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The Office of the Prosecutor

towards a more just world

Every Day

Annual Report of the Office of the Prosecutor – 2022

1 December 2022

“The Office that I now lead can be viewed through two prisms. First, it is an awful testament to the horrors of mankind [...] in this 21st century medieval crimes are being committed by modern people [...] but through the other prism [...] this Court and the Rome Statute architecture represents, in my view, a promise to the future that tomorrow need not be as bleak, as sorrowful, as yesterday.”

Every Day

Karim A. A. Khan KC
– Solemn undertaking –





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Every Day

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Chapter 1

Message of the Prosecutor

“The survivors are the heroes of the story that we have the honour to tell. Their indefatigable energy, their stamina and persistence for justice I have found repeatedly all over the world. [...] I ask survivors for their patience as we bring about improvements, but I commit at all times, Inshallah, to tell them the unvarnished truth.”

Every Day

Karim A. A. Khan KC
– Solemn undertaking –

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Introductory remarks

Karim A. A. Khan KC

I am pleased to introduce this report, which I intend to publish on an annual basis to take stock of what my Office (Office of the Prosecutor, “OTP” or “Office”) has achieved during the reporting period, the challenges that lay ahead, and its progress on the course of organisational and cultural change it has set upon.

Exceptionally, this year’s report covers the first year and a half of my mandate, which began on 16 June 2021. In line with my vision, this report will aim to show how we learn and implement the lessons of the past while ensuring that agility, partnership, independence, and impartiality that must characterise our response to alleged atrocity crimes every day. While this reflective exercise does give hope and optimism, reflecting the dedication of all those who work in the Office, I

also acknowledge that what has been achieved so far it is not enough. As I noted upon my return from Darfur, Sudan in August of this year, I feel keenly that there is so much more we can and need to do to earn the gratitude that some communities affected by war crimes, crimes against humanity, genocide, and the crime of aggression generously express to the Office. We must earn and deserve their trust by continually striving to adapt, improve and then deliver on our mandate.

While not a synopsis of all activities undertaken by my Office in the reporting period, it structures our progress based on the OTP’s renewed thematic priorities. The aim is to share quite frankly our progress, challenges we have faced, and our strategy moving forward in relation to the Office’s thematic priorities, which, combined, we believe, will set the

Office and broader Rome Statute system up for better results. These priorities reflect an increased focus on: dynamic complementarity, sexual and gender-based crimes, crimes against children, bringing justice closer to affected communities, the harnessing of advanced technology, deepening our engagement with civil society, and the strengthening and transformation of the Office culture.

These priorities will also be reflected in the Office’s plans for the next strategic period (2023-2025). While the forthcoming OTP Strategic Plan will provide more detail in the objectives of my Office, making aims concrete and measurable with matching key performance indicators, I hope that this report will provide a helpful, accessible and holistic view of the current state of affairs in the Office, providing an effective ally to the formal reporting of the Office to the Assembly of States Parties.

As always, in implementing this vision of positive change, we will engage closely with our colleagues in Registry and the Presidency. I am grateful for the partnership at this critical moment in our common work.

I also recognise that as this is the first Report of this nature from the Office that there will be aspects we can improve moving forward. Please consider this a genuine attempt to broaden our interface for engagement with all stakeholders who may read it: national authorities, civil society, impacted communities and our international and regional partners. We would welcome feedback on how to improve it further.

“My aim is to build on the solid ground of what is, but also to repair what is broken, to rejuvenate, to revive, in the quest for greater efficiency and greater impact.”

Every Day

Karim A. A. Khan KC
– Solemn undertaking –

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“I would like to conclude by underlining my personal commitment to ensuring that those involved in conflict [...] in all situations addressed by my Office, feel that the law is something relevant to their lives.”

Every Day

Karim A. A. Khan KC
– Press release –



The Office is facing its most active period since the start of its operations, 20 years ago, with an unprecedented workload and a growing momentum for global accountability efforts. To match our strategies with the resources required to translate them into immediate actions, the Office has set up a Trust Fund for Technological Tools, Psychosocial Support and Specialised Capacity in sexual and gender-based crimes (“SGBC”) and crimes against children in March 2022 (“Trust Fund” or “TF”) and invited States Parties to contribute through voluntary contributions and the secondment of staff for the benefit of all situations and cases before the Court. We have also developed what I consider to be a dynamic and progressive budget proposal for 2023 that will allow us to meet the unprecedented workload of the Office with a nimble, field-based and effective approach.

As the support of all our partners and the hard work of our staff start to shift the balance in favour of successfully strengthening the OTP’s capacities, efficiency, and effectiveness, I and my entire Office stand ready to continue to unfailingly and impartially serve the mandate entrusted to us with dedication, integrity, and respect – every day.



► Karim A. A. Khan KC at his swearing-in ceremony, 16 June 2021

Chapter 2

Thematic priorities

Bringing our work closer to communities

Accountability processes work best when those affected by atrocities can engage, can be empowered, and when communities can see that justice is done.

The work of the OTP in the last year has reflected the need to bring its activities closer to victims and affected communities, and work in greater harmony with domestic processes and environments. Establishing a more significant field presence, in this context, is key to strengthening investigative and prosecutorial activities. The lack of in-depth situation-specific country knowledge and familiarity has been recognised as having hampered the performance of the Office. As the report of Independent Expert Review (“IER report”) noted, the lack of dedicated

“The Hague itself should be a city of last resort [...] wherever possible we should be having trials in the country, in the region.”

Every Day

Karim A. A. Khan KC
– Solemn undertaking –



“It is my belief that strengthening our field presence will ultimately lead to more effective and efficient investigations and prosecutions by OTP teams across all situations. Reflecting the need to foster both unity and diversity within the interdisciplinary body of OTP staff charged with executing this mandate, I have decided to designate such teams as Unified Teams, comprising lawyers, investigators, analysts, international cooperation advisers, field interpreters and other staff, all focused on a common objective.”

Every Day

Karim A. A. Khan KC

– on the first OTP annual report –

OTP field offices and a reliance on a system of rotational staff presence meant that the OTP at times lacked an intricate knowledge of the political, social, cultural, and linguistic context of the situations at hand.

Reflecting this, in 2022 the Office has sought to implement a renewed, field-centric model for its investigative work. An enhanced field presence will enrich the OTP-wide knowledge and expertise in relation to situation countries and ensure access to evidence in a more-timely manner. It will also contribute to qualitatively improved outreach as well as access to witnesses and local communities. Localised knowledge coupled with in-depth engagement can also result in effective synergies, enabling the OTP to increase its support to domestic accountability efforts in line with the Prosecutor’s stated priority of enhancing the effective implementation of complementarity. In the longer term, a field-centric model will contribute to reduced costs and greater efficiencies across the full range of the Office’s and the Court’s activities.

Engagement of the Prosecutor and Deputy Prosecutors in the field

As an initial step in delivering on this commitment to deepen engagement with the local context, the Prosecutor and Deputy Prosecutors have undertaken a range of missions to situation and partner countries over the last 18 months, including to Bangladesh, Colombia, Georgia, Guinea, Libya, Nigeria, Sudan, the Central African



► At a meeting with Rohingya women and youth groups on 26 February 2022, Karim A. A. Khan KC explained the ICC investigation into alleged crimes committed against their community and sought partnership in this work

Republic, Ukraine, and Venezuela. Key objectives of these missions has been to lay the groundwork for a longer-term sustained field presence, to support domestic accountability efforts and to open new channels for cooperation in support of the independent investigative activities of the Office.

As part of its overall approach in bringing its work closer to communities impacted by Rome Statute crimes, the Office has also sought to draw a more direct link between the action of the Office pursuant to referrals by the United Nations Security Council and the countries in which accountability is being

pursued. This also provides an important platform to highlight the need for continued engagement and collaboration across all actors, whether civil society, international partners or national authorities, to ensure effective action towards justice.

Prosecutor Khan reports to the UNSC every six months pursuant to Resolutions 1593 (2005) related to the situation in Sudan and Resolution 1970 (2011) related to the situation in Libya. Prosecutor Khan gave the latest update on the situation in Sudan on 25 August 2022 from Khartoum. This marked the first ever UNSC address by an



► Prosecutor A. A. Khan KC briefing the UNSC from Khartoum, Sudan, 25 August 2022



► ICC Prosecutor Karim A.A. Khan KC briefs the UN Security Council from Tripoli, Libya, 9 November 2022

ICC Prosecutor from a situation country and a translation into action of Prosecutor Khan’s promise to bring the OTP’s work closer to affected communities.

On 9 November, the Prosecutor mirrored this approach in relation to the situation in Libya by providing his update to the UNSC from Tripoli. This occasion marked the first time that a Prosecutor of the International Criminal Court had addressed the UNSC from the soil of Libya, and the first time in a decade that a Prosecutor visited the situation country.

Operationalising a field-based approach
In concert with these high-level visits, the

Office has sought to work with all partners, including national authorities, civil society organisations and international and regional organisations, to deepen its presence and engagement in situation countries.

To facilitate the operationalisation of the comprehensive field-centric model, Prosecutor Khan established an internal Field Presence Taskforce, consisting of nine staff members and 16 volunteers, in October 2021. The Task Force worked closely with the OTP Core Transition Team (“CTT”) and the Division for External Operations in the Registry. A priority since the start of the initiative has been to communicate in an open and transparent manner with OTP staff on

the objective of the Task Force’s work and the potential implications of the desired move to the field on individual staff and the Office’s operations as a whole, including at OTP Town Hall meetings in 2022.

The objective of the field-centric model proposed by the Task Force is to increase the effectiveness, quality, efficiency, and expeditiousness of the OTP’s two-fold situational strategy – building on impact in the courtroom and fostering complementarity-related activities. Implementation of this model would see the establishment of a considerable number of staff positions in the field, as close as possible

“We recognise that the most powerful and compelling way to show what has happened to victims and survivors is ensuring that their voices can effectively be heard, through a justice process that caters for their needs and respects their environment.”

Every Day

Nazhat Shameem Khan
– Tbilisi, Georgia –



“We need to work shoulder-to-shoulder and hand-in-hand with victims, survivors and affected communities. We also need to embrace and, wherever possible, work with States. I think that once we work in that way with victims, survivors and States, we will have a better and more accurate compass that will help us navigate a path towards the truth.”

Every Day

Karim A. A. Khan KC

– UNSC briefing re the situation in Libya –

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to the crime scenes they investigate and the affected communities and key stakeholders they work with. In the same spirit, a National Professional Officer programme will be implemented (foreseen start in 2023). Through this programme the work of the OTP would be strengthened with locally recruited staff. Jointly, these steps will lead to an increased understanding and knowledge of the situation countries, the development of stronger networks with key partners, including victim communities, witnesses, and assisting entities, and improved and timely access to information and evidence.

The OTP has also taken several steps to align its vision of being closer to affected communities with its institutional and administrative processes. From that perspective, it has been collaborating closely with the Registry and the Presidency in order to optimise field operations.



► Karim A. A. Khan KC meets with victims groups at Hasahisa camp in Darfur, Sudan, 22 August 2022



► Visit to the Kalma IDP Camp, Darfur, Sudan, 21 August 2022.

