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Report of the Bureau on complementarity

Note by the Secretariat

Pursuant to paragraph 5 of resolution ICC-ASP/12/Res.4 of 27 November 2013, the Bureau of the Assembly of States Parties hereby submits for consideration by the Assembly the report on complementarity. The present report reflects the outcome of the informal consultations held on the topic with the Court and other stakeholders.

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I. Background

1. At the second meeting of the Bureau, on 17 March 2014, the Bureau appointed Botswana and Sweden, as *ad country* focal points. As such, Botswana and Sweden are focal points in both The Hague Working Group and the New York Working Group in the lead up to the thirteenth session of the Assembly.

2. At the twelfth session of the Assembly, States Parties resolved to continue and strengthen effective domestic implementation of the Statute and to enhance the capacity of national jurisdictions to prosecute the perpetrators of the most serious international concern.¹ Consequently, the subsidiary bodies of the Assembly and the organs of the Court were essentially given the following mandates: The Bureau was requested to continue the work on complementarity, *inter alia* in accordance with the Kampala resolution,² including continuing the dialogue with the Court and other stakeholders on this issue. The Secretariat of the Assembly of States Parties (“the Secretariat”) was mandated, within existing resources, to facilitate the exchange of information between the Court, States Parties and other stakeholders, including international organizations and Civil Society, aimed at strengthening domestic jurisdictions, and to report to the thirteenth session of the Assembly. The Court, while recalling its limited role in strengthening national jurisdictions, was requested to further cooperate with the Secretariat on complementarity and to report to the thirteenth session.

II. General findings

3. The Rome Statute creates a system of criminal justice designed to ensure that there is no impunity for the most serious crimes of concern to the international community as a whole due to the unwillingness or inability of States to investigate and prosecute the perpetrators of these crimes themselves. This system is based on the principle of complementarity as enshrined in the Statute, which means that the Court will intervene only when States are unwilling or unable genuinely to carry out the investigation or prosecution of these crimes.

4. It is generally understood by States Parties, the Court and other stakeholders that international cooperation, in particular through Rule of Law development programmes aimed at enabling domestic jurisdictions to address war crimes, crimes against humanity and genocide, contributes to the fight against impunity for such crimes and the functioning of the Rome Statute system. Such cooperation has been described as “positive complementarity” or complementarity activities. National ownership is essential for maximizing the impact of such activities.

5. Financial contributions to development programmes and to civil society are deemed highly important to promote complementarity. A number of countries have allocated development cooperation resources to promote the strengthening of national judicial capacity to address Rome Statute crimes.

6. In 2014 a number of activities, meetings and informal discussions on the issues of complementarity have been held with relevant stakeholders, including States, the organs of the Court, as well as with representatives of civil society.

7. A workshop on combating impunity for sexual and gender based crimes at the national level took place in Stockholm on 20-21 May, 2014. The workshop was a forum to exchange lessons learned about strategic efforts in relation to investigations and prosecutions of sexual and gender based crimes, which may rise to the level of crimes under the Rome Statute.

8. On 3 July 2014, the co-facilitators held the first informal consultations on complementarity within The Hague Working Group where the first draft of the programme of work was presented.

¹ *Official Records of the Assembly of States Parties to the Rome Statute of the International Criminal Court, Twelfth session, The Hague, 20 – 28 November 2013* (ICC-ASP/12/20), vol. I, part III, ICC-ASP/12/Res.4, para. 1.

² Resolution ICC-ASP/9/Res3, paragraph 47.

9. On 23 September 2014, the co-facilitators organized a Hague Working Group meeting on complementarity at the premises of the Court which focused on the issue of witness protection and how complementarity can be linked into the greater capacity building of rule of law. The meeting was conducted with a triangular approach, connecting three key elements: a) The role of the Court; b) A country specific example; and c) The role of donors and implementers. These presentations highlighted the importance of continuing the dialogue and sharing of experiences between the Court, State Parties and other stakeholders in order to strengthen the principle of complementarity. Moreover the need for the rule of law to be an integrated part of the national donor strategy was highlighted if the capacity building mechanisms should be carried out effectively.

