the Central African Republic, Chad, the Democratic Republic of the Congo, Libya, Mali and the Sudan) and for support for several actors and participants in the proceedings (Defence teams, Office of the Prosecutor, legal representatives of victims and staff of the Trust Fund for Victims). A total of 70 missions received support from the United Nations. The Court is looking into alternative ways to support its operations in Mali in light of the termination of the mandate of the United Nations Multidimensional Integrated Stabilization Mission in Mali.

67. The Court continued to cooperate with United Nations common system organizations by participating in inter-agency meetings on facilities management, travel and security. The country offices and the Court's liaison office at the United Nations in New York also benefited from coordination in administrative and management areas across the United Nations system. 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, and security training on a reimbursable basis. The Court also continued engaging with the High-Level Committee on Management.

68. Since 2019, the Court has been a participating organization 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, four of the Court's staff members were on loan and five were on secondment to other international organizations, and six transferred to other organizations under the Agreement. One United Nations staff member is currently on loan and another is on secondment to the Court. The Court also received six staff members on transfer from other international organizations.

69. The Senior Legal Adviser of the Registry and the Director of the Secretariat of the Assembly of States Parties attended a meeting of the United Nations Legal Advisers Network in Rome from 15 to 17 May 2023.

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

70. 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 United Nations meetings on themes and situations of relevance to its mandate.

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 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, in particular as part of the mandate to support justice and corrections institutions in post-conflict settings. The Court is open to collaboration with the United Nations in this context. By way of example, its country office in the Central African Republic has engaged with the United Nations to promote justice as a key foundation to lasting peace, with the support of the Secretary-General's Peacebuilding Fund.

72. The Court supported the organization of the event held by the Assembly of States Parties on 17 July 2023 at United Nations Headquarters in New York to

commemorate the twenty-fifth anniversary of the Rome Statute and coordinated with the United Nations social media focal points to amplify related content, including a special video and other content related to the #MoreJustWorld digital campaign. At the Court's request, United Nations entities publicized the exhibition "Common bonds: From the Rome Conference to today", marking the twenty-fifth anniversary of the Rome Statute, by posting photographs and publicity on their global platforms. In the second half of 2022, the Court coordinated with the United Nations to continue publicizing stories of survivors of serious crimes profiled in its "Life After Conflict" photo exhibit, which was on display at United Nations Headquarters in July 2022. As in previous years, the Court marked United Nations international observance days with statements and social media posts and shared this content, as well as additional content related to Sustainable Development Goal 16 on peace and justice, with the United Nations social media focal points for amplification. These focal points also offered the Court advice on communications challenges and opportunities as they unfolded. The Court is grateful to the United Nations for its communications support.

### **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 promote accountability in situations where grave crimes may have been committed but where the Court lacks jurisdiction. This is demonstrated in concrete terms by the trial of Mr. Abd-Al-Rahman, which continued during the reporting period and represents the first trial to take place at the Court based on a referral by the Council.

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

75. As noted above, 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 his Office's investigations and of the importance of cooperation, including with regard to the outstanding arrest warrants. In addition, in September 2022, the Prosecutor briefed the Council in relation to developments in the situation in Ukraine.

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

77. The Court is grateful for the support of the Security Council, which the States parties to the Rome Statute serving on the Council play a key role in securing. The Office of the Prosecutor has benefited from formal and informal exchanges and from the strong support expressed, in part, at media stakeouts held after the Prosecutor's briefings by the Court's focal points in the Council on behalf of those Council members that are also States parties. The Registrar also received such support during his mission to New York in June 2023.

78. On 18 July 2023, the President of the Assembly of States Parties and the Executive Director of the Trust Fund for Victims briefed the Security Council during an Arria formula meeting entitled "25th Anniversary of the Rome Statute: The Contribution of the International Criminal Court to the Maintenance of International Peace and Security".

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

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

80. During the reporting period, the Registry transmitted 536 requests for visas to States and 300 primary requests for cooperation to States parties, other States and international and regional organizations, in addition to following up on pending requests apart from operational support requests sent by country offices.

81. The Office of the Prosecutor continued its efforts to enhance cooperation with partners, including by increasingly incorporating the use of technology and intelligence-led actions. The Office transmitted 458 requests for assistance (including 125 notifications for mission) to States Parties, States not parties, international and regional organizations and other public or private entities, and followed up on the execution of pending requests. The Office also received 22 incoming requests for cooperation under article 93, paragraph 10, of the Rome Statute.