Field Office Plan: 2023



While field presence cannot be established in every situation in light of security and other operational concerns, the OTP has sought to explore opportunities for field presence in all situations it is seized of. For now, it has identified four priority situations, in relation to which it plans to establish field offices in 2023:

- **Kyiv**, Ukraine;
- **Cox's Bazar**, Bangladesh;
- **Khartoum**, Sudan; and
- **Caracas**, Venezuela.

Progress has been made in putting this vision in place. Premises have been identified in Ukraine and Sudan, and relevant legal and institutional arrangements are being finalised to set up field offices. For the situation in Bangladesh/Myanmar, discussions are being held on the finalisation of an ICC-wide cooperation agreement, building on the

progress already made this year through the establishment of interview facilities. Under the **framework** of the MoU signed by the Prosecutor and the Government of Venezuela on 3 November 2021, the finalisation of the arrangement to implement field presence in Caracas is underway. In June 2022, a field deployment scoping mission was conducted by the OTP to Caracas, with premises identified.

Up to 65 OTP staff members are expected to be deployed to the four field offices above. The transition to enhanced field presence will be complemented through recruitment of new staff, including the new positions of National Professional Officer.

The preparation for the move to the proposed field-centric approach in the other situations under investigation or preliminary examination will follow a phased approach.

Harnessing technology

The commission of international crimes now almost invariably give rise to a significant digital footprint. This presents new opportunities and challenges for the OTP with respect to the collection, synthesis and use of the wide range of audio, visual and other digital data relevant to investigations.

Investing in technology is a necessity to effectively engage with this new evidentiary landscape and provide a framework through which the efficiency and effectiveness of operating procedures can be increased.

To convert this vision into a reality, the OTP is taking action along several lines. In March 2022, the Office created a Trust Fund

for Advanced Technology and Specialised Capacity, inviting States Parties to contribute through voluntary financial contributions and with the secondment of qualified staff to support the Office's work across all situations. As reflected in the Office's initial call for contributions to States, the allocation of these resources is allocated based on the needs of the Office in line with the independent exercise by the Prosecutor of his authority over the administration and management of the Office under article 42(2) of the Rome Statute. a total of 50% of contributions made to the Trust Fund will be allocated for the use of new advanced technological tools and equipment for the collection, analysis, and language-processing of evidence. Drawing

on this injection of resources, the OTP has initiated a comprehensive information systems project focused on three key areas: big data analysis services, software, and technical expertise.

a. Big data

Together with its partners, the OTP is working to develop cutting-edge solutions for the analysis of large volumes of digital data composed of heterogeneous file types, including photographs, videos, and scanned hand-written documents. The Office has partnered with Microsoft and Accenture to support the development of data enrichment tools and artificial intelligence (“AI”), which will be used to automatically transcribe and translate text from video and audio files collected through its investigative activities. The Office is grateful for the engagement, guidance and support of Microsoft President Brad Smith in the implementation of this project.

This technology will allow investigators to directly interact with source material through targeted searches. In addition, drawing on artificial intelligence will increase the OTP's capacity to identify relevant individuals, objects, and locations, allowing for targeted searches and the swift review of relevant material by analysts and investigators.

“Today, the commission of international crimes leave behind a significant digital footprint, in particular through on-site video recordings and their distribution through social media, but also in the form of telecommunications intercepts, as well as battlefield evidence as seized electronic devices. Today, we cannot take law to the frontlines without modern equipment.”

Every Day

Karim A. A. Khan KC

– Conference marking the 20th anniversary of the entry into force of the ICC Rome Statute –

01
JULY
2021

b. Software

The OTP is modernising its document review and analysis platform to a Software as a Service cloud-based platform, which will function as an end-to-end e-Discovery tool. The development of a customised evidence lifecycle management system will centralise knowledge and critical information. The move to a cloud-based platform will also improve the OTP’s data security, benefiting from collective security systems of cloud service providers in addition to existing in-house data security measures. It will enhance the operational capacities of the Office, facilitating the effective use of business intelligence tools. This will allow for near-real-time operations through a new investigation management system, as investigators and analysts upload information on the go. The OTP will already move some of its evidence review processes to e-Discovery software in 2022.

Automated transcription and translation services will support the rapid filtration of incoming information, reducing the need for translation services as part of the initial triage of information. As irrelevant information is more easily filtered out, translators can focus their efforts on key pieces of information to enrich the understanding of the investigative

teams. In turn, investigators and analysts can focus their work on the most probative and relevant information filtered through the e-Discovery software. In this way, new technologies will facilitate near-real-time decision making, speeding up the timeline of proceedings and ensuring that human resources are less thinly stretched and more effectively used. The OTP has created a dedicated e-Discovery Unit to implement and manage this software.

In addition to (analysis) software, the OTP has received donations of hardware, including laptops, through its collaboration with Microsoft.

“With the devastation of people’s hopes and futures has come the realisation by many that it is time for a new growth spurt of international law.”

Every Day

Mame Mandiaye Niang
– Nuremberg Forum, Germany –



c. **Technical Expertise**

In terms of human resources, the OTP is investing in data processors and e-Discovery specialists who will assist the OTP with operationalising its harnessing technology project. This expertise will make new technology usable and ensure that the span of the type and quantity of potential evidence in court is broadened.

Through the adoption of new technological tools, the Office seeks to accelerate its independent investigations while also establishing a stronger platform for the provision of assistance to national authorities.

Broadening the range of data it is able to collect and process, the Office will expand the basis from which it can provide information in support of domestic proceedings, in accordance with the Rome Statute. This will allow the OTP to enhance its performance as an effective prosecutorial body and to provide, within its mandate and means, tangible and valuable information and support to national investigators and prosecutors. In doing so, the OTP will seek to significantly reduce times for responses to requests for assistance or information from national authorities. The realisation of these ambitions will be supported by the fast-tracked incorporation of modern technologies

and tools in the OTP's technological architecture.

Further steps to develop and integrate these initiatives as part of the OTP's overarching information systems project will follow in 2023.

“The massive data sets that are the hallmark of the kind of crimes that are within the jurisdiction of the International Criminal Court (ICC) require us to utilise in an integrated fashion the latest technology that is available — artificial intelligence, machine-learning tools, translation platforms that allow mass data to be effectively translated before a more cost-intensive exercise of human review is carried out. All that will allow us to accelerate our action.”

Every Day

Karim A. A. Khan KC

– UNSC briefing on the Situation in Libya pursuant to UNSCR 1970 (2011) –



Building a hub for justice: dynamic complementarity and cooperation



► Prosecutor Khan and the Prosecutor-Generals of Lithuania, Ukraine and Poland at the signing ceremony marking the formal participation of the Office of the Prosecutor in the Joint Investigative Team, 25 April 2022

Over the last 18 months, the OTP has sought to reinvigorate its collaboration with national authorities pursuant to the mutually reinforcing principles of cooperation and complementarity. Taking a proactive and creative approach to this collective work is key to increasing the ability of the Office to deliver on the legitimate expectations of survivors and the families of victims.

The implementation of this renewed plan for is based on a vision of the OTP as a hub at the centre of accountability efforts, supporting and facilitating accountability efforts at the international and national level. Its aim is to function as a more effective prosecutorial body and partner for national authorities,

“I stand ready to engage with States in novel and imaginative ways.”

Every Day

Karim A. A. Khan KC
– Solemn undertaking –

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sharing experiences and expertise and providing prompt and effective assistance. Through the development of new partnerships including Joint Teams with national authorities, the conclusion of agreements outlining new approaches to complementarity, and actions aimed at strengthening the bond between the OTP and domestic authorities through the secondment of a range of national experts, the Office is striving to create a true two-way street for cooperation with national, regional, and international actors.

Joint Teams with national authorities on Ukraine and Libya

Following the opening of an investigation

into the Situation in Ukraine on the basis of forty-three States Parties’ referrals, received between 1 March and 1 April 2022, the OTP joined the Joint Investigative Team (“JIT”) on international crimes committed in Ukraine as a participant. This JIT, formed under the auspices of Eurojust, now consists of Lithuania, Poland, Ukraine, Estonia, Latvia, Slovakia, and Romania. Through this landmark step, the Office will significantly enhance its ability to access and collect information relevant to its independent investigations. Participation in this framework has already supported the rapid provision of information to the Office relevant to its investigations by other members of the JIT. In addition, it has also

“For the Office of the Prosecutor, it ultimately does not matter whether crimes of atrocity are prosecuted domestically or at the ICC. Indeed, domestic prosecutions are often preferable. Such prosecutions are owned by the State and its judicial system and increase understanding of Rome Statute offences by the communities most directly affected.”

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Nazhat Shameem Khan
– Tbilisi, Georgia –

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provided a forum through which investigative strategies can be shared and aligned, in conformity with the principles of complementarity and confidentiality.

This effort to engender a deeper relationship with national authorities was also reflected in September 2022 when the Office became a formal member of the Joint Team (“JT”) aimed at supporting investigations into crimes against migrants and refugees in Libya, joining relevant national authorities from Italy, the Netherlands, the United Kingdom of Great Britain and Northern Ireland, and Spain. This Team is also supported by the European Union Agency for Law Enforcement Cooperation (Europol).

In formally joining the JT the Office sought to further accelerate the already excellent and productive cooperation with its members. This has led to receipt of valuable information by the Office as well as the provision of tangible support by the OTP to national authorities in the conduct of their investigations.

Concrete results have been shown through this collaborative approach, as reflected in the recent arrests in Ethiopia and the extradition to Italy and the Netherlands of two key suspects of crimes against victims of human trafficking and human smuggling in Libya. The Office actively assisted these investigations through the sharing of knowledge, information, evidence, and through joint witness interviews.



► Deputy Prosecutor Nazhat Shameem Khan participates in the ceremony in Rome, Italy on 7 September 2022 through which the Office of the Prosecutor formally joined the Joint Team

Integrating National Expertise into the ICC

In 2022, the OTP has taken steps to fundamentally deepen its relationship with national authorities, for example through welcoming a large number of secondees from States Parties. In a Note Verbale shared with States Parties in March 2022, the OTP invited the secondment of national experts to the OTP to support its work across all situations. The increased exchange of experience and knowledge between the OTP and national experts is anticipated to create further opportunities for collaboration. By welcoming increased numbers of national experts, the OTP seeks to develop a vibrant community of practice that can support domestic, regional, and international accountability efforts. The secondment of

national experts will also permit the OTP to address its urgent resource needs, ensuring the more effective and efficient execution of its mandate while guaranteeing an increased understanding of the mandate and work of the OTP in contributing States. At the time of writing, 66 national experts have been or are expected to be seconded to the OTP in 2022. These experts will be deployed across situations addressed by the Office, including Libya, Palestine, Sudan, Ukraine, Burundi, CAR, and Mali.

A new model for collaboration in forensic investigations

A key area in which the secondment modality has worked effectively is with respect to the deployment of forensics experts. In

May 2022 the largest ever single field deployment of the OTP left on mission for Ukraine, consisting of 42 investigators, forensic experts, and support personnel, a large number of whom were seconded to the Office by the Government of the Netherlands. Through the efforts of this diverse team, the OTP has been able to support the identification of relevant forensic and digital materials and ensure that such data is collected in a manner that strengthens its admissibility in the courtroom, be it in a domestic or international setting. Through this action, the team was able to accelerate the OTP's independent investigations and strengthen synergy of action with national authorities and other international teams on the ground in Ukraine.