10. States Parties and the Court have expressed the view that the role of the Court itself is limited in actual capacity-building for the investigation and prosecution of Rome Statute crimes “in the field”. Rather, this is a matter for States, the United Nations and relevant specialized agencies, other international and regional organizations and civil society. The Court can, however, in the course of implementing its mandate within the framework of the Rome Statute, in particular article 93 paragraph 10, upon request, share information with and assist national jurisdictions. The Assembly of States Parties has an important role to play in continuing the dialogue on the efforts of the international community in strengthening national jurisdictions through complementarity activities, thereby enhancing the fight against impunity.

11. It is important to recall, that issues arising from the admissibility of cases before the Court under article 17 of the Rome Statute all remain a judicial matter to be addressed by the judges of the Court. Initiatives by State Parties to strengthen national jurisdictions to enable them to genuinely investigate and prosecute the most serious crimes of concern to the international community as a whole should always preserve the integrity of the Rome Statute and the effective, independent functioning of its institutions.

III. Assembly of States Parties and its Secretariat

12. The Assembly of States Parties is the custodian of the Rome Statute system. While the Assembly itself has a very limited role in strengthening the capacity of domestic jurisdictions to investigate and prosecute serious international crimes, it is a key forum for matters of international criminal justice. Combating impunity both at the national and the international level for the most serious crimes of concern to the international community as a whole is the core objective of the Statute.

13. The Secretariat of the Assembly has continued to develop its outreach, information-sharing and facilitating function.³ Given that this function has been established within existing resources there are limits to what can be achieved. However, progress has been made in both tracks: the internet portal for complementarity and the forging of relationships with relevant States and actors in the field. During the period since the last report by the Secretariat there has been a growing interest in submitting information to and accessing the complementarity portal.

14. In addition, the Secretariat is in the process of conducting a needs survey among States Parties⁴, and has in that respect developed a more proactive approach to engaging with interested States. As the survey is still in progress, the Secretariat was encouraged to continue the work and report to the next session of the Assembly.

15. States Parties welcomed the efforts by the Secretariat and encouraged it to continue the work.

16. Moreover, States Parties welcomed the ambitious efforts by the President of the Assembly in the area of complementarity referred to in the Report of the Secretariat on complementarity.

17. In addition, some delegations recommended that the Assembly makes complementarity an agenda item to be discussed at future sessions.

³ Report of the Secretariat on complementarity (ICC-ASP/12/33).

⁴ ICC-ASP/11/Res.6, para. 8.

IV. The Court

18. As has been established, the role of the Court in building domestic capacity for the prosecution of the most serious international crimes is limited. From a judicial point of view, complementarity has a specific meaning relating to the admissibility of cases before the Court. This remains exclusively a judicial issue.

19. Nevertheless the Court has extensive investigation and prosecutorial experience and expertise. In addition, concerning situation countries, the Office of the Prosecutor continues to gather knowledge and develop expertise on the national judicial system and has thoroughly investigated the crimes that have occurred. Taken together this provides opportunities for the Court to, within the framework of the Rome Statute, in particular article 93 paragraph 10, upon request, share information with and assist national jurisdictions. Naturally this has to be done bearing in mind the requirements of the Statute as well as other relevant factors such as the need to protect witnesses and preserve the integrity of evidence collected. In the same way, the Court can benefit and learn from the experiences and lessons learned by states that have themselves investigated and prosecuted Rome Statute crimes.

20. During its informal consultations, the Working Group received presentations by the OTP and the Registry, including by the Registrar, on the role and needs of the ICC in the area of witness protection as well as by the OTP on ways in which, in its view, preliminary examinations could contribute to enhancing complementarity.

V. Broader efforts of the international community

21. In addition to discussions and information-sharing and facilitation within the Assembly and by the Court, various actors organize a remarkable number of activities relevant to complementarity and capacity building for fighting impunity for the most serious crimes of concern to the international community as a whole. States Parties have received updates on some of these, and more comprehensive information will be available on the Secretariat's complementarity web portal.

