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Report of the International Criminal Court

Report of the International Criminal Court

Note by the Secretary-General

The annual report of the International Criminal Court on its activities for 2018/19 is submitted herewith to the General Assembly in accordance with article 6 of the Relationship Agreement between the United Nations and the International Criminal Court and paragraph 28 of General Assembly resolution [73/7](#).

* [A/74/150](#).



Report of the International Criminal Court on its activities in 2018/19

Summary

The International Criminal Court retained a high workload throughout the reporting period, with significant developments at all stages of proceedings. The Court issued two new arrest warrants, both of which were promptly enforced and the suspects transferred to the Court's custody. A confirmation of charges hearing was held in one case. At the trial stage, a conviction was issued against one person, and in another case, two accused were acquitted of all charges; these decisions are subject to appeal. The Prosecutor received a referral of one situation from a group of States, requested the opening of an investigation into one situation following a preliminary examination, and closed another preliminary examination. Investigations by the Prosecutor remain open in 11 situations.

In total, since its establishment, the Court has opened 27 cases involving 45 suspects or accused, and has conducted investigations into 11 situations: Burundi, Central African Republic I and II, Côte d'Ivoire, Darfur (Sudan), Democratic Republic of the Congo, Georgia, Kenya, Libya, Mali and Uganda.

Arrest warrants were issued for Alfred Yekatom and Patrice-Edouard Ngaïssona for alleged war crimes and crimes against humanity committed in 2013 and 2014 in the Central African Republic. These are the first arrest warrants resulting from the investigation into the situation in Central African Republic II, which concerns the conflict since 1 August 2012.

Trial Chamber V found Bosco Ntaganda guilty of 18 counts of crimes against humanity and war crimes committed in Ituri, Democratic Republic of the Congo, in 2002 and 2003. The Chamber found Mr. Ntaganda liable, as a direct perpetrator, for parts of the charges of murder as a crime against humanity and murder as a war crime, and of the charge of persecution as a crime against humanity. For the remaining parts of those charges, as well as for the remaining crimes, the Chamber found him liable as an indirect coperpetrator. Mr. Ntaganda's sentence will be determined later.

Trial Chamber I, by majority, acquitted Laurent Gbagbo and Charles Blé Goudé of all charges of crimes against humanity allegedly committed in Côte d'Ivoire in 2010 and 2011. The acquittal is subject to appeal.

Among notable jurisprudential developments, the Appeals Chamber issued a judgment on a question of cooperation. In the judgment, the Chamber confirmed that, under customary international law, Omar Al-Bashir did not enjoy immunity as a Head of State vis-à-vis the Court, including in respect of an arrest by a State party to the Rome Statute of the International Criminal Court at the request of the Court, and that Security Council resolution [1593 \(2005\)](#) imposed upon the Sudan a specific obligation to cooperate fully with the Court.

Pre-Trial Chamber II rejected the request of the Prosecutor for authorization to investigate the situation in Afghanistan. The Prosecutor has requested leave to appeal the decision.

The Prosecutor requested judicial authorization to commence an investigation into crimes against humanity alleged to have been committed against the Rohingya people of Myanmar (a State not party to the Statute), including their deportation to Bangladesh (a State party). The request followed a ruling by Pre-Trial Chamber I that

the Court may exercise jurisdiction if at least one element of a crime within the jurisdiction of the Court or part of it has been committed in a State party to the Statute.

The Prosecutor completed the preliminary examination in Gabon, concluding that the information available did not provide a reasonable basis to believe that crimes in the Court's jurisdiction had been committed. Therefore, the Prosecutor declined to open an investigation. The Office of the Prosecutor continued preliminary examinations of the situations in Colombia, Guinea, Iraq/United Kingdom of Great Britain and Northern Ireland, Nigeria, the Philippines, Ukraine, Venezuela (Bolivarian Republic of) and the State of Palestine.

The Court continued to receive highly valuable and appreciated cooperation from the United Nations on a cost-reimbursable basis, notably including operational assistance in the field, on a wide range of issues. The cooperation, assistance and support of States parties and other States remained equally important to the Court's operations.

The Court is deeply concerned by the fact that requests for arrest and surrender, many of them issued several years ago, remain outstanding against 15 individuals:

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

The Court urges States and other relevant actors to contribute to efforts for the arrest of these persons and their surrender to the Court.

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I. Introduction

1. The present report, covering the period from 1 August 2018 to 31 July 2019, is submitted in accordance with article 6 of the Relationship Agreement between the United Nations and the International Criminal Court (see [A/58/874](#), annex, and [A/58/874 Add.1](#)). Detailed information on the Court's activities is available on the Court's website.¹

II. Update on judicial and prosecutorial activities

A. Situations and cases

2. In total, 13,391 victims participated in cases before the Court during the reporting period. That number included 5,229 victims in the *Bemba* proceedings, where the Registry still facilitates their access to potential assistance by the Trust Fund for Victims. In addition to the victims in the *Bemba* case, 722 victims were eligible for reparations. The Court received a total of 2,095 new victim applications: 47 for reparations, 24 for participation, and 2,022 for participation and reparations. The Court also received follow-up information regarding 1,999 existing applications.

1. Situation in the Democratic Republic of the Congo

(a) Judicial proceedings

The Prosecutor v. Thomas Lubanga Dyilo

3. Mr. Lubanga is currently serving the remainder of his sentence, which will expire on 15 March 2020, in the Democratic Republic of the Congo.

4. On 18 July 2019, the Appeals Chamber confirmed, subject to an amendment, the decision issued by Trial Chamber II on 15 December 2017, in which the Chamber set the liability of Mr Lubanga for collective reparations at \$10 million. In the same decision, the Chamber found that, of the 473 applications received, 425 met the requirements to benefit from the collective reparations, but that further evidence indicated the existence of hundreds or even thousands of additional victims. The Trust Fund for Victims has been directed to start the implementation of its proposal for locating new applicants and determining their eligibility for reparations, approved by Trial Chamber II on 7 February 2019.

