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LE BUREAU DU
PROCUREUR

THE OFFICE OF
THE PROSECUTOR

Delivering Better

Together

Office of the Prosecutor Annual Report 2023

2023



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“The laws that we have, the Rome Statute that I operate under, requires that innocent lives are particularly protected. And what is most important is that the application of the law is not theoretical. People have heard promises for a long time. There have been enough words to fill libraries. In my view, the protections afforded by the law apply equally regardless of one’s race and one’s religion, one’s nationality, one’s gender.”

– Prosecutor Karim A. A. Khan, KC.

Note to reader

In 2022, the Office of the Prosecutor (“OTP” or “Office”) of the International Criminal Court (“ICC” or “the Court”) published its first Annual Report. The first report set out the Office’s activities to put in place the thematic priorities set by Prosecutor Karim A. A. Khan KC at the commencement of his mandate in June 2021, until October 2022. This second edition of the Annual Report covers the further steps taken from October 2022 until October 2023, and highlights future initiatives planned for late 2023 and 2024.

The OTP Annual Report is a new and additional form of reporting which stems from the Prosecutor’s commitment to enhance the transparency of the Office’s activities. It aims to explain better how staff members work to discharge the mandate assigned to the Office effectively and impactfully. In doing so, they seek to serve communities and individuals affected by international crimes every day,

working alongside civil society, the international community, and countless others.

Given the objective of this report, it adopts a readable style and is less technical than other reports issued by the Office, such as its 2023-2025 Strategic Plan or its reports to the Assembly of States Parties (“ASP”), the Committee on Budget and Finance (“CBF”), and the United Nations General Assembly (“UNGA”). In particular, while the Office’s thematic priorities are intrinsically linked to the ten Strategic Goals and twenty Key Performance Indicators adopted in 2023, this does not make for a simple structure. Instead, this report presents a holistic view of the Office’s activities, highlighting specific milestones. To allow the reader to easily recognise how the different topics relate to the Strategic Goals, the relevant Goals are marked by badges at section headings.

The following badges are used:

1		Deliver results in the courtroom
<p>The Office aims to improve its results through a renewed and focused approach to the delivery of its mandate, enabling greater impact in the active situations, systematically prioritising cases, and increasing the quality and speed of its investigations and prosecutions. The Office seeks to harness modern technological tools and methods, and to apply innovative approaches to its activities to enhance the delivery of justice.</p>		


2		Enhance efforts by national authorities to fight impunity
<p>Through a revitalised approach to complementarity and cooperation, the Office aspires to become a hub for fighting impunity. As a central operational partner for national authorities, accountability mechanisms, and other partners, the Office will enhance accountability efforts related to Rome Statute crimes at national and international levels.</p>		

3  **Make the Office a global technology leader**


Through the implementation of a new technological paradigm and the utilisation of advanced technological tools for the improvement of information and evidence management, the Office seeks to enhance its efficiency and become a global leader in the use of technology for accountability purposes.

4  **Bring justice closer to communities and deepen engagement with civil society**


To make local communities feel heard, respected, and part of the justice process, the Office seeks opportunities through which its work can be performed closer to affected communities, including through novel approaches to its cases, deepening engagement with civil society organisations and implementing enhanced outreach programmes.

5  **A renewed policy framework for the Office**


The Office aims to reinforce its role as a leading global source of policy expertise in the field of international criminal justice. The joint expertise of staff, Special Advisers to the Prosecutor, and other partners significantly enhances the Office's policy framework through policy renewal, development, and impactful implementation.

6  **Ensure effective investigations and prosecutions of Gender-Based Crimes and Crimes Against and Affecting Children**

The Office aims to play a leading role in implementing and promoting best-practice investigation and prosecution of gender-based crimes (GBC) and crimes against and affecting children (CAC). It approaches these crimes with a trauma-informed and intersectional approach, through prioritisation, expansion of capabilities, and enhancement of relevant policies and standards.

7  **Increase the field presence of the Office of the Prosecutor**

Moving from an HQ-centric to a field-centric model of operations will allow the Office to enhance its field presence. This will ensure effective and timely operations, increased understanding of the environment, efficient evidence-collection, and greater responsiveness towards communities.