82. In addition to transmitting its own requests and requests on behalf of Chambers, the Registry requested the assistance of States to support the investigative activities of Defence teams, including by giving them access to documents or potential witnesses, and to facilitate visits of detainees' families to the Court's detention centre by issuing visas. States were also requested to provide assistance for reparations proceedings, including by identifying the whereabouts of victims and by supporting the activities of the Trust Fund for Victims. All these forms of assistance are appreciated as contributing to the efficiency and fairness of the Court's proceedings.

83. 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. The Court reiterates the importance it attaches to the Secretary-General's guidance on contacts with persons who are the subject of arrest warrants or summonses issued by the Court ([A/67/828-S/2013/210](#)).

84. The Court continued to encourage States to conclude cooperation agreements with it regarding the relocation of witness under threat, the enforcement of sentences, and the interim and final release of suspects or accused. One new agreement was concluded with Belgium on the release of persons on 7 July 2023.

85. 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 national proceedings, where appropriate, in accordance with the principle of complementarity.

86. These efforts have produced tangible results, notably the strengthening of relations between the Office of the Prosecutor and the African Union following the Prosecutor's participation in the thirty-fifth and thirty-sixth African Union summits in Addis Ababa. The attendance of the Prosecutor at the ninth summit of the Association of Caribbean States, held in May 2023 in Antigua, Guatemala, also served to enhance cooperation with States in the region.

87. The Registry and the Office of the Prosecutor 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, as well as to develop a network of partners to foster information exchange and cooperation in the identification, freezing and seizure of assets.



88. On 23 June 2023 the Registry organized a hybrid meeting with States from the Group of Latin American and Caribbean States on framework cooperation agreements, with the participation of representatives of embassies and experts from capitals. Lastly, the Registry continued its efforts to obtain sufficient funds for the trust fund it relies on to ensure family visits for indigent detainees. The Court organized six family visits, in which a total of 18 persons participated (10 adults and 8 children). Six States made generous donations to the trust fund during the reporting period.

89. With the financial support of the European Commission and other donors, the Court organized over 15 seminars and events in support of efforts to strengthen cooperation, complementarity and universality, including a second high-level virtual seminar for judges in the Asia-Pacific region, a training on witness protection for victims of conflict related sexual violence in Ukraine, a seminar for national cooperation for focal points from the ministries of justice of countries with situations subject to the jurisdiction of the Court and the fifth Asia-Pacific Forum of the Hague.

90. The Court continued to develop its interaction and cooperation with international and regional organizations as key partners for 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 within the Court's staff.

91. The Court greatly values the activities that civil society partners undertake to raise awareness of the Court and promote the universal ratification and full implementation of the Rome Statute, and it continued to participate in those activities. From 19 to 23 June 2023, the Court held, in hybrid format, an annual round table with non-governmental organizations. In addition, the Office of the Prosecutor organized two thematic round tables on crimes against and affecting children and gender persecution with civil society organizations from countries with situations subject to the jurisdiction of the Court. The round tables included discussions of the newly launched policy of the Office of the Prosecutor on the crime of gender persecution, which strengthens the basis on which the Office can advance the fight against impunity for sexual and gender-based crimes.

### **III. Institutional developments**

#### **A. Treaty matters**

92. Two States accepted or ratified the amendment to article 8 of the Rome Statute adopted in 2010, bringing the total number of States parties having accepted or ratified the amendment to 45. Two States accepted or ratified the amendment on the crime of aggression, bringing the total number of States parties having accepted or ratified the amendment to 45. One State accepted or ratified the amendment to article 124, bringing the total number of States parties having accepted or ratified the amendment to 19. Three States accepted or ratified the amendment to article 8 regarding the use of weapons that use biological agents or toxins, bringing the total number of States parties having accepted or ratified the amendment to 15. Three States accepted or ratified the amendment to article 8 regarding the use of weapons designed to injure by fragments undetectable by X-rays, bringing the total number of States parties having accepted or ratified the amendment to 13. Three States accepted or ratified the amendment to article 8 regarding the use of blinding laser weapons, bringing the total number of States parties having accepted or ratified the amendment to 13. Four States accepted or ratified the amendment to article 8 on intentionally

using the starvation of civilians, bringing the total number of States parties having accepted or ratified the amendment to 12.