The Prosecutor v. Germain Katanga

5. Trial Chamber II remains seized of the implementation of its reparations order issued on 24 March 2017.

The Prosecutor v. Bosco Ntaganda

6. Following the hearing of closing statements from 28 to 30 August 2018, Trial Chamber VI deliberated and, on 8 July 2019, delivered its judgment. It found Mr. Ntaganda guilty of five counts of crimes against humanity and 13 counts of war crimes. The Chamber found Mr. Ntaganda liable as a direct perpetrator for parts of the charges of three of the crimes (murder as a crime against humanity and as a war crime, and persecution as a crime against humanity), and as an indirect copерpetrator for the other parts of these crimes and for the remaining crimes. The Chamber will determine Mr. Ntaganda's sentence in due course. On 19 July 2019, the Appeals

¹ www.icc-cpi.int.

Chamber granted in part Mr. Ntaganda's request for an extension of time to file a notice of appeal against the judgment.

(b) *Investigations*

7. While the Office of the Prosecutor did not undertake any investigative missions to the Democratic Republic of the Congo during the reporting period, it continued to engage with the authorities, in part to secure their cooperation in the context of the ongoing proceedings before the Court as well as to encourage national investigations.

2. Situation in Uganda

(a) *Judicial proceedings*

The Prosecutor v. Dominic Ongwen

8. The trial of Dominic Ongwen, charged with 70 counts of crimes against humanity and war crimes, continued during the reporting period. The presentation of evidence by the Prosecution concluded on 13 April 2018. The presentation of evidence by the Legal Representatives of Victims ran from 1 to 24 May 2018. The presentation of evidence by the Defence commenced on 1 October 2018 and is ongoing. To date, the Chamber has heard more than 115 witnesses and recognized the formal submission of 4,567 items of evidence.

(b) *Investigations*

9. The Office of the Prosecutor conducted 13 missions to two countries in connection to the Ongwen case. The Office of the Prosecutor continued to encourage national proceedings in relation to both parties to the conflict.

3. Situation in the Central African Republic I and II

(a) *Judicial proceedings*

The Prosecutor v. Jean-Pierre Bemba Gombo

10. Following the acquittal of Jean-Pierre Bemba Gombo on 8 June 2018, Trial Chamber III on 3 August 2018 issued a final decision in the reparations proceedings. In its decision, the Chamber noted that no reparations order could be made against Mr. Bemba under article 75 of the Statute, and acknowledged all the victims who had come forward to participate in the trial proceedings by testifying before the Court or sharing their views and concerns in other ways.

11. Mr. Bemba submitted a request for compensation in the amount of 68.4 million euros to Pre-Trial Chamber II on 8 March 2019. The matter is pending.

The Prosecutor v. Jean-Pierre Bemba Gombo, Aimé Kilolo Musamba, Jean-Jacques Mangenda Kabongo, Fidèle Babala Wandu, and Narcisse Arido

12. On 8 March 2018, the Appeals Chamber issued its judgment on the appeals of the five persons convicted in the Court's first case relating to offences against the administration of justice under article 70 of the Statute. In the judgment, it confirmed convictions for giving false testimony and corruptly influencing witnesses under article 70 (1) (a) and (70) (1) (c) of the Statute and reversed the convictions of Mr. Bemba, Mr. Kilolo and Mr. Mangenda for presenting evidence that the party knew was false or forged under article 70 (1) (b). The sentences of Mr. Babala and Mr. Arido were confirmed; the other sentences were reversed and remanded to Trial Chamber VII for a new determination.

13. On 17 September 2018, Trial Chamber VII issued its decision, sentencing Mr Bemba to 12 months' imprisonment and Mr. Kilolo and Mr. Mangenda each to 11 months' imprisonment. In addition, Mr. Bemba was fined €300,000 and Mr. Kilolo €30,000. The sentences of Mr. Kilolo and Mr. Mangenda are final. With respect to Mr. Bemba, an appeal against the resentencing decision is pending.

The Prosecutor v. Alfred Yekatom and Patrice-Edouard Ngaïssona

14. On 11 November 2018, Pre-Trial Chamber II issued an arrest warrant for Alfred Yekatom for his alleged criminal responsibility for war crimes and crimes against humanity committed in the western part of the Central African Republic between December 2013 and August 2014. Mr. Yekatom was surrendered to the Court on 17 November 2018 and he made his initial appearance before the Chamber on 23 November 2018.

15. On 7 December 2018, Pre-Trial Chamber II issued an arrest warrant for Patrice-Edouard Ngaïssona for his alleged criminal responsibility for war crimes and crimes against humanity committed in various locations in the Central African Republic from at least 5 December 2013 until at least December 2014. Mr. Ngaïssona was arrested on 12 December 2018 and transferred to the Court's custody on 23 January 2019. He first appeared before the Chamber on 25 January 2019.

16. On 20 February 2019, the Chamber decided to join the cases against the two suspects. On 15 May 2019, the Chamber scheduled the confirmation of charges hearing for 19 September 2019.

(b) *Investigations*

17. The Office of the Prosecutor conducted 108 missions to 11 countries in connection to its active investigations into both sides of the conflict in the Central African Republic. For the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic (MINUSCA) and several United Nations entities and agencies, maintaining and further strengthening their cooperation with the authorities of the Central African Republic remained a priority, as did furthering and sustaining their cooperation with neighbouring countries.