8  **Increase efficiency of work and ensure proper resourcing and staffing of the Office**

The Office aims to continuously increase the efficiency and sustainable resourcing levels of the Office, including through the use of modern technology, the reengineering of business processes, an increased field presence, a multifaceted approach to resources, and stronger performance management and accountability.

9  **Strengthen global support for the work of the Office**

The Office will reinvigorate efforts to engage with States Parties, regional organisations, civil society organisations, academia, and non-States-Parties to increase global understanding and support for its work and strengthen the collective implementation of the Rome Statute.

10  **Improve the working environment of the Office and ensure a respectful working culture**

To strengthen its workplace culture and ensure a positive and healthy environment, the Office will address recognised issues related to accountability, leadership, and prohibited conduct. Ensuring a harassment-free environment, enhancing gender equality and geographical diversity, and promoting wellbeing will grow the team and increase its impact.

Introductory message

Prosecutor Karim A. A. Khan K.C.

“Since the establishment of the Rome Statute 25 years ago, our course has been clearly set: to respond in a fair and expeditious manner to the legitimate demands for justice made by victims of the most heinous crimes, whose belief in their fellow humans has been shaken. Since assuming my position as Prosecutor of the International Criminal Court in 2021, I have had the pleasure of working together with the hard-working members of the Office whose willingness to apply themselves to the cause of justice on a daily basis I deeply respect. In the beginnings of my term as Prosecutor, I have refocused our ambition on an additional goal: creating an ever more flexible, future-oriented, and responsive Office that delivers timely results in the volatile circumstances of conflict. An Office that is prepared to respond to new forms of crimes at the speed of relevance – cybercrimes, environmental crimes, modern slavery crimes and others – and new forms of evidence. An Office that reshapes itself despite limited resources to face these challenges in such a way that it becomes better equipped to serve survivors and affected communities of atrocity crimes.

In my Office’s first Annual Report (2022), I shared with you the thematic priorities that make up the roadmap that we have jointly identified to live up to the potential of our

Office. I highlighted the importance of being closer to communities, and moving towards a field-centric model. Our ambitions with regard to harnessing technology and cooperation with States, organisations, and civil society spoke of the tools that would allow us to continuously deliver more in the courtroom. Indeed, I also shared how we are reorganising ourselves in the Office to reap the full benefits of the rich experience of our colleagues. One year on, I share a realistic assessment of our progress – progress that, while never fast enough for our liking, has a real effect on the execution of our mandate.

Our international accountability efforts have reached their highest level of momentum in the Office’s history. This has been possible thanks to our continuous drive to be efficient while also responding to the challenging realities of the environment in which we operate, and in which State support has never been more critical. It is part of our commitment to sustainable change. What we consider this sustainable change to be and how we measure it is included in detail in the Strategic Plan 2023-2025 of my Office. My aim is not to repeat it here in this Report. Instead, having set the scene and identified our key thematic priorities in 2022, it is my sincere hope that this Annual Report will show you where we

have been able to take steps forward, why these steps matter, and where we have faced challenges.

Our colleagues, the Deputy Prosecutors Nazhat Shameem Khan and Mame Mandiaye Niang and myself are keenly aware that much of our work, our initiatives, and the obstacles we face remain unseen by most of our stakeholders. This is in part due to the nature of our work and our duty to confidentiality. However, our inability to report on everything our Office does may sometimes create a feeling of injustice, spurred on by a feeling of stagnation.

This report is meant as a transparent and honest window into our daily work. Let me clearly express that, while proud of the progress that has been made over the last year, it is clear to me that our efforts are not yet paying off sufficiently to fully earn the trust of communities who look to us. Yet I remain convinced that we can and will deliver better while working together. We have taken the first steps, through renewed and innovative partnerships, by embracing opportunities, and by sharing and mobilising knowledge. Through this report we will not only show how our work was done in the past, but instead how it will continue, in partnership with all of you.”