Building on this model, the OTP and the Dutch Koninklijke Marechaussee (“KMar”) are partnering in an initiative to support the deployment of multinational forensic teams under the framework of the OTP on a rotational basis across situations addressed by the Office.

The KMar will support the ICC in constituting teams that have the operational flexibility needed to address priority areas of need, and in ensuring that following completion of deployment each team is able to hand over to a further incoming team. The establishment of the Forensic Deployment Centre will seek to support a seamless, multinational contribution to forensic work

in situation countries addressed by the OTP.

Specifically, through this partnership, the OTP and KMar will:

- Identify additional national partners who wish to join this common effort to support forensic evidence collection in Ukraine;
- Ensure the forensic field deployment teams reflect the immediate evidence-collection needs in the field in Ukraine; and
- Establish a comprehensive and effective field deployment programme through which national forensic experts seconded to the ICC will receive pre-deployment training and sensitization in the Hague, Netherlands by a joint ICC-Kmar expert team.

The objective is to establish a central, flexible deployment centre that would support the effective creation, training and deployment of forensic teams, drawing on the diverse expertise made available by States to the OTP.

Cooperation and Complementarity in Practice

Attempts by the Office to deepen its engagement and cooperation with national authorities, placing an emphasis on ensuring action is taken at a national level wherever possible, have been reflected in key actions undertaken by the OTP in the last 18 months.

In countries including Colombia, Guinea, Venezuela and the Central African Republic, work has been undertaken to take a creative and dynamic approach to complementarity efforts.

Colombia

In Colombia, a milestone was reached in October 2021 through the [closing of the Preliminary Examination](#). Recognising that complementarity is, at present, working in Colombia as a result of the ongoing national accountability efforts, the OTP committed to strengthen its support accountability efforts in a [cooperation agreement](#) between the OTP and the Government of Colombia. The Prosecutor emphasised that the closure of the preliminary examination did not mean an end to the Office's engagement with Colombia or its support to the accountability processes underway – to the contrary, it marked the beginning of a new chapter of support and engagement and an example of positive complementarity in action.

The cooperation agreement is the first of its kind concluded by the OTP and a States Party. It sets out the guarantees of the Government of Colombia to ensure that the domestic transitional justice process remains on track. For its part, the OTP commits to continue its support to Colombia's domestic accountability efforts, for example, through continued dialogue with the government and other actors, annual visits to Colombia, and the exchanging of lessons learned and best practices.

“The idea somehow that the ICC is an apex criminal court is not a sound one. It is far better, in my view, to view it as a hub. And every national authority is a spoke in that system that allows the wheel of justice to move more effectively and overcome the bumps that exist in every jurisdiction. I think of it as a two way street of us getting evidence, conducting investigations, analysing it with technological tools and experts in the Office, using it but also sharing it, is one that will give value for money, it's one that's going to be effective and ultimately it will be more effective for victims and survivors.”

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Karim A. A. Khan KC

– UNSC briefing on the Situation in Libya pursuant to UNSCR 1970 (2011) –

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► *Karim A. A. Khan KC and Mr Iván Duque Márquez, President of Colombia, at the signing of the MoU with the government of Colombia, 28 October 2021*

The continued cooperation between the OTP and Colombia following closure of the preliminary examination will seek to further contribute to progress towards justice and accountability for international crimes in Colombia. In addition, it will ensure that the OTP is in possession of all the facts required to determine whether Colombia continues to be willing and able to conduct, and is actively engaged in, genuine proceedings.

During a working-level visit undertaken in October 2022, the OTP delegation and the Government of Colombia, civil society actors, and international partners worked on the design of efforts that will ensure that

the legislative, constitutional, and budgetary environment is maintained for effective accountability efforts. These measures will prevent undue interference and ensure full inter-institutional cooperation.

Drawing on the continued dialogue between the two parties, the OTP and the Colombian authorities will prepare an action plan outlining concrete steps that will be taken in 2022 and 2023 to implement the commitments set out in the cooperation agreement. The OTP will support dialogue and the exchange of best practices in Colombia and between national and international partners, including in relation

to key focus areas such as sexual and gender-based crimes, and crimes against children. These efforts will continue up to and beyond the Prosecutors next official visit to Colombia, scheduled for mid-2023, providing a moment of reflection and consolidation of action towards justice and accountability in Colombia.

Central African Republic

Echoing the OTP's commitment to support situation countries through positive complementarity, Deputy Prosecutor Mame Mandiaye Niang attended the opening ceremony of the first trial of the Special Criminal Court ("SCC") of the Central African Republic in May 2022.

During the visit, Deputy Prosecutor Niang underlined the commitment of the Office to actively support the work of the SCC in line with the principle of complementarity and to work to identify ways in which cooperation between the OTP and SCC can be strengthened. He also recognised the SCC as an excellent example of how partnerships between local actors, national authorities and the international community can bring tangible steps towards justice. Deputy Prosecutor Niang recalled the importance of the work of all partners in the establishment of the Court, including civil society organisations that had played a crucial role in its development, while also recognising the support provided to the SCC by the United Nations Multidimensional Integrated

“The ICC is not an apex court. It does not sit on top of national courts. Rather, it is a hub. Under the Rome Statute, States have the primary responsibility to investigate and prosecute atrocity crimes. Our Office can assist, within the limits of its legal mandate, including by sharing information and evidence, lesson learned from its 20 years of operations, and best practices.”

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Nazhat Shameem Khan

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► Deputy Prosecutor Niang addresses the opening ceremony of the first trial of the Special Criminal Court of the Central African Republic, 10 May 2022

Stabilization Mission in the Central African Republic (MINUSCA) and the United Nations Development Programme.

During his visit to Bangui, Deputy Prosecutor Niang was received by Mr Arnaud Djoubaye-Abazene, Minister of State for Justice, the Promotion of Human Rights, and Good Governance of the CAR, while also meeting with Mr Michel Landry Louanga, President of the SCC, its Vice-President, Mr Herizo Rado Randriamanantena, and the SCC Registrar, Mr Dieudonné Senego. The Deputy Prosecutor congratulated the Government of the Central African Republic and all other national partners on the successful commencement of proceedings at the Court.

“[t]oday’s opening of the first trial of the Special Criminal Court, here in the CAR — the very country where the crimes under international law alleged by the Special Prosecutor are supposed to have been committed — is a high point in the symbolic distribution of justice. But beyond the symbols, it is also a crucial meeting with all those victims and survivors of unspeakable atrocities, many of whom were losing hope of seeing justice done in their lifetimes.”

Every Day

Mame Mandiaye Niang



Following the visit of the Deputy Prosecutor to the Central African Republic, the Office has worked closely with the SCC in order to enhance information-sharing and the provision of support to the work of the Special Court. A significant range of material held by the Office has been identified as relevant to the work of the Special Court and work is presently underway to facilitate its transfer in support of proceedings in Bangui.

Guinea

An emphasis on the recognition and provision of support to domestic action was also reflected in the context of the Preliminary Examination in Guinea this year. In September, Prosecutor Khan and Deputy Prosecutor Niang attended the opening of the long-awaited domestic trial related to events of 28 September 2009. Eleven individuals were charged by the Guinean Court for alleged crimes related to the events of 28 September 2009.

During his high-level official visit to Guinea, representing the twenty-first OTP visit in total since the opening of the Preliminary Examination, Prosecutor Khan signed a Memorandum of Understanding with the President of the Transition, Colonel Mamady Doumbouya. This MoU constitutes a legally binding commitment by the Republic of Guinea to ensure accountability for the crimes committed in the context of the events of 28 September 2009. In the MoU the OTP commits to continue to support

“While much work still lies ahead, this trial marks an important moment, namely, that justice is an integral part of the efforts made by Guinea to establish the truth of what happened during the events that resulted in the suffering of hundreds of victims. This process, if successfully undertaken, will also greatly contribute to national reconciliation efforts.”

Every Day

Mame Mandiaye Niang
– Nuremberg Forum, Germany –





► Karim A. A. Khan KC and Alphonse Charles Wright, Guinean Minister of Justice at the opening of the trial on 28 September

Guinea’s accountability efforts. The MoU also sets out the parameters of collaboration between Guinea and the OTP and the way that cooperation will be deepened in line with the new stage of the parties’ collective work towards realising justice.

With the opening of the trial and the signing of the MoU, the Office concluded that complementarity is at work in Guinea, the Guinean authorities being willing and able to conduct genuine proceedings. Consequently, Prosecutor Khan closed the Preliminary Examination on 29 September 2022. The OTP will continue to monitor the process and engage Guinean authorities. Should the OTP discern any cause to doubt

“A new stage of collective work has started. My Office will continue closely monitoring the proceedings and engaging with the Guinean authorities to ensure their responsibilities under the Rome Statute are fulfilled.”

Every Day

Karim A. A. Khan KC

– Statement regarding the opening of the trial related to events of 28 September 2009 in Guinea –



the genuineness of the accountability efforts in Guinea, the OTP could reopen the Preliminary Examination and move towards an investigation, if suitable.

Venezuela

Complementarity and cooperation remains central to the relationship between the OTP and national authorities during the investigation phase of its work.

These parallel and mutually reinforcing tracks of complementarity, cooperation and independent investigations were reflected in Prosecutor Khan’s decision to open an investigation into the situation in Venezuela, made in November 2021. This decision is an important landmark in the efforts to build constructive relationships based on transparency and collaboration: while the government of Venezuela does not agree with the assessment that the opening of an investigation was warranted, it committed itself to cooperate with the OTP through the signing of a MoU on 3 November 2021 during Prosecutor Khan’s first visit to Venezuela.

The signing of this MoU recognised the parties’ commitment to constructively pursue all avenues for accountability together and to maintain a respectful dialogue. During his second visit to Venezuela in March 2022, Prosecutor Khan announced that measures to facilitate implementation of the commitments set out in the MoU were jointly



► Karim A. A. Khan KC and President Nicolás Maduro, 1 November 2022

“In making this filing, my Office has sought, at all times, to follow a path of fulfilling its statutory mandate while continuing to cooperate in good faith in supporting the efforts of the Venezuelan authorities to conduct domestic proceedings that satisfy the Rome Statute’s complementarity requirements. I remain committed to this twin-track approach.”

Every Day

Karim A. A. Khan KC

– Press release –



agreed upon. These measures will include technical assistance and knowledge transfer to Venezuela to support effective domestic initiatives, as well as trainings and expert advice. In addition, the OTP and Venezuela have agreed to host meetings and conferences on international justice in Caracas in 2023 to promote the exchange of best practices in the region.

On 16 April 2022, the Government of Venezuela requested the OTP to defer its investigations in accordance with article 18 of the Rome Statute. Based on the assessment that complementarity is not, at present, fully at work in Venezuela, Prosecutor Khan applied for authorisation to resume the investigation on 1 November 2022. In doing so, the Prosecutor acknowledged the efforts made by the Government of Venezuela to collaborate with the OTP, to undertake legal reforms, and to give practical implementation to the MoU signed on 3 November 2021.

Reflecting this, work will continue to implement the Memorandum of Understanding while the Pre-Trial Chamber remains seized of the request for deferral from the Government of Venezuela.