22. Apart from general activities undertaken at the United Nations and other international and regional organizations, a myriad of concrete capacity building projects are being implemented around the world, not least in countries in or emerging from conflict. These activities are carried out both by States, international and regional organizations and civil society.

23. As an example of these many activities, on 23 September, States Parties were briefed on the complementarity activities undertaken by the International Development Law Organization (IDLO), an intergovernmental mechanism that promotes the rule of law and sustainable development in transitional and post-conflict countries and, to that end, in collaboration with the Court in October 2014 organized a seminar in Dakar aiming to strengthen the national justice sector. Furthermore, States Parties were briefed on the work undertaken by the Open Society Justice Initiative (OSJI) as well as the Swedish Agency for Peace, Security and Development and the Folke Bernadotte Academy. In order to promote field-level coordination and efficient allocation of support, one suggestion was that the Assembly, through its Secretariat, considers engaging in a mapping exercise with relevant stakeholders so as to trigger coordination and avoid duplication of complementarity related activities.

24. Some States highlighted the efforts by the United Nations, international and regional organizations, States and civil society, in mainstreaming these capacity-building activities aimed at strengthening national jurisdictions with regard to investigating and prosecuting Rome Statute crimes into existing and new technical assistance programmes and instruments, in realms such as human rights, development, and the rule of law. They underlined that these efforts should continue to be done in such fora, rather than by the Court or in the Assembly of States Parties, which have a limited role for such purpose.

VI. Conclusion

25. The above highlights the importance of continued efforts, within the appropriate fora, in strengthening national capacity for investigating and prosecuting Rome Statute crimes, bearing in mind the limited contribution that can be made by the Assembly and its Secretariat, as well as the Court itself to that regard. Ensuring that national judicial systems are able to deal with the most serious crimes of concern to the international community is vital for making the Rome Statute system work, ending impunity for these crimes and preventing their reoccurrence.

26. In this context it is recommended that the Assembly adopt the draft provisions on complementarity contained in the annex to this report. In addition, some delegations recommended that the Assembly makes complementarity an agenda item to be discussed at future sessions.

Annex I

Draft paragraphs for the omnibus resolution

(Suggested draft text for the omnibus resolution to be included under one sub-heading).

Reaffirming its commitment to the Rome Statute of the International Criminal Court and its determination that the most serious crimes of concern to the international community as a whole must not go unpunished, and *underlining* the importance of the willingness and ability of States to genuinely investigate and prosecute such crimes,

Welcoming the efforts and achievements of the Court in bringing the most responsible for the crimes under the Rome Statute to justice and *noting* the jurisprudence of the Court on the issue of complementarity,

Recalling the primary responsibility of States to investigate and prosecute the most serious crimes of international concern and that, to this end, appropriate measures need to be adopted at the national level, and international cooperation and judicial assistance need to be strengthened, in order to ensure that national legal systems are capable of genuinely prosecuting such crimes,

Recalling further that the application of articles 17 and 19 of the Rome Statute concerning the admissibility of cases before the Court is a judicial matter to be determined by the judges of the Court,

Recalling further that greater consideration should be given to how the Court will complete its activities in a situation country and that possible completion strategies could provide guidance on how a situation country can be assisted in carrying on national proceedings when the Court completes its activities in a given situation,