Together

Chapter 1

Amplifying our work

Prosecutor Khan visiting a care home for children in southern Ukraine, near the frontlines, in March 2023



The Office's core mandate is to investigate and prosecute crimes against humanity, war crimes, genocide and the crime of aggression. Achieving this objective relies, *inter alia*, on the continuous development and enrichment of tools and policies, and their effective implementation inside and outside the courtroom. To this end, the Office continues to ensure particular attention is given to gender-based crimes ("GBC") and crimes against and affecting children ("CAC"), including by proactively interacting with experts globally. It strives every day to make sure that this focus translates into concrete results. In particular, the Office's operational practices must evolve to match new insights and developments. This will enable the Office to discharge its mandate more effectively, and to deliver more focused and efficient investigations and prosecutions in situation countries. In doing so, the Office must bring its work closer to the locations of alleged crimes, and meaningfully interact with affected communities.

Personal message

Deputy Prosecutor Mame Mandiaye Niang

"Our mandate requires that, every day, we should make sure we do our utmost to serve our Office with dedication and selflessness; to preserve our purpose to investigate and prosecute the worst crimes affecting humankind. This spirit should guide our daily actions inside and outside the courtroom, and at every stage where the Office participates in the process of delivering justice to all those affected by the worst of crimes – especially those who are vulnerable, such as children, and those who are victimised simply because of who they are, such as the victims of gender-based crimes. To guarantee the high quality and the standards of our work, we constantly invest in improving our working methods, policy framework and the ways we engage with stakeholders. We strongly believe that our field presence increases the efficiency of our activities on the ground, including by bringing us closer to the affected communities."

- 1  Deliver results in the courtroom
- 2  Enhance efforts by national authorities to fight impunity
- 4  Bring justice closer to communities and deepen engagement with civil society
- 5  A renewed policy framework for the Office
- 6  Ensure effective investigations and prosecutions of Gender-Based Crimes and Crimes Against and Affecting Children
- 7  Increase the field presence of the Office of the Prosecutor
- 9  Strengthen global support for the work of the Office

In the courtroom



Throughout 2023, the Office continued as an active participant in the increased litigation at the Court. The number of cases has continued to rise in response to new or ongoing alleged crimes falling within the Court’s jurisdiction and which national authorities with jurisdiction have been unable or unwilling to genuinely investigate or prosecute. Even with the necessary prioritisation and filtering, the Office must address a high number of situations and cases,

and seek to operate with more agility, at an increased pace.

The Office’s efficiency and relevance – at the heart of its priorities – are most visible inside the courtroom. By bringing well-founded cases to trial, the Office seeks to establish the truth, independently and impartially. The same principles are fully applied, however, in all other procedural stages associated with the



Prosecutor Khan at the opening of the trial, The Prosecutor v. Abd-Al-Rahman (“Ali Kushayb”), 5 April 2022

Office's prosecutorial function, whether in open court or not, from the opening of preliminary examinations to the termination of cases.

Pre-trial and trial proceedings

Darfur, Sudan

In an historic landmark, the first ICC trial concerning crimes committed in Darfur opened in April 2022 with the *Abd-Al-Rahman* ("Ali Kushayb") case. The Office called its remaining witnesses in the case against Mr Abd-Al-Rahman in early 2023, before formally concluding its evidence presentation on 28 February 2023. This has been one of the most efficient trials in the Court's history.

During the trial, the Office presented the evidence of 81 prosecution witnesses. 56 witnesses gave testimony in the course of approximately 93 hours of examination by counsel for the Office, with written statements of an additional 25 witnesses submitted into the case record without the need for further in-court testimony. In total, the Court heard approximately 285 hours of witness testimony, including cross-examination by the Defence and questioning by the Judges and the legal representative for the victims. To date, the Court has recognised the formal submission of more than 1,200 items of Prosecution evidence. Excellent time management by the Trial Chamber Judges allowed for effective progress. The unprecedented, swift progression of this case reflects the scope for efficient courtroom proceedings when all the organs of the Court are in a position to work properly together.