Nigeria

During his first visit to Nigeria on 19 and 20 April 2022, Prosecutor Khan engaged with the national authorities and clarified the status of the situation in Nigeria following the conclusion of the Preliminary Examination

“We were in agreement that the principle of complementarity enshrined in the Rome Statue required such crimes to be addressed through domestic proceedings, or failing that, by my Office. We explored in this context different avenues to close the impunity gap and deliver on the legitimate expectations of justice from victims and survivors on all sides.”

Every Day

Karim A. A. Khan KC

– Statement upon conclusion
of first official visit to Nigeria –

22
APRIL
2022



► ICC Prosecutor Karim A.A.Khan KC meets with his Excellency President Muhammadu Buhari, during his official visit to Nigeria

in 2020. During the visit, Prosecutor Khan and the Nigerian authorities discussed possibilities for domestic accountability efforts and ways to effectively address alleged crimes committed in West Africa, the Sahel, and beyond by non-State armed groups associated with the Islamic State in Iraq and Syria, Al-Qaida, and Boko Haram. The OTP committed to provide Nigerian judicial authorities with necessary technical assistance, within the available means. The Nigerian authorities in turn agreed to conclude a formal agreement with the OTP in the near future and decided with the Prosecutor on the immediate next steps that will inform any decision regarding the situation.

While the OTP strives to be a hub for justice and to put complementarity into practice, it does so within the bounds of its mandate. As such, in situations where it believes complementarity is not in practice, the OTP will work to conduct its preliminary examinations and investigations. As such, when the Philippines requested that the OTP defer the investigation on 10 November 2021, the OTP, of the opinion that the national authorities were not actively engaged in conducting genuine proceedings, applied to Pre-Trial Chamber I for authorisation to resume the investigation on 24 June 2022. The decision of Pre-Trial Chamber I is pending. After a similar application for leave to resume the investigation in Afghanistan,

“I wish to send a clear message to all those participating in hostilities. If attacks are intentionally directed against the civilian population: that is a crime that my Office may investigate and prosecute. If attacks are intentionally directed against civilian objects, including hospitals: that is a crime that my Office may investigate and prosecute. Those taking part in these hostilities, whether as regular armed forces, militias or self-defence groups, must know that in putting on a uniform or by carrying weapons they are not absolved of responsibility but indeed they take on extra legal obligations.”

Every Day

Karim A. A. Khan KC

– Statement on his visit to Ukraine and Poland –

16
MARCH
2022



► Participants in the Ukraine Accountability Conference on 14 July 2022

the Pre-Trial Chamber authorised the Prosecutor to resume the investigation on 31 October 2022.

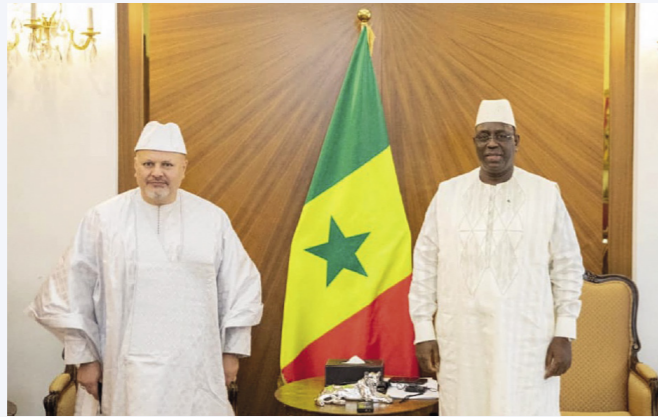
Creating spaces for broader dialogue

In addition to its direct collaboration with States, the OTP has also worked to contribute to broader complementarity and cooperation efforts.

In line with its desire to enhance dialogue and knowledge sharing among relevant partners and stakeholders, the OTP co-hosted the Ukraine Accountability Conference with the Dutch Ministry of Foreign Affairs and the European Commission in July 2022. Benefiting from the engagement of State

representatives, international organisations and mandate holders and the perspectives of civil society actors, the Conference sought to develop common awareness and understanding of the range of efforts being undertaken in Ukraine to support accountability for international crimes, with a view to aligning efforts and ensure the interests of survivors are placed at the centre of all work.

These discussions led to the adoption of a Political Declaration by 45 States through which they undertook to work towards the establishment of a Dialogue Group with the objective of promoting visibility and engagement across the various accountability



► Prosecutor Khan meeting with H.E. President Macky Sall, 10 September 2021



► Prosecutor Karim A.A. Khan KC meets with Minister of Foreign Affairs and Expatriates Palestine, H.E. Dr Riad Malki on the margins of the UN General Assembly in New York

initiatives relevant to the situation in Ukraine, as well as the identification of opportunities for enhanced coherence of action in these efforts.

The momentum for cooperation that was generated on this occasion was carried through to a high-level side event on Cooperation for Accountability in Ukraine at the 2022 United Nations General Assembly.

The Office has been working closely with States and other participants in the Conference to finalise arrangements for the establishment of the Ukraine Accountability Dialogue Group. This work is expected to be completed in the near future.

Supporting regional approaches to accountability, deepening engagement with States Parties

The present international and political context has created opportunities for deepening cooperation with international and regional partners. In this context, the Office has sought to proactively engage with relevant actors and institutions in order to identify how cooperation modalities can be expanded upon further with a view to strengthening the basis on which its independent investigative activities and broader operations can be taken forward and opportunities for the provision of direct support to national proceedings by the Office can also be identified and exploited.

These include, amongst others, Eurojust and Europol, the Economic Community of West African States (“ECOWAS”), the African Union, and the Organisation of American States (“OAS”). Work has also been undertaken with a number of organisations to identify how a dynamic vision of complementarity can be implemented by enhancing the readiness of national jurisdictions and potentially supporting an enhanced role for accountability action at the regional level.

To further the implementation of strategies for enhancing cooperation with the African Union, the Prosecutor met with H.E. M. Felix Antoine Tshisekedi Tshilombo, President of the Democratic Republic of Congo and

Chairperson of the African Union in Brussels on 5 September 2021.

On 10 September 2021, the Prosecutor visited Senegal and met with H.E. President Macky Sall.

These meetings were followed by the participation of the Prosecutor in the 35th Ordinary Session of the Assembly of the African Union, held on 5 and 6 February 2022 in Addis Ababa (Ethiopia) following the invitation of the Chairperson of the Commission, His Excellency Moussa Faki Mahamat, the first time in 17 years the Prosecutor of the ICC has attended the summit.



► Deputy Prosecutor Nazhat Shameem Khan meets with Mr Irakli Shotadze, Prosecutor General of Georgia during her official visit to Tblisi, 26 September 2022

In the margins of the Summit, Prosecutor Khan held meetings with various Heads of State and Government from members of the G5 Sahel to discuss effective ways to consider effective judicial responses to the serious alleged international crimes being committed by groups including Da’esh, Al-Qaida, Boko Haram and associated individuals, groups, undertakings, and entities.

During the last 18 months, the Office has also sought to extend its engagement with States Parties through official meetings held at the Seat of the Court and as part of key diplomatic engagements and conferences.

A more detailed outline of the OTP’s renewed approach to cooperation and complementarity will be presented in the OTP’s forthcoming Policy Paper on Complementarity, which will be published in 2023.

“Through positive engagement across national authorities, international and regional organisations, and civil society actors, we have charted a renewed course for common action in relation to atrocity crimes that prioritises dialogue across initiatives, promotes coherence and, above all, places the rights and experiences of victims at its centre.”

Every Day

Karim A. A. Khan KC

– Statement upon conclusion of the Ukraine Accountability Conference –



Focussing on results; a vision for completion

During the immediate coming period the Prosecutor has sought to prioritise making progress on his commitment to reduce the sheer volume of situations before the Court in order to achieve better and more focussed results.

In particular, the Prosecutor has committed to go deeper within a narrower range of situations, which will be prioritised on the basis of gravity and seek to optimise the use of the Office's finite resources. In line with this strategy, the Prosecutor has started the implementation of completion strategies for a number of situations that are presently before the Court.

Situation Completion in this context and at this time will mean that the OTP will not pursue additional cases within the context of the situation beyond those already brought. This would mean that from this point onwards, the Office will focus its efforts on the arrest and surrender of suspects that remain at large and the successful prosecution of such cases at trial.

Even after having taken such a decision, the OTP's work – and that of the Court for that matter – will be far from over. The Office will need to continue confined investigative activities to support its existing cases: either to expand or reduce the scope of the charges; to advance trial readiness; and/or

to support witness protection and evidence preservation. The Office will also need to stand ready to respond to any attempted witness interference or evidence tampering. And concerted effort will be required to track and arrest suspects who remain at large and to prosecute the existing caseload, which must be carried through trial to final appeal and, in the event of conviction, to reparations stages. However, beyond those specific areas of activity, the Office will not pursue new lines of inquiry into the criminal responsibility of other persons for alleged acts constituting war crimes, crimes against humanity or genocide. The initial investigation phase in the situation concerned will therefore be concluded.

Taking such a decision is a necessary function of articulating a prosecutorial strategy. Given the scale of criminality before the ICC and the ever growing docket of situations and cases, it is essential that the Prosecutor is able to exercise the discretion afforded him under the Statute to effectively manage the discharge of his mandate as Prosecutor.

The need for situational planning and the adoption of accompanying completion strategies also reflects a growing expectation among ICC States Parties that the Court will find ways and means to meaningfully sustain its work across multiple situations within finite means. This theme was reflected in the recent Independent Expert Review process, commissioned by the Assembly of States Parties.

“We must be seen as helping to nurture and support what is already owned as the common heritage of humanity – namely, the values, obligations and rights that are stipulated in the Rome Statute.”

Every Day

Mame Mandiaye Niang
– Nuremberg Forum, Germany –

14
OCT
2022

Beyond effective resource management, however, the implementation of completion strategies also offers tangible expression to the core principles of cooperation and complementarity that are at the heart of the Rome Statute system. For as much as a decision on situation completion clarifies the outer scope of the Office’s intended caseload, it also provides a renewed opportunity for working collaboratively with competent national criminal jurisdictions to help reduce remaining impunity gaps – to ultimately advance the goal of supporting new cases that might, through working in collaboration, be brought before domestic courts.

This theme is central to the Prosecutor’s vision of the complementary role of the ICC and its relationship with national criminal jurisdictions.

As such, as part of completion strategies, the Office will also explore how we can move to the next stage, where the efforts of the Office can be increasingly geared towards consolidating its engagement with national institutions, in the pursuit of strengthening and supporting accountability efforts at the national level.

For its part, the Office stands ready to assist and work with national institutions to reinforce and expand the common ground in reducing accountability gaps that persist with respect to international crimes.

In addition to completing the situations under preliminary examination in Colombia, Bolivia and Guinea, the Prosecutor will announce before the end of 2022 and during 2023 the end of the investigative stage in a number of situations before the Office and a re-direction of resources and priorities to harness the full potential of the Court.

“I believe that the work ahead of all of us as accountability actors requires incredible sobriety and long term engagement. Complementarity and cooperation can only be effective if the ICC and States Parties work together to shoulder the weighty responsibilities envisaged by the Rome Statute and demanded by victims. I stand ready to work with and alongside national criminal jurisdictions in the task that lies ahead.”