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

## **B. Elections**

94. On 10 February 2023, the judges of the Court elected by secret ballot Osvaldo Zavala Giler as Registrar for a period of five years by an absolute majority. Mr. Zavala Giler, a national of Ecuador, commenced his term on 17 April 2023, succeeding Peter Lewis.

## **C. Trust Fund for Victims**

95. As detailed in section II above, the Trust Fund for Victims continued implementing Court-ordered reparations in four cases, and it participated in the reparations proceedings in the Ongwen case.

96. The Trust Fund also implemented other programmes to benefit victims through the provision of medical treatment, psychological rehabilitation, socioeconomic support, education and peace-building activities. Those programmes were implemented for the benefit of victims in the situations in the Central African Republic, Côte d'Ivoire, the Democratic Republic of the Congo, Georgia, Kenya, Mali and Uganda, all under the jurisdiction of the Court. The programmes in Georgia and Kenya were launched at the beginning of 2023. Close to 17,000 individuals directly benefited from reparations programmes in 2022. The Trust Fund worked with locally based international organizations and local organizations to implement reparations activities.

97. In its resolution [77/6](#) of 2 November 2022 the General Assembly encouraged States to contribute to the Trust Fund for Victims. In 2022, the Trust Fund received over €3.8 million in voluntary contributions from 32 States parties, which enabled it to continue its activities in 2023. The Trust Fund calls upon the General Assembly to continue to call on States, individuals and entities to make voluntary contributions for the benefit of victims and their families.

98. In line with the 2020 report of the Independent Expert Review, the Trust Fund's Board of Directors initiated a series of reforms to strengthen the fundraising capacity, visibility and effective management of the secretariat of the Trust Fund for Victims, which has been led by a new Executive Director since 1 May 2023, following a competitive recruitment process.

## **D. Launch of strategic plans for 2023–2025**

99. On 14 June 2023, the strategic plans for 2023–2025 of the Court, the Office of the Prosecutor, the Registry and the Trust Fund for Victims were launched, marking the first time all four strategic plans have been developed and adopted concurrently, following the same three-year cycle. This underscores the Court's commitment to the "one Court principle" and strengthens the Court's relationship with the Trust Fund for Victims by promoting greater synergies while upholding the independence of the organs involved in judicial proceedings. During the process of elaborating the strategic plans, the Court benefited from the input provided by its staff as well as by States parties and civil society organizations.

100. Building on the achievements made during the previous strategic cycle and taking into account the recommendations of the Independent Expert Review, the four strategic plans aim to drive further progress in the 2023–2025 period. The introduction of key performance indicators and a strategic framework will enable the Court to better demonstrate how the performance of each organ and the Trust Fund for Victims contributes to shared, overarching goals. The Court’s strategic plan reaffirms its pledge to act with integrity and acknowledges the crucial role of the Court’s staff in the achievement of its mission. In December 2022, the Court also launched a comprehensive Court-wide Strategy on Gender Equality and Workplace Culture, the first of its kind adopted by an international court or tribunal.

101. Through the development of the strategic plans, the Court identified key additional resources required to meet core strategic objectives, as reflected in the proposed programme budget for 2024 recently transmitted by the Court to the Assembly of States Parties.

## **IV. Conclusion**

102. The reporting period marked a particularly active year for the International Criminal Court, including significant activities in pretrial, trial and appeals proceedings and in the implementation of reparations, as well as the investigations and preliminary examinations conducted by the Office of the Prosecutor with respect to situations on four continents. Among the notable developments were the confirmation of a conviction and sentence on appeal; the conclusion of the presentation of evidence in one trial and the progress of three other trials in the courtrooms; the issuance of two new arrest warrants; and the conclusion of one preliminary examination. The Trust Fund for Victims implemented court-ordered reparations to victims in four cases and conducted other projects in several countries, benefiting close to 17,000 victims.

103. The Court recognizes with gratitude the many forms of important assistance provided by the United Nations system during the reporting period and is equally appreciative of the cooperation of States with its ongoing investigative, prosecutorial and judicial activities. Furthermore, the Court highly appreciates the numerous vocal statements of support expressed by States and other international actors in high-level forums, such as the General Assembly and the Security Council. Such support is particularly important at a time when officials of the Court have come under attack for carrying out their mandates. The Court looks forward to further strengthening its relations with all stakeholders as it seeks to enhance the delivery of justice under its mandate set out in the Rome Statute.