In April 2023, after the Prosecution closed its case, the Trial Chamber heard a Defence

motion for a judgment of acquittal in relation to 4 of the 31 counts alleged against Mr Abd-Al-Rahman (rape as a crime against humanity and war crime, other inhumane acts as a crime against humanity, and outrages upon personal dignity as a war crime). The Chamber ultimately rejected it. In doing so, the Chamber determined that the Prosecution had presented sufficient evidence for the trial to continue on all 31 counts. Building on its earlier submissions in cases like the *Gbagbo* appeal, the Prosecution submitted that the evidence relating to gender-based crimes should not be judged against a higher threshold *vis-à-vis* other crimes, or be artificially distinguished from its context. This reflects the Office's continued commitment to prosecuting gender-based crimes effectively.

There are currently 725 victims authorised to participate in the *Abd-Al-Rahman* case. In June and October 2023, their common legal representative presented an opening statement and called one witness to give evidence and participating victims to express their views and concerns to the Court. The Judges were also presented with audio recordings of several other participating victims who did not travel to the Court. On 19 October 2023, the Defence for Mr Abd-Al-Rahman made its opening statement before Trial Chamber I. The trial continues.

Mali

To date, two cases have come before the Court with regard to the situation in Mali. In the first case, Mr Al Mahdi pleaded guilty and was sentenced to 9 years' imprisonment. This sentence was later reduced in accordance with 110 of the Rome Statute. In the second case, Mr Al Hassan's trial commenced on 14 July 2020.



*Deputy Prosecutor Niang (right) and Senior Trial Lawyer (left),
The Prosecutor v. Al Hassan Ag Abdoul Aziz*

On 8 February 2023, Trial Chamber X declared the closure of the submission of evidence in the *Al Hassan* case and ordered the parties and participants to file their final briefs. The Office did so on 9 March 2023. Closing statements from the parties and participants, including the Office, were heard on 23-25 May 2023. Trial Chamber X adjourned the proceedings for its deliberations on 25 May 2023.

The *Al Hassan* case marks an important milestone as the first ICC trial to charge persecution on the basis of religion and gender, among other charges. This reflects the Office's commitment to pay particular attention to such conduct, which has been historically under-prosecuted and has grave consequences for victims and affected communities.

Central African Republic II

The Office continued its work in this situation, which features a number of cases currently before the Court, alongside separate proceedings against other suspects being carried out by the Special Criminal Court in the Central African Republic itself.

In *Yekatom and Ngaïssona*, the Office concluded its presentation of evidence in September 2023. The Legal Representatives of Victims ("LRVs") began presenting their case on 21 September 2023, calling two witnesses to date, with a third victim's testimony due to be rescheduled. After the LRVs, counsel for the two accused persons, Mr Yekatom and Mr Ngaïssona, will present their cases.

The *Said Abdel Kani* trial opened in September 2022. On 18 January 2023, after the 16th Prosecution witness was heard, proceedings were adjourned due to the health of Mr Said. On 14 August 2023, the Trial Chamber appointed experts to conduct a medical examination. Once this has been received, the parties will make submissions as to the appropriate further conduct of proceedings.

“I am very conscious that this news may be unwelcome to many survivors and their families. I am grateful to all who cooperated with my Office and applaud their courage and resilience. I hope many will understand my legal and ethical responsibilities to be guided by the law and the evidence. I hope they will be reassured that I am convinced the decision I have made is the correct one in this case.”

– Prosecutor Khan

In the *Mokom* case, the Office participated in the hearing for the confirmation of charges against Mr Mokom, for which oral arguments were heard on 22-24 August 2023. On 16 October 2023, the Office notified Pre-Trial Chamber II of the withdrawal of all the charges against Mr Mokom, pursuant to article 61(4) of the Rome Statute. The Prosecutor informed the judges that, having considered the totality of the evidence and in

light of changed circumstances regarding the availability of witnesses, he concluded that there were no longer reasonable prospects of conviction at trial, even if the charges were confirmed. The Prosecutor reached this view on the basis of his objective assessment of the evidence, and guided by the interests of fairness and justice, as well as his overarching responsibilities as an officer of the Court.