Every Day

Karim A. A. Khan KC

Building partnerships with civil society

In an attempt to strengthen partnerships with affected communities and civil society actors even further, and driven by the belief that collaboration is required to ensure that the collective efforts of the OTP and such actors serve the interests of justice and the wellbeing of survivors, Prosecutor Khan announced a new CSO initiative in May 2022. In part a response to the call of civil society actors for closer engagement, this initiative seeks to strengthen the contribution of civil society to the work of the OTP. Building on different modes of engagement, the initiative includes the following elements:

- The OTP will host two CSO-roundtables a year, in addition to the ICC-CSO roundtable;

- The OTP will (co-)develop and publish guidance materials for CSOs to support them in engaging with witnesses and survivors in a manner that preserves the integrity of potential testimony that could be relied on in criminal proceedings and reduces the risk of re-traumatisation;
- The OTP will develop a new programme for engagement with national CSOs and local community-based organisations, resting on enhanced field-presence of the OTP; and
- The OTP will empower the Unified Teams to address individual situations to effectively engage with CSOs.



► Prosecutor Karim A.A. Khan KC meets with civil society representatives in Cox's Bazar, Bangladesh

Guidelines on the documentation of international crimes and human rights violations

On 21 September, the OTP took a practical step in the implementation of the CSO Initiative through its collaboration with Eurojust and the European Network for investigation and prosecution of genocide, crimes against humanity and war crimes (“Genocide Network”) in publishing practical guidelines for civil society organisations (“CSOs”) on how to document international crimes and human rights violations for accountability purposes on 21 September 2022.

The guidelines, which seek to reflect the joint experience of the ICC, CSOs, Eurojust, the Genocide Network, national prosecutors and

international partners, aim to empower civil society actors, and effectively channel efforts and capacities to the common objective of combatting impunity. Specifically, the guidelines seek to assist civil society actors wishing to document for accountability purposes to collect information in a way that preserves its integrity and strengthens the ability of accountability actors including the Office to effectively draw on the information in investigations and prosecutions. While not a manual, the aim of the guidelines is to share certain principles which will ensure that local, regional, and international civil society action will have an even greater impact on domestic and international criminal accountability processes. They build on the extensive work already undertaken by civil society

“The fight against impunity is not solely the preserve of States or international organisations. It is a collective obligation that must benefit from the contribution of all those who seek to advance the cause of justice.”

Every Day

Karim A. A. Khan KC and Ladislav Hamran, President of Eurojust
– Foreword to jointly published guidelines for civil society organisations –



organisations to produce guidance materials for documenters globally.

In a joint [video message](#), Prosecutor Khan and Eurojust President Ladislav Hamran outlined the objective and potential use of the guidelines. Building effective partnerships between international justice actors and civil society actors will streamline efforts and prevent potentially harmful practices, such as the repeated interviewing of survivors of atrocity crimes, risking over-documentation and (re-)traumatisation. Founded on the general principles that will facilitate productive collaboration – such as do no harm, objectivity, impartiality and independence – the guidelines provide insights into practical matters ranging from planning and taking a person’s account to handling physical items and storing, and safeguarding items and information. The publication of the guidelines was followed by an official launch and a technical briefing for CSOs on 6 October 2022.

OTP-Civil Society Thematic Roundtables

In an important moment for the Office, the first OTP-Civil Society thematic round-table was held on 14 November 2022, addressing the theme of crimes against children (see also SGBC and Children).

The event benefited from the participation of over 75 civil society actors from over 11 situation countries. Dialogue also incorporated the participation of ICC staff,

“Through this publication, we also seek to highlight how we can work together more effectively to protect the most vulnerable when engaging in documentation efforts. This is particularly important in situations involving crimes against children or victims of sexual abuse. It is my hope this document can serve as a basis for deepening this dialogue together.”

Every Day

Karim A. A. Khan KC
– launch of the guidelines for civil society organisations –



“Stronger capacity is necessary as children, like all other social groups, differ from each other in terms of age, gender, race, socio-economic status, and other conditions. Whilst all children suffer in war and will be harmed by virtually any violation of their rights, it is important to recognise the diversity of crimes committed and of children’s lived experiences, and the differential impact of armed violence based on their personal characteristics, including their gender and age.”

Every Day

Karim A. A. Khan KC

– OTP-Civil Society Thematic Roundtable –

14
NOV
2022

Special Advisers to the Prosecutor and experts from the United Nations. The Office was grateful for a keynote opening statement from Special Representative of the United Nations Secretary-General for Children and Armed Conflict, Ms Virginia Gamba.

The roundtable also provided an opportunity to discuss the Guidelines for Civil Society Organisations on documenting international crimes and human rights violations for accountability purposes, recently developed and launched by the ICC Prosecutor and Eurojust, with contributions from civil society organisations, national prosecutors, and international partners.

The outcomes of this roundtable will be fed into the ongoing work of our Office to strengthen and further enhance our policies and practices with respect to the investigation of crimes against children. Central to the improvement of our work in this area will be the deepening of our engagement with the civil society actors that participated in this event and the broader civil society community.

The next OTP NGO round-table will take place in 2023 with the thematic topic to be developed in dialogue with civil society partners.

These activities will be followed by other initiatives in 2023 to bring forth the Prosecutor’s aim to strengthen relations with civil society and local communities even further.

SGBC and children

In 2003, the OTP established a Gender and Children Unit (“GCU”). GCU’s two-pronged mandate focused on logistical support during investigations and legal investigative advice provided to teams on an ad-hoc, request basis. The OTP noted that it would pay particular attention to crimes against children, sexual and gender-based crimes (“SGBC”) in the [Report on Prosecutorial Strategy \(2006\)](#), and the [Prosecutorial Strategy: 2009-2012](#). In its subsequent strategic plans for the years 2012-2015, 2016-2018, and 2019-2021 the OTP’s strategic goals included enhanced integration of a gender perspective into the Office’s work and particular attention to sexual and gender-based crimes, and crimes against children respectively. Pursuant to these strategies, the OTP published a [Policy](#)

[Paper on Sexual and Gender-Based Crimes](#) in 2014 followed by a [Policy on Children](#) in 2016.

In 2020, the Independent Experts recommended in their [report](#) that the relationship between the then integrated teams and support units such as GCU should be clarified and standardised, highlighting the importance of consulting them early in operation planning cycles. Building on his commitment to enhance dedicated and specialised capacity with respect to investigations into crimes of sexual and gender-based violence, and crimes against children, Prosecutor Khan reshaped GCU’s mandate as part of the OTP reorganisation initiated in 2021 (for more information see

“Sexual and gender-based crimes, and crimes against or which affect children, are not incidental to conflict, but are often a calculated and desired means of inflicting harm against entire communities.”

Every Day

Karim A. A. Khan KC
– Message to OTP staff –

JULY
2022

OTP Reorganisation) to ensure increased focus on these extremely serious yet traditionally underreported crimes in all aspects of the OTP’s work. Reflecting the prioritisation of this area by the Office, 25% of the Trust Fund established in March 2022 will be dedicated to the enhancement of specialised capacity with respect to investigations into crimes of sexual and gender-based violence, and crimes against children. The contributions to the Trust Fund have allowed the OTP to swiftly secure dedicated and specialised staff and look to ensuring the availability of appropriate facilities for the engagement with children when part of its investigations.

Following the appointment of a Head of GCU in June 2022, GCU has started to provide legal, investigative and strategic advice to all Unified Teams at all stages of the OTP’s work. GCU’s renewed objective is to deepen and broaden the understanding of SGBC and crimes against children in the OTP so that these crimes are reflected in the cases brought to court. To ensure an integrated approach, consultation with GCU has been made mandatory. The unit provides macro- and micro-level input on anything ranging from mission and interview plans to analytical products. In addition, it assists the Unified Teams with conducting gender analyses and children analyses; and in drafting of key filings such as closing briefs. This approach will ensure that victims of these types of crimes are visible



▶ © Marcus Bleasdale – Central African Republic

throughout the investigative process and in the courtroom, and that SGBC and crimes against children are not only categorised as opportunistic.

To further professionalise the OTP’s approach to SGBC and crimes against children, GCU is updating and developing several guidelines and practical templates which will guide the work of the Unified Teams. Themes of interest include LGBTQI+, the elderly/older witnesses, SGBC, and how to engage with children in the field and in the courtroom. The first policy expected is a Policy Paper on Gender Persecution. At all stages of the development of this Policy Paper, the OTP Special Adviser has consulted with civil society organisations. All OTP guidelines and

templates developed by GCU are expected to be ready for use by the end of December 2022.

The final pillars of GCU’s renewed mandate are providing trainings and coordinating cooperation and outreach related to SGBC and crimes against children. On 14 November 2022, GCU organised a NGO roundtable, followed, on 15 November, by a panel with the OTP’s Special Advisers on themes such as age persecution, the use of children in hostilities, trafficking of children, and gender-based persecution of LGBTQI+ identifying individuals. Furthermore, GCU has hosted three trainings on crimes against children – one for OTP lawyers in October 2022, one for all OTP staff in November



► ICC Deputy Prosecutor Nazhat Shameem Khan; Special Advisers to ICC Prosecutor, Veronique Aubert, Patricia Viseur Sellers and Kim Thuy Seelinger; and Head of the OTP Gender and Children Unit, Dianne Luping, at Preventing Sexual Violence in Conflict Initiative (PSVI) Conference, London, UK, 28 November 2022.

2022, and specialist trainings for investigators and lawyers in December 2022. Further trainings on SGBC are planned for 2023.

In its new iteration, GCU reports to Deputy Prosecutor Khan, but serves both Prosecution Pillars equally, as well as the Unified Team for Ukraine, which falls directly under the Prosecutor. The Head of the GCU routinely joins Heads of Units pillar meetings, supporting both Deputies, as well as Senior

Management meetings with the Deputies and the Prosecutor to ensure a constant focus on this crucial, cross-cutting thematic area. Prosecutor Khan's vision on and objectives related to SGBC and crimes against children will be reflected in the 2023-2025 OTP Strategic Plan.



► Prosecutor Khan delivering his opening remarks at the first OTP NGO Roundtable, 14 November 2022

Chapter 3

Delivering results

OTP staff work to realise results every day in the execution of all aspects of the mandate of the Office – whether that be in relation to preliminary examinations, investigations, cooperation, or complementarity-related activities.

situations in relation to which action has been taken during the first year and a half of the mandate of Prosecutor Khan.