18. The Office of the Prosecutor continued to monitor and encourage national proceedings. In line with its strategic goals, the Office of the Prosecutor shared expertise and best practices with domestic judicial actors, including the Special Criminal Court.

4. Situation in Darfur

(a) *Judicial proceedings*

The Prosecutor v. Omar Hassan Ahmad Al-Bashir

19. On 11 December 2017, Pre-Trial Chamber II found that Jordan had failed to comply with its obligations under the Statute by failing to arrest and surrender Omar Al-Bashir to the Court while he was on Jordanian territory, and referred the matter to the Assembly of States Parties to the Rome Statute and the Security Council. In its decision, the Chamber recalled that, in its resolution [1593 \(2005\)](#), the Security Council had triggered the Court's jurisdiction in the case and, acting under Chapter VII of the Charter of the United Nations, had referred the situation in Darfur to the Prosecutor.

20. Having obtained leave to appeal, Jordan filed its brief against the decision of Pre-Trial Chamber II on 12 March 2018. On 6 May 2019, the Appeals Chamber confirmed the finding of the Pre-Trial Chamber that Jordan had failed to comply with

its obligation to cooperate with the Court. It found that Mr. Al-Bashir did not enjoy immunity as a Head of State vis-à-vis the Court under customary international law, including in respect of an arrest by a State party to the Rome Statute at the request of the Court, and that the Security Council, in its resolution 1593 (2005), had imposed upon the Sudan, specifically, the obligation to cooperate fully with the Court. As to the possible referral of Jordan to the Assembly of States Parties and the Security Council for its failure to cooperate with the Court, the Appeals Chamber found that the Chamber had erred in the exercise of its discretion, and reversed the relevant part of the decision.

(b) *Investigations*

21. The Office of the Prosecutor conducted 19 missions to six countries to collect documentary and other evidence, and to interview witnesses with a view to, in particular, strengthening and corroborating the existing cases in that situation. As highlighted in the twenty-ninth report of the Prosecutor to the Security Council, dated 19 June 2019, in the context of the events unfolding on the ground in the Sudan, the Office had called for renewed collective efforts to secure the execution of the outstanding arrest warrants. The Office continued to make progress with its investigations, notwithstanding resource and cooperation challenges, and lack of access to the territory of the Sudan.

5. Situation in Kenya

Investigations

22. The Office of the Prosecutor conducted one mission to one country, and continued to receive information on the alleged commission of crimes against humanity during the post-election violence of 2007–2008. The Office also continued to encourage the surrender of individuals who are the subject of arrest warrants for offences against the administration of justice under article 70 of the Rome Statute.

6. Situation in Libya

(a) *Judicial proceedings*

The Prosecutor v. Saif Al-Islam Gaddafi

23. On 5 April 2019, Pre-Trial Chamber I issued its decision on the admissibility challenge filed by the Defence, in which it rejected the challenge and ruled the case against Mr. Gaddafi admissible. Mr. Gaddafi submitted an appeal on 11 April 2019, which is currently pending before the Appeals Chamber.

(b) *Investigations*

24. The Office of the Prosecutor conducted 55 missions to 14 countries to collect documentary and other evidence, and to interview witnesses. As highlighted in the sixteenth and seventeenth reports of the Prosecutor to the Security Council of 2 November 2018 and 8 May 2019, respectively, the Office continued to make progress with its investigations relating to both existing and potential cases, and called on States parties to the Rome Statute to support the execution of the outstanding arrest warrants. In its investigative activities, the Office received close cooperation from relevant States parties, from the United Nations Support Mission in Libya and from other international organizations. In line with its strategic plan, the Office has been aiming to close the impunity gap by continuing to pursue its strategy of cooperation with a number of States and organizations to support national investigations and prosecutions that relate to trafficking in persons and the smuggling of migrants through Libya.

7. Situation in Côte d'Ivoire

(a) Judicial proceedings

The Prosecutor v. Laurent Gbagbo and Charles Blé Goudé

25. On 15 January 2019, Trial Chamber I, by majority, acquitted Mr. Gbagbo and Mr. Blé Goudé of all charges. The Prosecutor appealed their unconditional release, and on 1 February 2019, upon hearing the appeal, the Appeals Chamber imposed conditions on the release of Mr. Gbagbo and Mr. Blé Goudé so as to ensure their future appearance before the Court as may be required. On 16 July 2019, the Trial Chamber issued a decision in which it gave its reasons for acquitting the accused. On 19 July 2019, the Appeals Chamber granted in part the Prosecutor's request for an extension of time to appeal the acquittal.

(b) Investigations

26. During the reporting period, the Office of the Prosecutor conducted 35 missions to eight countries to continue its investigations into crimes alleged to have been committed by all parties to the conflict, and made progress in doing so.

8. Situation in Mali

(a) Judicial proceedings

The Prosecutor v. Ahmad Al Faqi Al Mahdi

27. On 27 September 2016, Trial Chamber VIII found Ahmad Al Faqi Al Mahdi guilty of the war crime of attacking historic monuments and buildings dedicated to religion in Timbuktu and sentenced him to nine years' imprisonment. On 17 August 2017, Trial Chamber VIII issued its reparations order, determining that the acts committed by Mr. Al Mahdi had caused physical damage to protected buildings, as well as in economic and moral harm, resulting in €2.7 million in liability.

28. On 4 March 2019, Trial Chamber VIII approved the updated reparations implementation plan of the Trust Fund for Victims. Twelve selected projects were approved. The implementation is ongoing.

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

29. Hearings for the confirmation of charges against Al Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud, who is suspected of war crimes and crimes against humanity allegedly committed in 2012 and 2013 in Timbuktu, began on 8 July 2019 and concluded on 17 July 2019.