Following the public announcement of the withdrawal of charges against Mr Mokom, Deputy Prosecutor Niang communicated with affected communities and civil society in the CAR, including via a video message.

“[...]some may feel some disappointment, some frustration. I understand that. This decision was not an easy one to make, but it was necessary for the Office in the circumstances after having objectively assessed all the evidence as well as the realistic prospects of obtaining evidence that would secure a conviction at trial”

– Deputy Prosecutor Niang’s video statement on the occasion of the withdrawal of charges against Mr Mokom

Uganda

In late 2022, in the *Kony* case, the Office requested Pre-Trial Chamber II to hold a hearing on the confirmation of charges *in*

absentia. Mr Kony is alleged to be the founder and leader of the Lord’s Resistance Army, and a warrant for his arrest concerning 33 allegations of war crimes and crimes against humanity was issued by the Court in 2005. Late 2022 also saw the Appeal Chamber affirm the convictions of another senior member of the Lord’s Resistance Army, Mr Ongwen, for 61 counts of war crimes and crimes against humanity, and his sentence of 25 years’ imprisonment.

The arrest warrant for Mr Kony remains unexecuted, making him the ICC’s longest-standing suspect at large. Article 61(2)(b) of the Rome Statute allows for the confirmation of charges *in absentia* when a warrant of arrest has not been executed within a reasonable period of time, and the suspect has fled or cannot be found despite all reasonable measures to locate and arrest them.

“Should the Pre-Trial Chamber grant my request, it is my hope that this would represent a meaningful milestone for victims of Mr Kony’s crimes who have waited patiently for justice for almost two decades.”

– Prosecutor Khan on the request for a confirmation of charges hearing in *absentia* for Mr Kony

This represents the first case in which the Office has sought to use this procedure. It demonstrates the Office’s commitment to pursuing all legal means to ensure justice

and accountability, in the interests of victims and affected communities.

The request to commence confirmation proceedings in Mr Kony’s absence does not mean that he will not be tried at the Court. To the contrary, the Office will redouble its efforts to locate and apprehend Mr Kony. If granted, the effect of the Office’s request is only to advance the proceedings against him within the framework of the Statute, and further demonstrate the strength of the evidence calling for him to stand trial. Such a trial requires his appearance before the Court in person.

On 17 November 2023, Pre-Trial Chamber II terminated proceedings against the alleged former Vice-Chairman and Second-in-Command of the Lord’s Resistance Army (LRA), Vincent Otti. The Chamber made this decision following the Prosecution’s third request to terminate the proceedings. This request was based on additional evidence indicating that Mr Otti was killed in a remote area of the Democratic Republic of Congo in October 2007.

Preliminary rulings regarding admissibility

The Office continued to participate in novel litigation concerning another previously untested provision of the Statute: article 18(2). This provision entitles States which have investigated or are investigating alleged crimes under investigation by the Court to request the Prosecutor to defer to the national investigation. The Prosecutor, however, is entitled to refer the matter to the Pre-Trial Chamber for its decision as to the merits of the basis for the State’s request.

In the course of the reporting period, at the request of the Office and notwithstanding article 18(2) requests from the three territorial States, Pre-Trial Chambers authorised the resumption of the Court's investigation in three situations before the Court: *Afghanistan* (31 October 2022), *The Philippines* (26 January 2023), and *Venezuela* (27 June 2023). The Appeals Chamber also granted the Office's appeal confirming the scope of the authorised investigation in *Afghanistan* on 4 April 2023, and affirmed the Pre-Trial Chamber's decision authorising the resumption of the Court's investigation in *The Philippines* on 18 July 2023. Venezuela's appeal against the Pre-Trial Chamber's decision in the *Venezuela* situation remains under deliberation at the time of writing.

These decisions confirm important principles of law with regard to a significant aspect of the Court's complementarity regime. They advance the principle of complementarity insofar as they ensure the existence of active and effective proceedings, either by a relevant State or at the Court, with regard to the substantiated criminal allegations which were found sufficient to justify the Court's investigation.