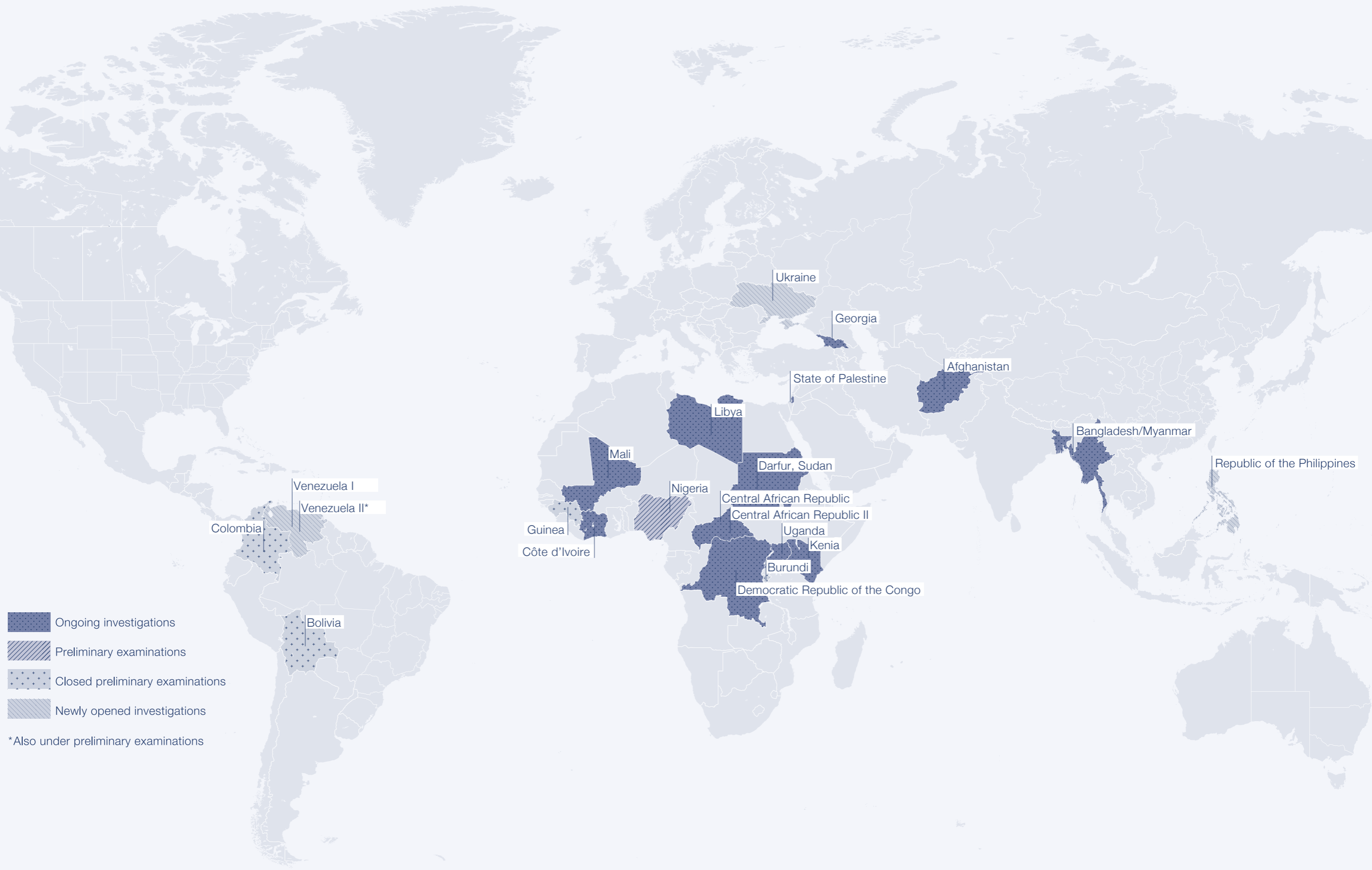
The Office's activities take place all over the world. Even in situations where preliminary examinations were closed, this does not necessarily mean that the OTP's involvement in accountability activities has seized altogether. As discussed above, the OTP tries, within its mandate, to actively support national authorities in the realisation of justice. The infographic below shows the

“Justice is not an optional extra. It is an absolutely essential prerequisite for vindicating people’s rights.”

Every Day

Karim A. A. Khan KC
– Press Conference in Bangladesh –

28
FEB
2022



Legend:
Ongoing investigations
Preliminary examinations
Closed preliminary examinations
Newly opened investigations
*Also under preliminary examinations

Trials

The ICC is presently taking forward an unprecedented workload. During the reporting period the Office was seized of five cases at Trial stage, two of which opened during 2022.

This provides both an opportunity to demonstrate the dynamism and relevance of the work of the Office, while also increasing the need for new approaches to increase the efficiency of evidence-presentation and thereby reduce the length of time required by the Prosecution to present its case in Court. Efforts to increase the use of documentary and digital evidence are anticipated to have a positive impact in this regard.

Darfur, Sudan

The commencement of the trial of Mr Ali Muhammad Ali Abd-Al-Rahman on 5 April 2022 marked a significant milestone in the work of the Office and the Court as a whole. This represented both the first trial in relation to the situation in Darfur, Sudan at the ICC and the first ever trial taken forward stemming from a referral by the United Nations Security Council.

Mr Abd-Al-Rahman is accused of 31 counts of war crimes and crimes against humanity allegedly committed in Darfur, Sudan, between August 2003 and at least April 2004 and surrendered himself voluntarily to the ICC on 9 June 2020. A significant amount of evidence presented during the trial to date



► Karim A. A. Khan KC at the opening of the trial of Mr Mahamat Saïd Abdel Kani, 26 September 2022

was secured through access to witnesses in Sudan, facilitated significantly by the signing of a MoU with the Government of Sudan. As of November 2022, over 40 witnesses for the Prosecution have testified. The presentation of the Prosecution's case in the trial of Mr Abd-Al-Rahman is expected to conclude in early 2023. Reflecting the importance of the *Abd-Al-Rahman* proceedings to victims and affected communities, proceedings have been broadcast live on major television and radio networks in Sudan. In addition, Prosecutor Khan has held dedicated briefings to Sudanese journalists and civil society actors in order to address questions in relation to proceedings.

Central African Republic II

On 26 September 2022, the trial of Mr

Mahmat Saïd Abdel Kani opened. On 9 December 2021, the Pre-Trial Chamber II had found that there was sufficient evidence to establish substantial grounds to believe that Mr Saïd was a senior member of the Séléka coalition in the CAR II and responsible for crimes against humanity and war crimes committed in 2013, and partially confirmed the charges against Mr Saïd. The Prosecution currently expects to call 43 witnesses throughout the presentation of its case, with the Court having heard from 12 witnesses to date.

In parallel with the opening of proceedings in Saïd, proceedings have continued in relation to Mr Alfred Yekatom and Mr Patrice-Edouard Ngaïssona, also in relation to the



► Opening of the trial in the case *The Prosecutor v. Mahamat Said Abdel Kani*, 26 September 2022.

situation in the CAR II. With several thousand items of evidence officially recognised as submitted, this trial is – to date – the largest ICC case in terms of evidentiary items.

Another case related to the situation in the CAR II is scheduled to commence in early 2023, with the Confirmation of Charges Hearing. The charges against Mr [Maxime Jeoffroy Eli Mokom Gawaka](#) include crimes against humanity and war crimes committed between December 2013 and December 2014.

Mali

In the situation in Mali, the trial of Mr Al Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud, alleged member of Ansar Eddin and de facto leader of the Islamic police, continued during the reporting period. The trial was mainly conducted during

the COVID-19 pandemic. The Defence’s presentation of oral evidence is expected to conclude in 2022..

Kenya

In the situation in Kenya, Mr Paul Gicheru surrendered to the authorities of the Netherlands pursuant to an arrest warrant for offences against the administration of justice on 20 November 2020. After confirmation of the charges in July 2021, the trial opened in February 2022. The Prosecution case lasted approximately 5 weeks, during which the Prosecution called eight live witnesses. On 26 September 2022, Mr Gicheru was reportedly found dead in his home, in Nairobi, Kenya. On 14 October 2022, Trial Chamber III terminated proceedings against Mr Gicheru, following confirmation of his death by the Kenyan authorities.

“I have them [the victims and survivors], Mr President, Your Honours, perhaps as many of us do, very much in my mind’s eye. I have seen on the Court’s Twitter account and the Court’s webpages different photographs of individuals in different locations following these proceedings. [...] I have said repeatedly in various fora that the forum of justice is not important. The principle of justice is. But Your Honours, today, this Chamber is the forum, and Your Honours are the judges [...].”

Every Day

Karim A. A. Khan KC

– Statement at the opening of the confirmation of charges hearing in the case against Mahamat Said Abdel Kani –



Arrest warrants

Georgia

On 30 June 2022, Pre-Trial Chamber I issued the public redacted versions of arrest warrants for three individuals in the context of the situation in Georgia: Mr Mikhail Mayramovich Mindzaev, Mr Gamlet Guchmazov and Mr David Georgiyevich Sanakoev. This followed the announcement on 10 March 2022, Prosecutor Khan regarding his [application](#) for warrants of arrest.

The investigation into the situation in Georgia had been [opened](#) on 27 January 2016. The focus of this investigation is on alleged crimes against humanity and war crimes committed in the context of an international armed conflict between 1 July and 10 October 2008,

particularly in and around South Ossetia.

The arrest warrants relate to conduct during the 2008 armed conflict between Russia and Georgia. The Pre-Trial Chamber concluded there are reasonable grounds to believe that civilians perceived to be ethnically Georgian were arrested in the South Ossetian part of Georgia, and subsequently detained, mistreated, and kept in harsh detention conditions in a detention centre in Tskhinvali (the so-called ‘Isolator’ or ‘KPZ’ detention centre), before being used as a bargaining tool by Russia and the South Ossetian de facto authorities, and used for an exchange of prisoners and detainees. As a result of the exchange, the detainees were forced to leave South Ossetia.

Case/person of interest

Mikhail Mayramovich Mindzaev

Key date

Arrest warrant: 30 June 2022

Case/person of interest

Gamlet Guchmazov

Key date

Arrest warrant: 30 June 2022

Case/person of interest

David Georgiyevich Sanakoev

Key date

Arrest warrant: 30 June 2022

The application for the warrants of arrest focused specifically on unlawful confinement, ill-treatment, hostage taking, and the subsequent unlawful transfer of ethnic Georgian civilians in the context of an occupation by the Russian Federation. In his application to the Pre-Trial Chamber for issuance of the arrest warrants, Prosecutor Khan noted that, in the situation in Georgia, the OTP has made findings of similar patterns of conduct compared to its preliminary examination of the situation in Ukraine. The investigation also uncovered the alleged role of Vyacheslav Borisov, Major General in the Armed Forces of the Russian Federation and Deputy Commander of the Airborne Forces at the time of events, who is believed to have intentionally contributed to the execution of some of these crimes, and is now deceased.

Libya

On 9 November 2022, Prosecutor Khan briefed the United Nations Security Council on the OTP investigation into the situation in Libya and [announced](#) that he submitted applications for warrants of arrest to the Pre-Trial Chamber of the Court. As the warrants are submitted under seal, the Office of the Prosecutor cannot expand upon the number or names of the suspects; nor can it detail the alleged crimes included in the applications.

Filtering activities

Between 15 June 2021 and 30 September 2022, the Office received 920 communications pursuant to article 15 of the Statute. Per standard practice, all such communications received were carefully reviewed by the Office in order to assess whether the allegations contained therein concerned: (i) matters which are manifestly outside of the jurisdiction of the Court; (ii) a situation already under preliminary examination; (iii) a situation already under investigation or forming the basis of a prosecution; or (iv) matters which are neither manifestly outside of the Court's jurisdiction nor related to an existing preliminary examination, investigation or prosecution, and therefore warrant further factual and legal analysis by the Office.

Following this filtering process, the Office determined that of the communications received in the reporting period, 736 were manifestly outside the Court's jurisdiction; 25 were linked to a situation already under preliminary examination; 132 were linked to an investigation or prosecution; and 27 warranted further analysis.