(b) Investigations

30. The Office of the Prosecutor conducted 20 missions to four countries to investigate alleged crimes. It continued to receive cooperation from the national authorities and other parties, including United Nations entities – in particular the United Nations Multidimensional Integrated Stabilization Mission in Mali and the United Nations Educational, Scientific and Cultural Organization.

9. Situation in Georgia

Investigations

31. The Office of the Prosecutor conducted 36 missions to 11 countries as it continued to investigate alleged crimes in the context of the situation in Georgia. The Office continued to call upon all parties, including the Russian Federation and South

Ossetia, to cooperate with its investigations and welcomed the efforts of those who had already done so.

32. From 6 to 10 May 2019, the Registry, the Office of the Prosecutor and the Trust Fund for Victims carried out a joint outreach mission to Georgia. The delegation met with civil society representatives, victims and members of affected communities, local authorities and the diplomatic community, legal professionals and academics, and media representatives. A key objective of the mission was to explain the investigation in Georgia and the broader work of the Court to those audiences.

10. Situation in Burundi

Investigations

33. The Office of the Prosecutor conducted 32 missions to seven countries in connection to investigations into the crimes alleged to have been committed as part of the situation in Burundi, as well as to build and maintain relevant cooperation networks.

11. Situation in Afghanistan

Judicial proceedings

34. On 12 April 2019, Pre-Trial Chamber II unanimously rejected the request of the Prosecutor for the authorization of an investigation into the situation in Afghanistan. Following the filing of the concurring and separate opinion of Judge Mindua on 30 May 2019, the Prosecutor requested leave to appeal the decision on 7 June 2019. In addition, on 10 June 2019, the legal representatives of 82 victims, and two organizations that had submitted representations on behalf of a significant number of victims, requested Pre-Trial Chamber II to grant leave to appeal that decision; furthermore, three groups of victims filed notices of appeal directly before the Appeals Chamber.

12. Situation on registered vessels of the Comoros, Greece and Cambodia

Judicial proceedings

35. On 15 November 2018, Pre-Trial Chamber I issued a decision on the application, filed by the Government of the Comoros, for the judicial review of a prosecutorial decision not to investigate. This was the second such application filed by the Comoros. In the decision, the Chamber requested the Prosecutor to reconsider, by 15 May 2019, her decision not to investigate, and to do so in accordance with the decision of 16 July 2015 issued by Pre-Trial Chamber I on the first request of the Comoros to review the Prosecutor's decision not to investigate.

36. Having been granted leave to appeal this decision by the Pre-Trial Chamber, on 11 February 2019, the Prosecutor filed her appeal brief. On 4 March 2019, the Comoros, the Office of Public Counsel for Victims and the Legal Representatives of Victims filed their responses.

37. On 1 May 2019, the Appeals Chamber held a hearing with the Prosecutor, the Comoros and the victims. On 3 May 2019, the Chamber issued an order scheduling the delivery of the judgment for 2 September 2019 and suspending the time limit set by the Pre-Trial Chamber for the Prosecutor to reconsider her decision until then.

13. Situation in Bangladesh/Myanmar

Judicial proceedings

38. On 6 September 2018, Pre-Trial Chamber I decided that the Court may exercise jurisdiction over the alleged deportation of members of the Rohingya people from Myanmar to Bangladesh as well as over any other crime within the jurisdiction of the Court, as long as one element of such a crime or a part of it occurred on the territory of a State party.

39. The situation in Bangladesh/Myanmar was assigned to Pre-Trial Chamber III on 25 June 2019. The Prosecutor requested authorization for an investigation into the situation on 4 July 2019. The matter is currently pending before the Pre-Trial Chamber.

B. Preliminary examinations

40. The Office of the Prosecutor conducted preliminary examinations into 10 situations, of which one – Gabon – was closed during the reporting period, and another – Bangladesh/Myanmar – was opened. The preliminary examination of the situation in Bangladesh/Myanmar was concluded before the end of the reporting period and a request was filed with Pre-Trial Chamber III to authorize an investigation. On 5 December 2018, the Office published a report on its preliminary examination activities.

41. The Office of the Prosecutor continued to analyse information received alleging the commission of crimes potentially falling within the Court's jurisdiction. From 1 August 2018 to 30 June 2019, the Office of the Prosecutor registered 742 communications submitted under article 15 of the Statute, of which 580 were manifestly outside the Court's jurisdiction, 37 were unrelated to current situations and warranted further analysis, 108 were linked to a situation already under analysis, and 17 were linked to an investigation or prosecution.

42. For the situation in Afghanistan, reference is made to paragraph 34 above. For the situation regarding the registered vessels of the Comoros, Greece and Cambodia, reference is made to paragraphs 35–37.

1. Bangladesh/Myanmar

43. On 18 September 2018, the Prosecutor announced the opening of a preliminary examination concerning the alleged deportation of the Rohingya people from Myanmar to Bangladesh. Her decision followed a ruling by Pre-Trial Chamber I that the Court may exercise jurisdiction over the alleged deportation of the Rohingya people from Myanmar (a State not party to the Statute) to Bangladesh (a State party), and, potentially, over other crimes under article 7 of the Rome Statute if at least one element of a crime within the jurisdiction of the Court or part of such a crime is committed on the territory of a State party to the Statute.

44. The preliminary examination focused on crimes alleged to have been committed in the context of the escalation of violence that occurred in Myanmar in August 2017 and resulted in the alleged deportation of hundreds of thousands of members of the Rohingya people from Myanmar to Bangladesh.

45. On 4 July 2019, having concluded her analysis, the Prosecutor requested Pre-Trial Chamber III to authorize an investigation into alleged crimes against humanity, namely deportation, other inhumane acts and persecution committed against the Rohingya people of Myanmar since 9 October 2016.