Preliminary examinations and investigations

The Office carries out much of its work before a matter ever sees the inside of a courtroom. In particular, this includes preliminary examinations (by which the Office determines whether to proceed to opening an investigation, in accordance with the legal framework in the Statute) and investigations (by which the Office seeks to determine the truth and, where appropriate, to initiate the prosecution of

particular cases). During the reporting period, the Office continued to strive to enhance the quality and speed of this important work. By its nature, not all outcomes or aspects of this work can be immediately and publicly disclosed. As a result, the following reflects only a sample of some – but not all – of the Office's activities.

Article 15 communications

Between 30 September 2022 and 30 September 2023, the Office received 1,386 communications pursuant to article 15 of the Statute. In line with its standard practice, all these communications were reviewed to assess whether they 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 OTP.

Of these 1,386 communications, 490 were linked to an existing investigation or prosecution and considered in that context, 15 were linked to a matter already under preliminary examination and considered in that context, and 881 required individual jurisdictional assessment.

Following an appropriate assessment, the Office concluded that the crimes alleged in many of these communication did not appear to fall within the Court's jurisdiction.



The respective communication senders were informed accordingly in accordance with article 15(6) of the Statute and rule 49(1) of the Rules. Senders were further advised of the possibility of submitting further information regarding the same situation in light of new facts and evidence.

During the reporting period, the Office also considered how to adapt its operational practices in light of the Appeals Chamber's recent holding that the Prosecutor enjoys discretion in deciding whether to proceed under article 15 of the Statute. Specifically, the Appeals Chamber observed that "[a]rticle 15 recognises the discretionary nature of this power, providing in paragraph 1 that 'the Prosecutor *may* initiate investigations *proprio motu*' (emphasis added)". The Appeals Chamber further added that the absence of judicial review over decisions taken by the Prosecutor under Article 15(6) "is consistent with the discretionary nature of the power accorded to the Prosecutor under Article 15 of the Statute" (*Situation in the Islamic Republic of Afghanistan*, Judgment on the appeal against the decision on the authorisation of an investigation into the situation in the Islamic Republic of Afghanistan, ICC-02/17-138, 5 March 2020, paras. 30-31).

The Office's recent experience has confirmed that the Prosecutor's discretion in deciding whether to proceed under article 15 forms an essential part of an effective prosecutorial strategy for the Court. Given the many demands on the Office, it is critical that the Prosecutor is able to exercise the discretion afforded under the Rome Statute to discharge the Office's mandate effectively and efficiently. *The Final Report of the Independent Expert Review* ("IER") likewise stressed the need for the Office to exercise greater discretion in prioritising situations to ensure a sustainable workload, and the effective implementation of its mandate. Since taking up his position in June 2021, the Prosecutor has stressed that survivors and the families of victims are best served by a clear, timely, and realistic explanation of the Office's priorities, so that it does not over-promise and under-deliver.

Even if the Prosecutor decides not to proceed to open an investigation before the Court, the Office may still provide relevant support and cooperation with domestic investigations and prosecutions of Rome Statute crimes, or any other serious crimes under national law. Indeed, mindful of the necessary limitations on the number of investigations which can

be effectively carried out by the Office at any one time, measures of complementarity and cooperation may be particularly appropriate in some situations.

In May 2023, and as further explained in Chapter 2 below, the Office launched a new technological platform for the submission of article 15 material and/or evidence. This platform is called ‘OTP Link’. Uploading material by this means requires users to include a factual summary, and provide information as to relevant dates, languages, and geographic locations. As a result, the Office has already noted the clearer focus and precision of many of the submissions received through OTP Link, allowing them to be reviewed more efficiently.

Darfur, Sudan

As the Prosecutor reported to the UN Security Council in July 2023, the current security situation in Sudan – especially the escalation of violence during the current hostilities – is of great concern to the Office. He emphasised the ongoing nature of the Office’s jurisdiction under UN Security Council Resolution 1593, and that individuals who are suspected to have committed Rome Statute crimes within the framework of that jurisdiction will be investigated.