1. *Resolves* to continue and strengthen, within the appropriate fora, effective domestic implementation of the Rome Statute, to enhance the capacity of national jurisdictions to prosecute the perpetrators of the most serious crimes of international concern in accordance with internationally recognized fair trial standards, pursuant to the principle of complementarity;
2. *Welcomes* the international community's engagement in strengthening the capacity of domestic jurisdictions to enable States to genuinely prosecute Rome Statute crimes;
3. *Welcomes further* efforts by the United Nations, international and regional organizations, States and civil society in mainstreaming capacity building activities aimed at strengthening national jurisdictions with regard to investigating and prosecuting Rome Statute crimes into existing and new technical assistance programmes and instruments, *strongly encourages* additional efforts in this regard by other international and regional organizations, States and civil society, and in that context *welcomes* the important work being undertaken in the United Nations on the post-2015 development agenda, including the important role of the rule of law in that regard;
4. *Stresses* that the proper functioning of the principle of complementarity entails that States incorporate the crimes set out in articles 6, 7 and 8 of the Rome Statute as punishable offences under their national laws, to establish jurisdiction for these crimes and to ensure effective enforcement of those laws, and *urges* States to do so;
5. *Welcomes* the report of the Bureau on complementarity, and *requests* the Bureau to remain seized of this issue and to continue the dialogue with the Court and other stakeholders on complementarity, including on complementarity related capacity-building activities by the international community to assist national jurisdictions, on possible situation-specific completion strategies of the Court and the role of partnerships with national authorities and other actors in this regard; and also including to assist on issues such as witness protection and sexual and gender-based crimes;
6. *Welcomes* the report by the Secretariat of the Assembly of States Parties on the progress in giving effect to its mandate to facilitate the exchange of information between the Court, States Parties and other stakeholders, including international organizations and civil society, aimed at strengthening domestic jurisdictions; *welcomes further* the work that

has already been undertaken by the Secretariat and the President of the Assembly, and *requests* the Secretariat to, within existing resources, continue to develop its efforts in facilitating the exchange of information, and to report to the fourteenth session of the Assembly on further progress in this regard;

7. *Encourages* the Court to continue its efforts in the field of complementarity, including through exchange of information between the Court and other relevant actors, while recalling the Court's limited role in strengthening national jurisdictions.

Annex II

Report of the Secretariat on complementarity

Note by the Secretariat

Pursuant to resolution RC/1 of 8 June 2010 and successive resolutions ending with ICC-ASP/12/Res.4 of 27 November 2013, the Secretariat of the Assembly of States Parties hereby submits for consideration by the Assembly its report on complementarity. The present report reflects the activities undertaken by the Secretariat and the President of the Assembly in the implementation of its mandate to facilitate the exchange of information between the Court, States Parties and other stakeholders, including international organizations and civil society, aimed at strengthening domestic jurisdictions.

I. Introduction

1. By resolution RC/Res.1 entitled “Complementarity”, the Review Conference tasked the Secretariat of the Assembly of States Parties (“the Secretariat”),

“...in accordance with resolution ICC-ASP/2/Res.3, and, within existing resources, to facilitate the exchange of information between the Court, States Parties and other stakeholders, including international organizations and civil society, aimed at strengthening domestic jurisdictions, and *requests* the Secretariat of the Assembly of States Parties to report to the tenth session of the Assembly on progress in this regard”.¹

2. The Assembly of States Parties (“the Assembly”) reaffirmed this mandate by its subsequent resolutions, ending with resolution ICC-ASP/12/Res.4.

II. Activities of the Secretariat with respect to actors in the field of complementarity

3. The Secretariat continued to implement its mandate set out in the resolutions of the Assembly. It continued to maintain contacts and further develop working relationships with actors in the field of complementarity, with a view to discussing the modalities of such actors lending their expertise to supporting States in their efforts to strengthen capacity to investigate and prosecute international crimes. These actors included States, international organizations and civil society actors.

4. In addition, two high-level seminars on fostering cooperation between the Court and States Parties were held: in Buenos Aires (20-21 May 2014) and in Accra (3-4 July 2014). The seminars were organized by the facilitator for cooperation, Ambassador Anniken Ramberg Krutnes (Norway) and were sponsored by Norway, the Netherlands and the European Commission. Participants in the seminars engaged in discussions on cooperation between the Court and States Parties, where the emphasis was on witness protection and voluntary agreements. The seminars addressed possible avenues for strengthening the capacity of States regarding judicial cooperation at a national and regional level.

5. The Secretariat has carried out its mandate in close consultation with the Assembly focal points and the President of the Assembly of States Parties, in particular the discussion of modalities for implementation of the mandate.