2. Colombia

46. The Office of the Prosecutor continued its factual and legal assessment of information relating to the status and progress of national proceedings carried out under the ordinary justice system, under the Justice and Peace Law, and by the Special Jurisdiction for Peace. The Office continued to engage with Colombian authorities to obtain additional details on genuine investigative steps and prosecutorial activities undertaken by the national authorities.

47. The Office conducted one mission to Colombia that lasted from 27 October to 2 November 2018. During the mission, it discussed a variety of issues relating to contextual and legislative developments, and matters relating to jurisdiction and admissibility. In addition, the Office held multiple meetings in Bogotá and The Hague with State authorities, international organizations, international non-governmental organizations and representatives of the country's civil society.

3. Gabon

48. On 21 September 2018, the Prosecutor concluded that the available information did not provide a reasonable basis to believe that the acts allegedly committed in Gabon in the context of the 2016 post-election violence, either by members of the opposition or by the country's security forces, constituted crimes against humanity within the meaning of the Rome Statute, nor that the crime of incitement to genocide was committed during the election campaign. Accordingly, the Prosecutor declined to initiate an investigation of the referred situation and brought the preliminary examination to a close.

4. Guinea

49. The Office of the Prosecutor continued to assess the efforts made by the authorities of Guinea to conduct genuine national proceedings related to the events that occurred in the national stadium in Conakry on 28 September 2009, as there is a reasonable basis to believe that crimes against humanity were committed. In October 2018 and April 2019, respectively, the Office conducted its sixteenth and seventeenth missions to Conakry. In coordination with the authorities, civil society organizations, legal representatives of victims, the Team of Experts on the Rule of Law and Sexual Violence in Conflict, and the diplomatic community in Conakry, the Office continued to closely examine any obstacle to genuine accountability and to support the organization of a fair and impartial trial that would be meaningful to the victims.

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

50. Following its previous conclusion that there was a reasonable basis to believe that members of the armed forces of the United Kingdom of Great Britain and Northern Ireland who had been deployed in Iraq had committed war crimes within the Court's jurisdiction against persons in their custody, the Office of the Prosecutor has focused its analysis on assessing the admissibility of the matter. Admissibility comprises both complementarity and gravity. The Office continued to assess information pertaining to the activities of the Iraq Historic Allegations Team, which had been in place in the United Kingdom. The Office continued to follow and assess other developments in the country that related to historical investigations and prosecutions and to the Service Police Legacy Investigations, the body that had succeeded the Iraq Historic Allegations Team. The Office has been in regular contact with the authorities of the United Kingdom and with other stakeholders, including civil society representatives and academics.

6. Nigeria

51. The Office of the Prosecutor continued its factual and legal assessment of information received about alleged crimes, and gathered additional information on relevant proceedings conducted by the Nigerian authorities. Specifically, it analysed information on alleged sexual and gender-based crimes committed as part of the armed conflict between Boko Haram and the country's security forces, and on alleged killings in the north-west and north-central regions of Nigeria. The Office continued to gather information on national proceedings relating to the potential cases it had identified.

52. From 24 to 27 June 2019, the Office conducted a technical mission to Abuja to discuss the status of its preliminary examination activities with the country's authorities and with other relevant partners and stakeholders.

7. Philippines

53. On 8 February 2018, the Office of the Prosecutor initiated a preliminary examination of crimes allegedly committed in the Philippines since 1 July 2016 related to the Government's "war on drugs" campaign. The Office received and analysed numerous communications and public reports concerning killings allegedly committed by members of the national police and vigilante groups as part of the campaign, and interacted with stakeholders.

54. On 17 March 2019, the withdrawal of the Philippines from the Rome Statute took effect. The Office of the Prosecutor continues its preliminary examination, taking into account article 127 (2) of the Statute and a prior ruling of the Court in the situation in Burundi according to which the Court retains its jurisdiction over crimes committed during the time in which a State that withdraws from the Rome Statute was party to it.

8. Ukraine

55. During the reporting period, the Office of the Prosecutor focused its analysis on alleged crimes in Crimea and eastern Ukraine with a view to defining potential cases for investigation and also considered new information of relevance to the classification of the armed conflict in eastern Ukraine under international law. The Office has also received and reviewed new information related to the "Maidan" events, which took place from November 2013 to February 2014.

56. The Office of the Prosecutor received further information from the Government, non-governmental organizations and others, and continued to engage and hold meetings with State authorities, intergovernmental organizations and non-governmental organizations with regard to the preliminary examination, both through consultations held at the Court and during a mission to Ukraine conducted from 10 to 14 June 2019.

9. Venezuela (Bolivarian Republic of)

57. On 8 February 2018, the Office of the Prosecutor initiated a preliminary examination of crimes allegedly committed in the Bolivarian Republic of Venezuela since at least April 2017 in the context of demonstrations and political unrest. On 27 September 2018, the Office received a referral from a group of States parties, namely Argentina, Canada, Chile, Colombia, Paraguay and Peru, regarding the situation in the Bolivarian Republic of Venezuela since 12 February 2014.

58. The Office continued its preliminary examination and analysed reports of killings committed and injuries inflicted during demonstrations. It also analysed the reported arrest and/or detention of thousands of actual or perceived opposition

members, a number of whom were allegedly subjected to serious abuse and ill-treatment while in detention. The Office engaged with and sought information from a variety of sources and stakeholders, including national authorities and civil society.

10. State of Palestine

59. The Office of the Prosecutor continued to analyse information pertaining to the Court's jurisdiction in the State of Palestine, the crimes allegedly committed by both parties to the 2014 Gaza conflict, and crimes allegedly committed in the West Bank, including East Jerusalem, since 13 June 2014. The Office also continued to analyse the admissibility of the potential cases it had identified.