During the reporting period, the Office responded to the senders of communications with respect to a number of situations that had been subjected to further analysis. Following a thorough assessment in each of these situations, the Office concluded that the alleged crimes in question did not appear to fall within the Court's jurisdiction, and thus the respective communication senders were

informed in accordance with article 15(6) of the Statute and rule 49(1) of the Rules. Such notice nonetheless advises senders, in line with rule 49(2) of the Rules, of the possibility of submitting further information regarding the same situation in the light of new facts and evidence. This included the Office's assessment with respect to events in Chile concerning mass anti-government demonstrations and related social unrest beginning in late October 2019, and the response of the Chilean state forces.

Chapter 4

Building a team to deliver

OTP reorganisation

In July 2021, Prosecutor Khan announced a reorganisation of the OTP with the aim to move towards a more effective, united and cohesive Office. With the reorganisation the OTP has taken significant steps forward in its efforts to strengthen, streamline, and integrate its functions in order to effectively implement its investigative and prosecutorial activities. Through simplifying workflows and reporting lines, and creating greater synergies across all elements of its work, the OTP has sought to empower staff and strengthened management oversight.

Since the announcement of the reorganisation in July 2021, the OTP has implemented a new governance model built on two Prosecution Pillars, each headed by a Deputy Prosecutor. The Prosecution Pillars merge the

“The changes I envisage for the Office will reduce the perceived distance between leadership and the staff, improve oversight and foster greater collegiality, dialogue and effectiveness.”

Every Day

Karim A. A. Khan KC
– Message to OTP staff –

JULY
2021



► *Mr Mame Mandiaye Niang and Ms Nazhat Shameem Khan taking their solemn oath as ICC Deputy Prosecutors, 7 March 2022*

competencies and skills of staff previously allocated to separate Divisions of the Office into Unified Teams. Bringing together investigators, analysts, cooperation advisers, and lawyers, this model encourages greater integration and strengthening of situation or case specific knowledge that will maintain a continuity of resources and expertise, and increase results. This greater integration also seeks to ensure enhanced standardisation of working methods and workflows to facilitate a more efficient transition of cases from preliminary examination to the investigation and trial phases.

In this new model, the Appeals and Prosecution Legal Coordination Section and the Gender and Children Unit, while

reporting to one of the Deputy Prosecutors, provide comprehensive support to all the Unified Teams. The OTP's Prosecution Pillars, as well as the units, sections and teams that report directly to the Prosecutor, are reinforced by a newly created Integrated Services Pillar that centralises the support functions of the OTP and the provision of specialised expertise. To further enhance the integration of the Office's functions, the former Jurisdiction, Complementarity and Cooperation Division has been reorganised, reallocating the International Cooperation Advisors to the Unified Teams while bringing together political cooperation, external relations and judicial cooperation in the newly created Office of External Affairs. The 2022 and 2023 budget proposals submitted

by the OTP support the efforts to streamline and integrate the OTP's functions, as well as their continuous evaluation, and provide the flexibility required to respond to the OTP's increased workload, to renew its technological architecture and to localise part of its operations.

During the July 2021 Town Hall, the Prosecutor announced the establishment of a Core Transition Team to assist in planning the steps of the transition, highlighting that the reallocation of responsibilities within the Office goes hand-in-hand with staff consultations. The CTT – six female and six male staff members of different seniority levels and from a cross-section of the Office – engaged in several rounds of staff-consultations on the adjustment of workflows throughout the reorganisation process. The Office has also sought to ensure an inclusive process through regular engagement with OTP staff, starting with an OTP Town Hall meeting in July 2021. On this occasion the Prosecutor, the Deputy Prosecutors, and OTP staff members considered the practical consequences of the reorganisation. For example, to ensure greater efficiency and closer proximity of senior management to staff members, Prosecutor Khan announced the adaptation of seating arrangements to allow the Unified Teams to sit and more effectively work together.

In accordance with the timeline presented in September 2021, the new structure was

operational by March-April 2022. However delivery of these reforms will be a process that, beyond the implementation of the structural changes, requires efforts to develop a new office culture. In this respect, the OTP created an Ad Hoc External Advisory Panel on Work Culture for the Office of the Prosecutor. As the implementation of the structural and operational changes in the OTP continue to be evaluated, this entity works on strengthening office culture in the OTP and on creating a respectful, inclusive and dynamic workplace.

“We cannot hope to do better by doing the same things in the same ways as before.”

Every Day

Karim A. A. Khan KC
– OTP Town Hall –

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Workplace culture

Upon the start of his mandate, Prosecutor Khan made staff welfare a priority and a joint responsibility. His objective has been to address issues raised in the IER report and by staff. One of his immediate goals was to decrease the distance between staff and management that staff members have indicated they experience. Measures immediately implemented in June 2022 include taking the temperature of all layers of the OTP through informal ad hoc conversations with the Prosecutor, an open-door policy – allowing staff members to make bilateral appointments with the Prosecutor – and an increased number of OTP Town Hall meetings. In the first year and a half of his mandate, Prosecutor Khan has organised six Town Hall meetings, each addressing

“I commit to treating all those I work with with equality, respect and dignity.”

Every Day

Nazhat Shameem Khan
– Solemn undertaking –



one or several priority themes, on the occasion of which staff directly engage with senior management and share their questions and concerns. Upon their election, the Deputy Prosecutors have followed suit by implementing open-door policies to encourage further engagement with the management, be it through walk-in consultations, appointments or regular informal mixers. In addition, a physical and virtual suggestion box have been made available to staff, ensuring anyone can provide the Office’s management with feedback and suggestions – anonymously if desired. Monthly lunches between Unified Teams and the Prosecutor have also been put in place.

On 12 August 2021, Prosecutor Khan presented a Terms of Reference for an Ad Hoc Advisory Panel on Work Culture for the Office. The panel, composed of four members, was charged with studying and assessing the findings of the IER report, conducting voluntary interviews with OTP staff, and providing advice to the Prosecutor with regard to the workplace environment and culture. On 27 October 2022, the panel presented its final report to OTP staff. Commending all staff for being willing and ready to embark on a journey of self-confrontation and self-reformation as an office, the panel encouraged the OTP to be involved in the communication and transparency required to form a community of positive change. Through nine goals, the Ad Hoc Advisory Panel on Work Culture set

out a roadmap for the sought after cultural transformation of the OTP.

A public version of the workplace panel’s report will be made available in due course.

On 28 October 2022, Ms Purna Sen, Prosecutor Khan’s Special Advisor on Working Climate, presented a proposed way forward to the OTP. Her vision focussed on the procedural and cultural change required for the OTP to fulfil its potential as an inclusive, diverse and accepting workplace. The proposed way forward, which was discussed at the OTP Town Hall on 31 October 2022, includes actions that can be built upon in relation to communication and climate in the short- to long term. Actions in this regard will be driven by a working group consisting of staff from all levels of the OTP – they will propose actions, engage in monitoring, evaluation, accountability, and learning activities, and represent the voice of the Office and ensure ownership of actions taken.

In addition, the OTP actively participates in the ICC-wide Staff Wellbeing Framework and is represented in the Staff Wellbeing and Engagement Committee (“SWEC”). The SWEC was established by the Court following the 2018 staff welfare survey and works closely with staff at all levels of the organisation. Its role is to monitor progress on the ICC’s welfare priorities and the survey outcomes, as well as to receive and discuss

“You have the right to work in a harassment-free place [...] I hope that with the help of the staff, we can make this a reality.”

Every Day

Karim A. A. Khan KC
– Solemn undertaking –

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proposals for possible actions and trainings. Further to these ICC-wide initiatives, an Administrative Instruction on Flexible Working Arrangements was launched in September 2022. Moreover, the OTP has contributed to the establishment of the post of Ombudsperson for the Court. At the time of writing the recruitment process for this position is being finalised, after which this function will be operationalised within the Court.

In the final quarter of 2022, the OTP rolled out several additional initiatives, including workshops on secondary traumatic stress in collaboration with the Registry’s Occupational Health Unit, a buddy system within all teams, and circulation of on- and off-boarding check-lists to managers. Additionally, in August 2022, the OTP launched an induction programme for its staff designed to complement the ICC-wide induction meetings for new staff members. This general induction programme was followed by the piloting of role-specific induction sessions in the last quarter of 2022.

Diversity

The establishment of a diverse and respectful culture in the OTP is essential for the wellbeing of staff and the effective delivery of the mandate of the Office. This includes achieving gender equality and fostering greater gender awareness. During the first year and a half of the mandate of Prosecutor Khan, the OTP has taken several steps to realise this.

Following the 2021 announcement of an ICC Focal Point for Gender Equality in the [High-Level Statement on Gender Equality](#) of the International Criminal Court made by the Principals, the first ever OTP Focal Point on Gender was appointed in December 2021. Tasked with providing support and advice to the Prosecutor with regard to strengthening gender equality in the OTP and addressing gender-related issues in the conditions of

employment, the Focal Point works closely with Deputy Prosecutor Nazhat Khan, the Special Adviser on Working Climate, the ICC Focal Point for Gender Equality, the Immediate Office of the Prosecutor, OTP-Human Resources Liaison Office, and other colleagues, working groups and programmes across the Court. The mandate of the OTP Focal Point for Gender is envisaged to be complementary to and mutually supportive of the ICC Focal Point for Gender Equality. Among the duties of the OTP Focal Point on Gender are studying the findings and recommendations in the [IER final report](#), analysing and reviewing existing policies to promote gender equality, equal gender representation, and inclusivity, as well as being in close contact with all OTP staff members in relation to issues touching upon gender.

“No amount of very carefully drafted policy papers or strategic documents will meet their potential if the culture in the Office is not as vibrant, as inclusive, and as diverse as possible.”

Every Day

Karim A. A. Khan KC
– OTP Town Hall –

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The OTP is mindful of the challenges related to realising gender equity in all levels of the Office. Prosecutor Khan openly discussed this issue with OTP staff during the July 2021 OTP Town Hall, noting that he would intend to take action to improve gender representation in the Office. Amongst initiatives to be undertaken in this regard are active engagement with the International Bar Association, national Bar Associations, and ATLAS Women, amongst others, to encourage applications from underrepresented candidates, be it in relation to gender or geographical representation.

Prosecutor Khan has confirmed that he will not consider shortlists that do not include both female and male candidates for positions advertised in the OTP and that the OTP will consider targeted recruitment to ensure equal representation, while fully respecting existing rules and regulations regarding the recruitment process. In line with this vision, the Prosecutor ensured that, as part of the election process of the Deputy Prosecutors, one shortlist included only female candidates. To stimulate diversity on all fronts in the Office, the Prosecutor ensured that the other shortlist only include francophone candidates with a background in civil law.

In order to track progress related to gender parity targets and geographical representation, the OTP has started monthly reports to the Prosecutor in November 2021. With regards to gender parity the OTP does not only measure the percentage of female staff, but also considers representation at

different levels of seniority in the Office.

Prior to the pandemic, the OTP Working Group on Gender Awareness developed a training programme for the advancement of awareness about gender-issues and realising gender equality in the Office. While the pandemic has delayed the rolling out of this programme, the OTP aims to revive it in the upcoming period.

Aside from OTP-specific initiatives, the Office has contributed to the development of a Court-wide strategy on Gender Equality and Workplace Culture, which is scheduled for publication by the end of 2022. Furthermore, in addition to the Court-wide staff welfare surveys, the OTP will re-launch its Office-wide survey to reveal how the OTP working climate affects female staff members.