III. Activities of the President of the Assembly on complementarity

6. The President of the Assembly, Ambassador Tiina Intelmann (Estonia), continued to attach high importance to the topic of complementarity.

7. In preparation to the twelfth session of the Assembly of States Parties the President sent a letter to all States Parties inviting States to address the issue of complementarity during the General debate. In the letter, the President notes that it is imperative that States develop their domestic capacity to hold accountable those responsible for the most serious international crimes and to prevent impunity gaps. The President invited States to inform the Assembly during the General debate about the measures they have taken and intend to take to build such capacity, as well as about any assistance in the area of capacity-building which they might be in a position to provide to other States, upon request.

8. In collaboration with the Court, the President of the Assembly launched the social media campaign to celebrate the Day of International Criminal Justice, #JusticeMatters. The campaign aimed to create awareness about the Rome Statute among the general public and government officials, and to raise, among others, the importance of strengthening capacities to prosecute the crimes under the Rome Statute at the domestic level, including

¹ *Official Records of the Review Conference of the Rome Statute of the International Criminal Court, Kampala, 31 May-11 June 2010* (RC/11), resolution RC/Res. 1 paragraph 9.

via among others, the implementation of the Rome Statute crimes domestically. Many States Parties participated actively in the social media campaign.²

9. The President continued to place a special focus on complementarity in her statements in different relevant fora, including intergovernmental meetings, regional conferences, and public events. In particular, her office, together with the permanent mission of Estonia to the United Nations in Geneva, and the permanent missions of the focal points on complementarity, Botswana and Sweden, and with the Open Society Justice Initiative, organized a side event at the 26th Session of the UN Human Rights Council on 13 June 2014, on “National Accountability for Atrocity Crimes: A Human Rights Priority.” The President spoke at this panel together with UN High Commissioner for Human Rights Ms. Navi Pillay, and former Guatemalan Attorney General, Ms. Claudia Paz y Paz; the panel was moderated by Open Society Justice Initiative Executive Director, Mr. James A. Goldston.

10. Born out of a joint initiative with the President, the Institute for Security Studies (ISS), organized a closed expert roundtable discussion and open seminar on international criminal justice with a special focus on complementarity in Pretoria, South Africa, from 4 - 6 November 2014. The roundtable brought together senior government representatives from African States and experts in the field of international criminal justice to critically assess the role of courts in ensuring accountability and how to best prosecute atrocity crimes domestically. The President welcomed the participants of the roundtable via video-message on the importance of strengthening national capacity to investigate and prosecute atrocity crimes.

11. The President of the Assembly participated in numerous events where she raised in particular the importance of complementarity and the adoption of implementing legislation to prosecute domestically the crimes under the Rome Statute. Among others, President Intelmann spoke on complementarity on 14 and 15 November 2013, at a workshop on ‘Africa and ICC’, held in Tunis, Tunisia and organised by African Legal Aid (AFLA), and in June 2014 at the London Summit to End Sexual Violence in Conflict.

12. President Intelmann also participated in high-level events geared to the strengthening of the principle of complementarity of the Rome Statute organized by Parliamentarians for Global Action. In this context, Ambassador Intelmann interacted with parliamentarians from Cameroon, Côte d’Ivoire, Guinea, Jordan, Iraq, Mali, Morocco, Oman, Palestine, Senegal, Somalia, Togo, Tunisia, Turkey and Yemen, with whom she raised the importance of complementarity.

13. The President has also highlighted the important role that regional organizations and the United Nations play in providing assistance in strengthening domestic judicial systems to investigate and prosecute atrocity crimes. In New York on 17 July 2014, President Intelmann highlighted the role of the United Nations in promoting complementarity at the event organized by the Permanent Mission of Italy to the United Nations to commemorate the Day of International Criminal Justice, titled “The United Nations and the International Criminal Court: Partners of Shared Values.” This event was attended by the President of the Court, Judge Sang-Hyun Song, the UN Secretary-General, Mr. Ban Ki-moon, and the UN Legal Counsel Mr. Miguel de Serpa Soares; the event was moderated by H.E. Sebastiano Cardi, Permanent Representative of Italy to the United Nations.