60. In the course of that process, the Office engaged with a number of stakeholders, including officials of Palestine and of Israel, intergovernmental and non-governmental organizations, and civil society. On 22 May 2018, the Office received a referral from the Government of the State of Palestine regarding the situation in the State of Palestine since 13 June 2014, with no end date. The Office advanced and significantly progressed its analysis of all factors pursuant to the Rome Statute criteria with a view to completing the preliminary examination as expeditiously as possible.

III. International cooperation

A. Cooperation with the United Nations

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

61. As stipulated in the Relationship Agreement between the United Nations and the International Criminal Court concluded in 2004, relations between the United Nations and the Court are based on respect for each other's status and mandates, and are aimed at promoting the discharge of the organizations' respective responsibilities in a mutually beneficial manner. The Agreement provides the framework for many forms of cooperation, including the exchange of information, the provision of services and facilities, judicial assistance, appearance of United Nations staff before the Court to give testimony and field support. Additional forms of cooperation in specific areas are subject to supplementary agreements.

62. The Court continued to receive crucial support and cooperation from United Nations senior leadership. The Court is particularly grateful for the Secretary-General's continued commitment. The Court also recognizes the critical role of the Under-Secretary-General for Legal Affairs as the interface between the Court and the United Nations, in particular for the transmission and coordination of judicial cooperation requests. The Court continued to provide funding to the United Nations to retain a post at the P-3 level at the Office of Legal Affairs to handle requests for assistance and cooperation from the Court in the most efficient manner possible, while ensuring full respect for the independent mandates of the Court and the United Nations.

63. Various United Nations entities, departments, offices, and special advisers and representatives of the Secretary-General provided operational support to the Court during the reporting period. The Court's leadership held high-level consultations with senior United Nations officials, including the Secretary-General and the President of the General Assembly.

64. The Court is represented at the United Nations by a liaison office in New York, which continued to play an important role in facilitating communication between the

two organizations, as well as between the Court and permanent and observer missions to the United Nations.

65. The Court continued to benefit from cooperation from United Nations entities present in the field, in accordance with their mandate and with the agreement of host States. The Court highly appreciates such cooperation, which is essential for its operations. The offices of the Court in the Central African Republic, Côte d'Ivoire, the Democratic Republic of the Congo, Georgia, Mali and Uganda played an important role by, *inter alia*, liaising with United Nations entities and other national and international stakeholders. In the Central African Republic, the Court's country office has engaged with the Special Criminal Court through MINUSCA with a view to supporting the registry function of that Court.

66. The Registry of the International Criminal Court continued to receive, with appreciation, support from the United Nations to counsel. This continued assistance and the inclusion of related provisions in agreements between the Court and the United Nations are of particular importance in the light of the principle of equality of arms.

67. The Court continued to cooperate with United Nations common system organizations by participating in inter-agency meetings on facilities management, travel and security. In participating in the United Nations security management system, the Court relied on United Nations missions for services such as transportation, radio and video communication, medical assistance, security briefings, security training, information-sharing and risk-management resources.

68. On 27 June 2019, the Court became a signatory to the Inter-Organization Agreement concerning Transfer, Secondment or Loan of Staff among the Organizations Applying the United Nations Common System of Salaries and Allowances. During the reporting period, four staff members were on loan or secondment to the Court from other tribunals or international organizations. Two of the Court's staff members were on loan or secondment to other tribunals or international organizations.

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

69. The Court greatly appreciates the acknowledgments and support for its activities expressed in various United Nations reports and in resolutions, declarations, and other documents adopted by the General Assembly, the Security Council and other United Nations organs, committees, and commissions. The Court also values the opportunities given to its senior officials to participate in relevant United Nations meetings, such as those related to the rule of law, international criminal and humanitarian law, transitional justice, sexual violence in conflict, children and armed conflict, peacebuilding, sustainable development, and the responsibility to protect.

70. In September 2018, the President and the Prosecutor participated in the high-level segment of the seventy-third session of the General Assembly. Each held bilateral meetings with Heads of State and other high-level representatives of States and of the United Nations, to strengthen political and diplomatic support for the Court's operations and further mainstream its mandate. During the high-level week, the Prosecutor addressed an event entitled "Prosecuting sexual and gender-based crimes at the International Criminal Court: analysing the legacy of prosecutions on the twentieth anniversary of the Court", convened by the Permanent Mission of Luxembourg to the United Nations and the Global Centre for the Responsibility to Protect, as well as an event organized by the Netherlands entitled "Action against human trafficking".

71. During the reporting period, the Court placed particular emphasis on highlighting the relevance of its mandate for Sustainable Development Goal 16 (Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels). On 9 May 2019, the Court launched a social media campaign in support of Goal 16 entitled “Humanity against crimes”. The campaign, which is ongoing, focuses on the crimes under the Court’s jurisdiction, the ways in which the Court promotes access to justice where it may not be attainable otherwise, and the ways in which the international community can work together to protect people from atrocious crimes by helping to prevent them from being committed.

72. On 17 July 2019, the President of the Court participated in a high-level event in New York entitled “The crucial role of international criminal justice in achieving Sustainable Development Goal 16”, hosted by the Permanent Missions of Argentina, Ecuador, Liechtenstein, the Netherlands, Norway, Senegal, Sierra Leone and Spain, as well as Parliamentarians for Global Action. In his remarks, the President underscored the Court’s value to socioeconomic development, as it helps to deter conflict-related atrocities that are detrimental to societies and human development.

73. On the same day, the President had a bilateral meeting with the Administrator of the United Nations Development Programme about shared priorities and possibilities to collaborate in the strengthening of justice systems, a factor that is critical to achieving the Sustainable Development Goals.