Through the culmination of these OTP and Court-wide initiatives, the Prosecutor aims to create a diverse, stimulating, welcoming, and respectful environment together with and for all staff.

Results are now beginning to be seen with the Deputy Prosecutor and Director-level positions in the Office now benefiting from gender equality. The number of P-5 level staff members that are female has also increased while 50% of Heads of Unified Teams are female.

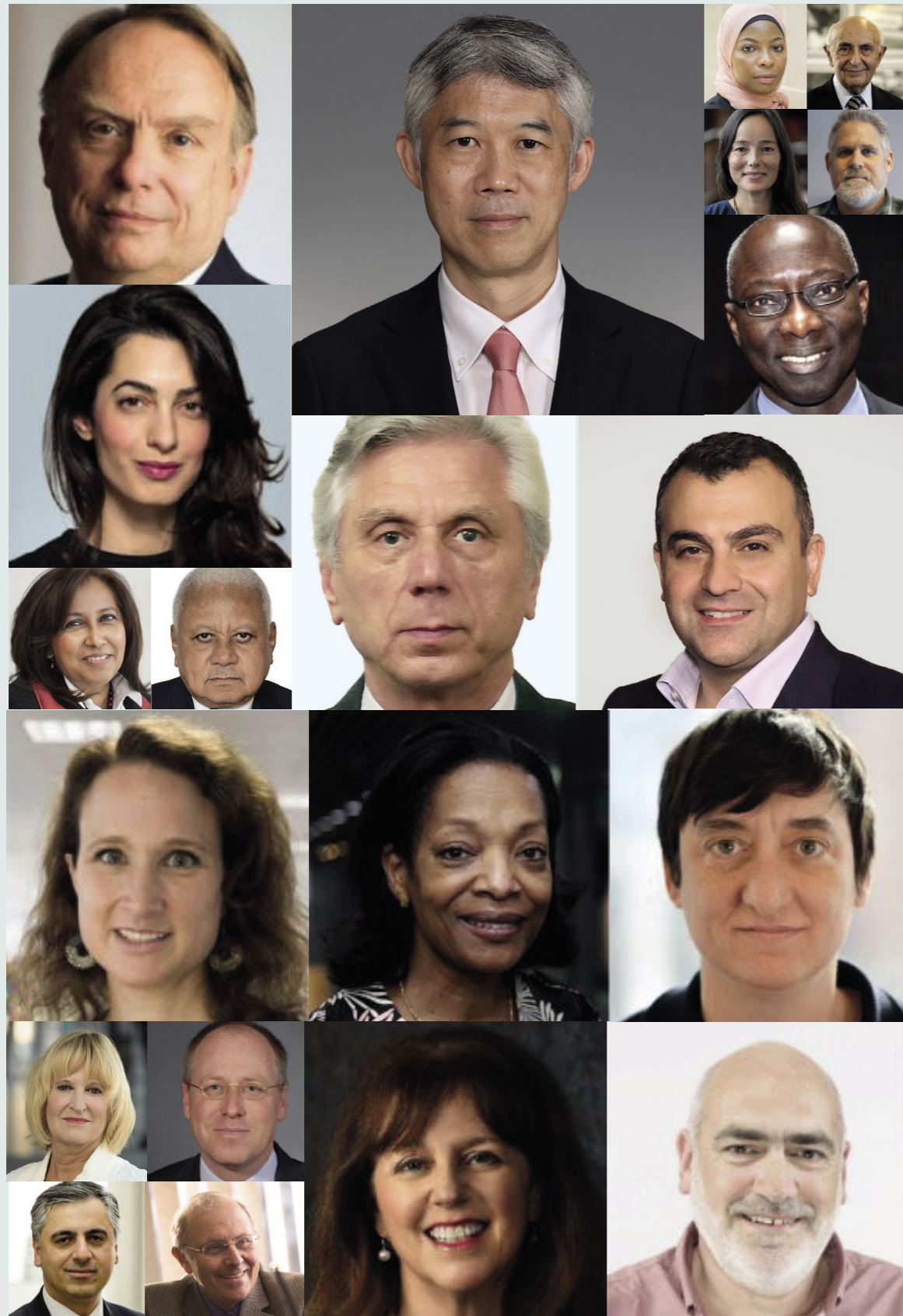
Efforts to further advance the goal of gender and regional diversity will continue throughout 2023.

“The current geographical and gender imbalance in the Office, particularly gender imbalance in the highest echelons of the Office, must be treated as an urgent operational priority requiring immediate attention.”

Every Day

Karim A. A. Khan KC
– Solemn undertaking –

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Special advisers

Special Advisers to the Prosecutor are persons with outstanding professional credentials and expertise in their fields. They provide advice to the Prosecutor within their respective mandates as Special Advisers and may assist in training initiatives of the OTP. They work on a pro bono basis and are appointed pursuant to article 42(9) of the Rome Statute.

In line with his vision to reinforce the OTP’s capabilities and to strengthen, as a priority, specialisation on a wide range of issues touching upon public international law, sexual violence in conflict, crimes against and affecting children, slavery crimes, amongst others, Prosecutor Khan appointed 17 Special Advisers in September 2021. Various new posts of Special Advisers were established

for the first time, including portfolios on the Crime of Aggression, the Darfur, Sudan Situation, Gender Persecution, Genocide, International Criminal Law Discourse, Islamic Law, Knowledge Transfer, Slavery Crimes and Public International Law, and the post of Special Advisor Without Portfolio. Following this initial appointment, three further Special Advisers were appointed in October 2021, including a Special Adviser on Working Climate. These appointments were followed by the appointment of a Special Adviser on Mutual Legal Assistance in December 2022. In June 2022, Prosecutor Khan appointed one further Special Adviser on International Humanitarian Law.

“I am delighted that such eminent experts have accepted to serve as my Special Advisers. The richness of the expertise and diversity that have been amassed in the group of experts who have accepted to give so generously with their time to serve as Special Advisers will undoubtedly make an important contribution to the work and mandate of my Office.”

Every Day

Karim A. A. Khan KC

– Press Release –

OCT
2021

An overview of the Special Advisers is included below.

- **Adama Dieng**
Special Adviser Without Portfolio (Bio);
- **Mohamed Chande Othman**
Special Adviser Without Portfolio (Bio);
- **Christine Van den Wyngaert**
Special Adviser Without Portfolio (Bio);
- **Payam Akhavan**
Special Adviser on Genocide (Bio);
- **Véronique Aubert**
Special Adviser on Crimes Against and Affecting Children (Bio);
- **Amal Clooney**
Special Adviser on Darfur (Bio);
- **Lisa Davis**
Special Adviser on Gender Persecution (Bio);
- **Kevin Jon Heller**
Special Adviser on International Criminal Law Discourse (Bio);
- **Claus Kress**
Special Adviser on Crime of Aggression (Bio);
- **Vaughan Lowe KC**
Special Adviser on Public International Law (Bio);
- **Tim McCormack**
Special Adviser on War Crimes (Bio);
- **Intisar A. Rabb**
Special Adviser on Islamic Law (Bio);
- **Leila Nadya Sadat**
Special Adviser on Crimes Against Humanity (Bio);

- **Kim Thuy Seelinger**
Special Adviser on Sexual Violence in Conflict (Bio);
- **Patricia V. Sellers**
Special Adviser on Slavery Crimes (Bio);
- **Ali Soufan**
Special Adviser on Investigations (Bio);
- **Purna Sen**
Special Adviser on Working Climate (Bio);
- **Claudio Grossman**
Special Adviser Without Portfolio (Bio);
- **Vladimir Tochilovsky**
Special Adviser Without Portfolio (Bio);
- **Yoshimitsu Yamauchi**
Special Adviser on Mutual Legal Assistance (Bio); and
- **Theodor Meron CMG**
Special Advisor on International Humanitarian Law (Bio).

While the confidential nature of the work of the Special Advisers for the Office prevents sharing a detailed overview of their activities, the Special Advisers have directly worked with the Heads of Unified Teams, have participated in bilateral meetings with the Prosecutor and Deputy Prosecutors, and have contributed to the development of policy documentation.

“Mutual legal assistance is the cornerstone of the Rome Statute system and crucial to fostering complementarity and the effective delivery of the Court’s mandate.”

Every Day

Karim A. A. Khan KC

– Press Release –

DEC
2021

Chapter 5

Beyond the horizon: next steps

Through this Report the OTP has sought to take a step towards further transparency in progress being made in the implementation of its mandate and the challenges it will need to address.

It has also sought to show that the OTP is committed to deliver on promises made to impacted communities and that, when empowered to act, it is capable of doing so. Through the implementation of the Prosecutor's vision, the OTP has made tangible progress with regard to enhancing its efficiency and effectiveness.

The OTP will continue to assess its vulnerabilities and to identify opportunities for improving its operations, while continuing to seek opportunities to better explain the positive developments being undertaken including the harnessing of technology and the implementation of the field-centric vision.

The Office has now developed an advanced set of benchmarks that it will seek to meet in the coming year and in the medium term, focused on the priorities addressed in this Report. While the OTP strategic plan for the period 2023-2025 will detail the OTP's objectives in a measurable way, in concluding the OTP sees fit to broadly outline the key milestones it will work towards in 2023.

**“This Court,
our Court, is an
irreplaceable
instrument for the
promotion of peace
and security of
nations. No effort is
too great to achieve
the objectives of the
Rome Statute.”**

Every Day

Mame Mandiaye Niang
– solemn undertaking –

07
MARCH
2022

The OTP has identified six milestones related to its thematic priorities. In line with its vision and objectives, in 2023:

- The four OTP field offices in Kyiv, Caracas, Cox’s Bazar and Khartoum are fully operational and staffed in line with the 2023 Budget;
- The new technological operational processes and systems are fully operational and integrated into the OTP’s work. The e-Discovery unit is firmly established and operational;
- Support to national authorities is increased in line with the OTP’s renewed vision on cooperation and complementarity;
- The Gender and Children Unit is fully operational and staffed in line with the 2023 Budget;
- Interaction with civil society is increased along the line of the Prosecutor’s new initiative; and
- The Prosecutor’s vision of completion is implemented and use of available resources is optimised based on prioritisation of its workload.

The Office remains dedicated to increasing its impact as a prosecutorial body and as a hub for international criminal justice, ensuring that the efforts to eradicate impunity are founded on a common partnership across all actors. As it works towards the milestones set out above, the OTP will continue to engage with victims and affected communities, national authorities, civil society and other

stakeholders to ensure the legitimate demands for justice of victims are met through collective action.

“It is incumbent on us – the international community writ large – to ensure we usher in a new era of accountability, with the law applied with ever greater consistency and respect across the globe, for it to serve as an anchor for stability and security.”

Every Day

Nazhat Shameem Khan

– Tbilisi, Georgia –

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SEPT
2022



► Karim A. A. Khan KC at Kalma camp, Sudan, 21 August 2022

“It’s a time to cling to the law. It’s a time to uphold the law. If we don’t cling to the law in this moment, we will be left with nothing to cling to except despair, except suffering, and individually, we cannot allow that to happen. Collectively, we must not rest until it stops. And that sanity and justice prevails on all sides.”

Every Day

Karim A. A. Khan KC

– Statement at the Arria-Formula meeting of the UNSC on
“Ensuring accountability for atrocities committed in Ukraine” –