14. In light of the annual report of the International Criminal Court to the United Nations General Assembly³, the President sent a letter to all States Parties in New York and The Hague, noting and welcoming the increasing attention the UN had recently given to the strengthening of domestic capacity to address Rome Statute crimes and inviting States to stress the importance of the continuation of these efforts by the UN.

15. President Intelmann also spoke extensively about the principle of complementarity at a regional course on international law organized by the Organization of American States in Rio de Janeiro, Brazil in August 2014. Other lectures by President Intelmann at academic

² <https://storify.com/TIntermann/17july-international-criminal-justice-day/>

³ UN document A/69/321.

institutions in Brazil, South Africa, Ukraine and the United States have focused on creating awareness about the importance of complementarity.⁴

16. The goal of the President's activities continued to be to give complementarity work prominence and to create synergies with various actors who work on these issues.

17. The President took advantage of the Universal Periodic Review (UPR) mechanism to encourage States under review to accept and implement recommendations related to the Rome Statute, including, where applicable to implement the Rome Statute in domestic legislation. In this context, President Intelmann wrote to the authorities of States Parties under review at the 18th, 19th and 20th session of the UPR that have not yet incorporated the Rome Statute crimes domestically calling them to implement the complementary-related recommendations issued to them by the UN Human Rights Council. President Intelmann also wrote to more than 30 States Parties that had issued complementarity-related recommendations and gave visibility to these recommendations through social media.⁵ President Intelmann repeatedly encouraged States Parties to continue issuing complementarity-related recommendations, including through addressing the ICC Group of Friends in Geneva, and welcomes the support of the Coalition of the International Criminal Court given to States Parties in this regard.

18. The President also raised the importance of States proactively taking action to strengthen their capacity to ensure accountability for Rome Statute crimes in her bilateral meetings. These include meetings held in Côte d'Ivoire in January 2014,⁶ and Brazil in August 2014⁷ where the importance of adopting implementing legislation and promoting complementarity was highlighted a mutual priority in the agenda of discussions, and during her bilateral meetings held in the margins of the 69th session of the United Nations General Assembly.

19. President Intelmann has recognized the efforts of numerous actors in strengthening domestic capacities. She has welcomed the adoption of implementing legislation related to Rome Statute crimes by Ecuador and Sweden, which entered into force in August and July 2014, respectively.

20. President Intelmann has also recognized the role of the European Union in providing direct political leadership and financial support to organizations promoting to the fight against impunity at the domestic levels. In this regards, she has appealed to the European Parliament the continued support from the European Union in this regard.⁸

21. President Intelmann has also used varied communication tools to raise the importance of complementarity, including via press releases, social media, and opinion editorials.⁹

22. In 2014, the Secretariat, the President and the focal points benefited in the implementation of complementarity activities from the work of a consultant on complementarity within the office of the President of the Assembly, funded by extra-budgetary resources.

IV. Requests conveyed by the Secretariat to States and other stakeholders

23. The Secretariat recalls the mandate set out in paragraph 6 of resolution ICC-ASP/12/Res.4, whereby the Assembly "Welcome[d] the report of the Secretariat of the Assembly of States Parties on the progress of giving effect to its mandate to facilitate the exchange of information between the Court, States Parties, and other stakeholders including

⁴ Among others, President Intelmann imparted lectures at the Diplomatic Academies of Brazil and Ukraine and at Columbia University, Kiev Institute of International Relations, Kyiv Mohyla Academy, New York University, University of Brasilia, and University of Pretoria.

⁵ Twitter: @TIntelmann and Facebook: <https://www.facebook.com/TIntelmann>.