74. Considering the primary responsibility of national jurisdictions to investigate and prosecute crimes provided for in the Rome Statute, the Court encourages the inclusion of related capacity-building elements in legal and judicial reform programmes supported by the United Nations in the context of rule of law development assistance. This may include incorporating into national law the crimes and principles provided for in the Statute, establishing or enhancing national processes for cooperation with the Court, and training legal professionals on international investigations and prosecutions, in particular in the context of United Nations peacekeeping operation mandates to support justice and correctional institutions in post-conflict settings. The United Nations may wish to consider, where appropriate, drawing on the Court’s expertise for such activities.

3. Cooperation with the Security Council

75. The Court and the Security Council have different yet complementary roles in addressing the gravest crimes of concern to the international community, which have the potential to destabilize international peace and security. The Council’s prerogative to refer a situation to the Court can promote accountability in countries where grave crimes may have been committed but the Court lacks jurisdiction. Where the Council has made such a referral, active follow-up is necessary to ensure cooperation with the Court, especially with regard to the arrest and surrender of individuals who are the subject of arrest warrants. Following the referrals of the situations in Darfur and Libya, the Court communicated to the Council 15 findings of non-cooperation by States. However, the Council has not responded to these communications in any substantive form.

76. At the Prosecutor’s biannual briefings to the Security Council related to the situations in Darfur and Libya, the Council and the States Members of the United Nations are informed of the progress made and the challenges facing the investigations into those situations, in particular the failure by States to execute outstanding arrest warrants.

77. The Court believes that a structured dialogue between the Court and the Council on matters of mutual interest, both thematic and situation-specific, could improve the

implementation of Council referral resolutions and enhance the fight against impunity.

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

78. During the reporting period, the Registry transmitted 738 requests for visas to States. The Registry also transmitted 175 primary requests for cooperation to States parties, other States, and international and regional organizations. This figure does not reflect secondary requests sent by the Registry as a follow-up to primary requests.

79. In connection with its investigative and prosecutorial activities, the Office of the Prosecutor addressed 580 requests for assistance to over 77 different partners, including States parties, non-States parties, international and regional organizations, and other public or private entities. The number of requests represents an increase of 4.31 per cent compared with the previous reporting period. In addition, the Office followed up on the execution of pending requests. The Office also received 38 incoming requests for cooperation under article 93 (10) of the Statute.

80. States continued to provide assistance in relation to investigations and prosecutions, in particular with respect to arrests, the identification and freezing of assets, the provision of documents and the facilitation of missions of the Court to their territory. In addition to issuing its own requests and transmitting requests made by the Court's chambers, the Registry requested States to assist defence teams in their investigative activities, in particular by giving them access to documents or potential witnesses. The Registry also assisted the families of detainees by coordinating with the relevant authorities to ensure visas for family members so that they could visit the Court's detention centre. States were also requested to provide assistance during reparations proceedings, including by tracing the whereabouts of victims and by supporting the activities of the Trust Fund for Victims. All these forms of assistance are appreciated, as they contribute to the efficiency and fairness of the proceedings before the Court.

81. As demonstrated by the list of outstanding arrest warrants in the summary of this report, the arrest and surrender of individuals subject to the Court's warrants remains a critical challenge. On 7 November 2018, the Court launched a social media campaign regarding suspects at large following a seminar on arrests organized by France and Senegal, the cofacilitators for cooperation within the Hague working group of the Bureau of the Assembly of States Parties. The Court created a web page dedicated to suspects at large and, thanks to the financial support of the European Commission, produced a booklet explaining arrest procedures that was made available online and disseminated during the seventeenth session of the Assembly of States Parties. The Court appreciates any efforts by States parties and others to facilitate the execution of outstanding arrest warrants, such as assistance lent to tracking efforts, political support and operational support.

82. The Court continued to encourage States to conclude cooperation agreements with it regarding witness relocation, the enforcement of sentences and interim and final release of suspects or accused. During the reporting period, agreements on the enforcement of sentences were signed with Slovenia and Georgia, bringing the number of such agreements in force to 11. The Court also concluded one witness relocation agreement, bringing the total number of such agreements to 21. Earlier, the Court had entered into two interim release agreements and one release of persons agreement. No new such agreements were concluded during the reporting period.

83. The Registry and the Office of the Prosecutor continued efforts to further enhance cooperation with national, regional, and international law enforcement networks in support of the Court's needs, and to assist with national proceedings, where appropriate, in accordance with the principle of complementarity. The Registry and the Office continued to work together to develop a network of partners to foster the exchange of information and cooperation in the identification, freezing and seizure of assets.

84. At the technical seminar on cooperation in the area of financial investigations and the recovery of assets, held in January 2019 at the headquarters of the Court with financial support from the European Commission, national focal points were encouraged to reinforce domestic capacity with respect to financial investigations and the recovery of assets from suspects and accused persons before the Court.

85. Thanks to financial contributions from the European Commission, the Netherlands and the International Organization of la Francophonie, the Court was able to organize 17 high-level and technical events during the reporting period, including a high-level regional cooperation seminar in Georgia, which also included a workshop for legal communities from Georgia and countries of nearby regions. The other events included: a retreat to promote dialogue with African States parties held in Addis Ababa, in close cooperation with and with support from the International Organization of la Francophonie, and with the participation of the Office of the Legal Counsel of the African Union; a Pacific Islands round table on the ratification and implementation of the Rome Statute in Vanuatu, held together with Parliamentarians for Global Action and the Republic of Korea; the annual seminar for the Court's focal points in situation countries, followed by a technical seminar on cooperation in the area of financial investigations and the recovery of assets; a seminar on the protection of witnesses in and from hostile environments; an expert round table with first responders on the preservation of evidence; a training event for counsel; two technical seminars on witness protection held in the Democratic Republic of the Congo and in Senegal; and bilateral missions to States in several regions to promote further cooperation.