⁶ http://icc-cpi.int/en_menus/icc/press%20and%20media/press%20releases/Pages/PR981.aspx

⁷ http://icc-cpi.int/en_menus/icc/press%20and%20media/press%20releases/Pages/PR1036.aspx

⁸ http://icc-cpi.int/en_menus/icc/press%20and%20media/press%20releases/Pages/PR1049.aspx

⁹ See in particular, http://www.huffingtonpost.com/tiina-intelmann/from-the-ictr-to-the-icc-_b_5107292.html and http://www.huffingtonpost.com/tiina-intelmann/the-day-of-international-_b_5607160.html.

international organizations and civil society, aimed at strengthening domestic jurisdictions, welcome[d] further the work that has already been undertaken by the Secretariat, including inviting States to submit information on their capacity-needs and reporting on this to the Assembly, and request[ed] the Secretariat to, within existing resources, continue to develop its efforts in facilitating the exchange of information in this regard, and report to the thirteenth session of the Assembly on progress achieved”.

24. By its communication, dated 31 July 2014, the Secretariat, pursuant to paragraph 7 of the above-mentioned resolution, encouraged States, international and regional organizations and civil society, respectively, to submit information on their complementarity-related activities. The Secretariat received a response from one international organization, which indicated activities in witness protection and international cooperation at the global, regional and national levels. Other activities described include legislative assistance for international cooperation in criminal matters, the strengthening of central authorities, the establishment of networks and platforms and the development of tools to provide States and criminal justice practitioners with useful practical assistance and information. Information on the response received has been posted on the complementarity website.

25. In addition, by note verbale ICC-ASP/13/SP/50 of 31 July 2014, the Secretariat, pursuant to paragraph 6, invited States to submit information on the capacity building needs that they had identified. As at 31 October 2014, the Secretariat had not received responses from States.

26. The Secretariat has identified a number of States that expressed, in other fora, specific capacity-building needs in areas that include evidence collection and witness protection. In collaboration with the co-focal points, the Secretariat proposes to make contact with representatives of these States and liaise with actors capable of providing the relevant assistance in these areas.

V. Complementarity website

27. The Secretariat recalls that the complementarity web forum is intended to provide an information base on events relating to complementarity, identify the main actors and their activities, and facilitate contacts between donor States, international and regional organizations, civil society and recipients, in order to advance the goal of strengthening national capacity to investigate and prosecute the most serious crimes of concern to the international community. It continues to hold the view that the vehicle of a dedicated website would more readily facilitate contact and exchange of information among a broad scope of actors in order to meet existing capacity-building needs in the area of international criminal justice. Such a dedicated website is a neutral forum which could be used by donors as well as recipients.

28. To this end, the Secretariat continued to enhance the information available on its website through including more focused information on complementarity resources. The Secretariat conducted a pilot project which involved requesting a limited number of civil society stakeholders to submit information on their activities using the format of the new “Complementarity actors form”. The responses received included information on their three most relevant areas of work, a description of their activities and the regions in which they conduct their work. These responses have been posted on the Assembly of States Parties’ complementarity webpage. The Secretariat subsequently conveyed this new form to all categories of stakeholders, i.e. States, regional and international organizations and civil society, via its communications of 31 July 2014 referred to in paragraph 24.

29. The Secretariat recalls that, in order to make the data formerly contained on the Complementarity Extranet more readily accessible and user friendly, it transferred this data to the internet website of the Assembly of States Parties in February 2013.¹⁰ The Secretariat continues to post information received on technical assistance needs as well as on capacity-building projects on the website.

¹⁰ http://www.icc-cpi.int/en_menus/asp/complementarity/Pages/default.aspx

30. The complementarity pages also include a “Complementarity Resources” page, which includes a list of key documents that are relevant to complementarity work, including model implementing legislation and key reports on how to develop domestic capacity to prosecute atrocity crimes.

VI. Conclusion

31. The Secretariat continues to make progress in the implementation of its mandate, within existing resources. As regards its mandate to facilitate the exchange of information, the Secretariat notes that it has received very limited responses to its notes verbales of 31 July 2014, presenting a challenge in the preparation of an overview of either the needs for technical assistance of States or the complementarity-related activities engaged in by stakeholders. In this regard, the Secretariat reiterates the need to manage expectations, while continuing to develop and implement this mandate.