86. Taken together, these activities were attended by more than 600 participants from more than 140 States and other entities, which strengthened the Court's capacity to implement its mandate thanks to improved judicial cooperation, heightened diplomatic support and greater awareness of its mandate and activities. The Court is grateful to all host authorities, partner organizations, donors and participating experts for their valuable support and contributions.

87. The Court continued to develop its interaction and cooperation with international and regional organizations that are key partners in the pursuit of priorities such as promoting the universality of the Rome Statute, adopting national implementing legislation, enhancing cooperation, and encouraging broader geographical representation among the Court's staff.

88. The Court greatly values the activities that civil society partners undertake to raise awareness of the Court, to promote the universality of the Rome Statute and to encourage the Statute's full implementation, and continued to participate in those activities. From 20 to 24 May 2019, the Court hosted its twenty-third annual round table with non-governmental organizations to discuss issues of common interest.

89. The Court is highly appreciative of the support and assistance it receives from all stakeholders in connection with its efforts to meet with affected communities, civil society representatives and media organizations in the situation countries.

IV. Institutional developments

A. Treaty matters

90. During the reporting period, two States parties ratified or accepted the amendment to article 8 adopted in 2010; three States parties ratified or accepted the amendments on the crime of aggression; and three States parties ratified the amendment to article 124, which brings the total number of parties that have ratified or accepted these amendments to 38, 38 and 13, respectively. Two States parties ratified the amendments to article 8 concerning, respectively, weapons containing microbial or other biological agents, or toxins; weapons whose primary effect is to injure by fragments undetectable by x-rays in the human body; and blinding laser weapons. These were the first ratifications of those amendments, which the Assembly of States Parties had adopted in 2017.

91. The withdrawal of the Philippines from the Rome Statute took effect on 17 March 2019. As at 31 July 2019, there were 122 States parties to the Statute.

92. There were no new ratifications of the Agreement on the Privileges and Immunities of the International Criminal Court; the number of parties to the Agreement remains 77.

B. Trust Fund for Victims

93. The reparations mandate of the Trust Fund is beginning to play a larger role in the Fund's work. Three cases are at the reparations stage; all three involve different crimes that have harmed the victims, their families and the affected communities in diverse and distinct ways. The Trust Fund continues its intensified engagement with the implementation of the reparations orders issued in the *Katanga* and *Lubanga* cases. Several field missions to Mali were conducted to further the implementation of the reparations order issued in the *Al Mahdi* case. In respect of individual reparations, an administrative screening mechanism was designed, and the identification of beneficiaries is ongoing. In respect of collective reparations, expressions of interests for the implementation of orders awarding reparations for the economic and moral harm caused were launched on 8 May 2019 and a partnership is currently being developed with an international organization for the reparation of the damage to the protected buildings caused by Mr. Al Mahdi.

94. Trust Fund staff conducted several missions to oversee the previous cycle of assistance programming in Uganda, strengthen local capacity, liaise with government authorities and perform regular project monitoring and evaluation. The Fund recently launched a new five-year cycle of the assistance programme in 22 districts of northern Uganda with six non-governmental organizations that are implementing partners. Through the assistance mandate programme, the Trust Fund offers livelihood activities, provides medical support to victims of sexual violence and to those who have suffered mutilation, amputation or burns, and offers psychological rehabilitation services to address the trauma that victims have witnessed and experienced.

95. On 5 December 2018, the Assembly of States Parties elected five members to the Board of Directors of the Trust Fund for a mandate of three years, from 2018 to 2021: Sheikh Mohammed Belal (Bangladesh), Gocha Lordkipanidze (Georgia), Mama Koité Doumbia (Mali), Arminka Helić (United Kingdom), and Felipe Michelini (Uruguay). The Board subsequently elected Mr. Michelini as its new Chair.

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

C. Strategies and policies

97. On 17 July 2019, upon consultation with external stakeholders, the Court issued its Court-wide strategic plan for the period 2019–2021 and the organ-specific strategic plans of the Office of the Prosecutor and the Registry. The synchronized issuance of the three plans –the first in the Court’s history – was designed to ensure optimal use of the Court’s resources and a harmonized approach to matters of common concern, while taking into account the specificities of each organ.

98. The Court-wide strategic plan contains 10 strategic goals, grouped into three categories: judicial and prosecutorial performance; cooperation and complementarity; and organizational performance. In its strategic plan, the Court discusses performance indicators, risk management and internal and external factors influencing its operating environment, and describes its mission and vision. In the plan, it acknowledges the crucial role of its staff in the achievement of its mission and highlights geographical representation and gender balance as key issues in all areas of its work.

99. On 1 August 2018, the Presidency of the Court approved amendments to the Regulations of the Registry to ensure consistency with the relevant provisions of the updated United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) adopted by the General Assembly in 2015.

V. Conclusion

100. The reporting period was marked by intense activity and many important developments in the Court’s pretrial, trial and appeals proceedings, and in the investigations and preliminary examinations conducted by the Office of the Prosecutor.

101. As a permanent court of last resort, the International Criminal Court plays a key role in the Rome Statute system of international criminal justice aimed at ending impunity for the most serious crimes of concern to the international community and contributing to their prevention. As described in its strategic plan for 2019–2021, the Court envisions being a universal, responsive, flexible and resilient organization that continuously strives to improve. To succeed in these aspirations, the Court needs the strong and consistent backing of the international community for the conduct of its mandate.

102. The Court recognizes with gratitude the many forms of important assistance provided by the United Nations system during the reporting period and is equally appreciative of the cooperation of States for its ongoing investigative, prosecutorial and judicial activities, as well as for the numerous statements of strong support expressed in high-level forums such as the general debate of the General Assembly.