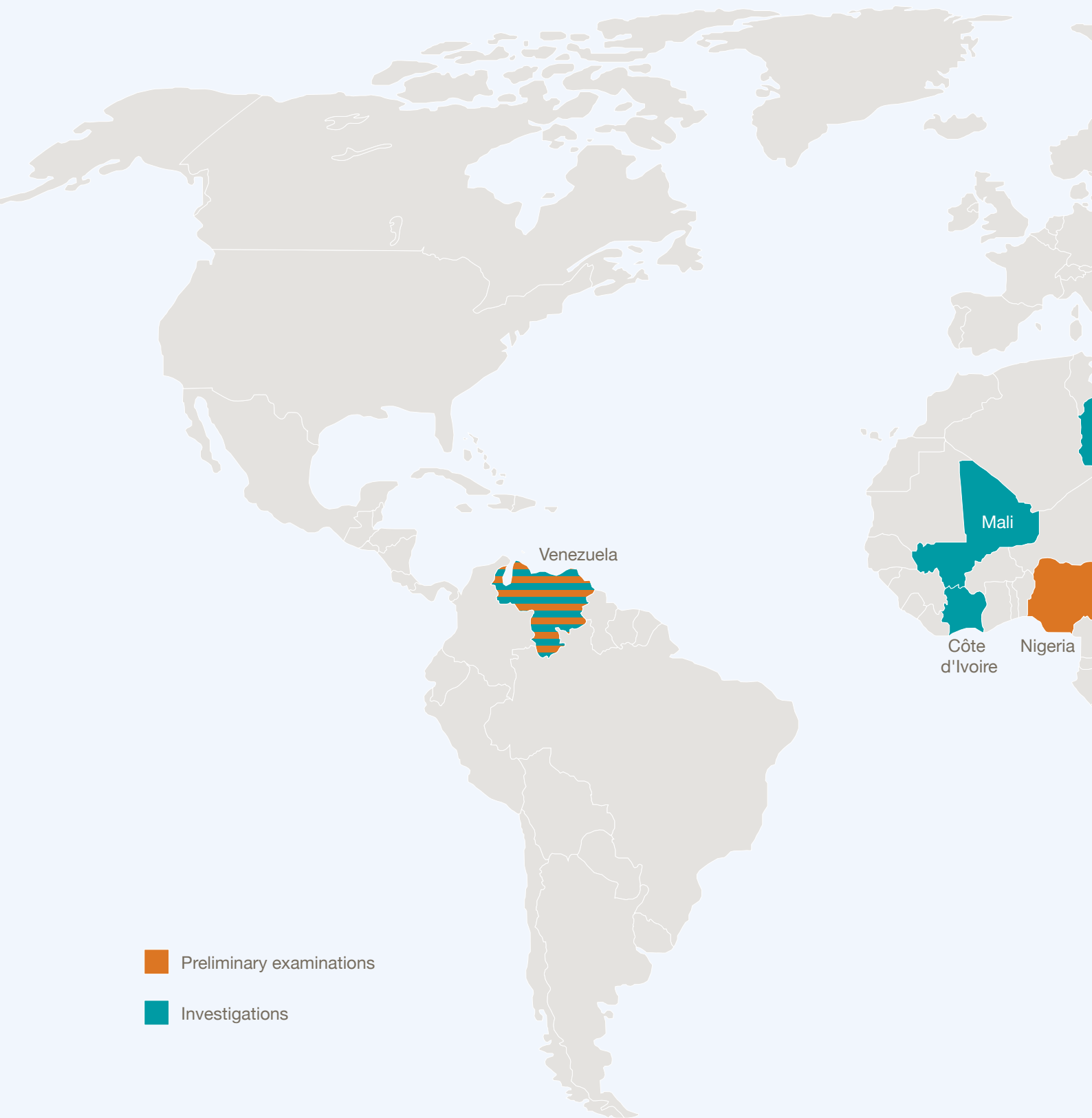
Current investigations encompass many allegations in West Darfur and North Darfur, including looting, killings, and the destruction of homes. The Office will prioritise crimes against and affecting children, and crimes of gender-based violence, while ensuring that all evidence is carefully reviewed.

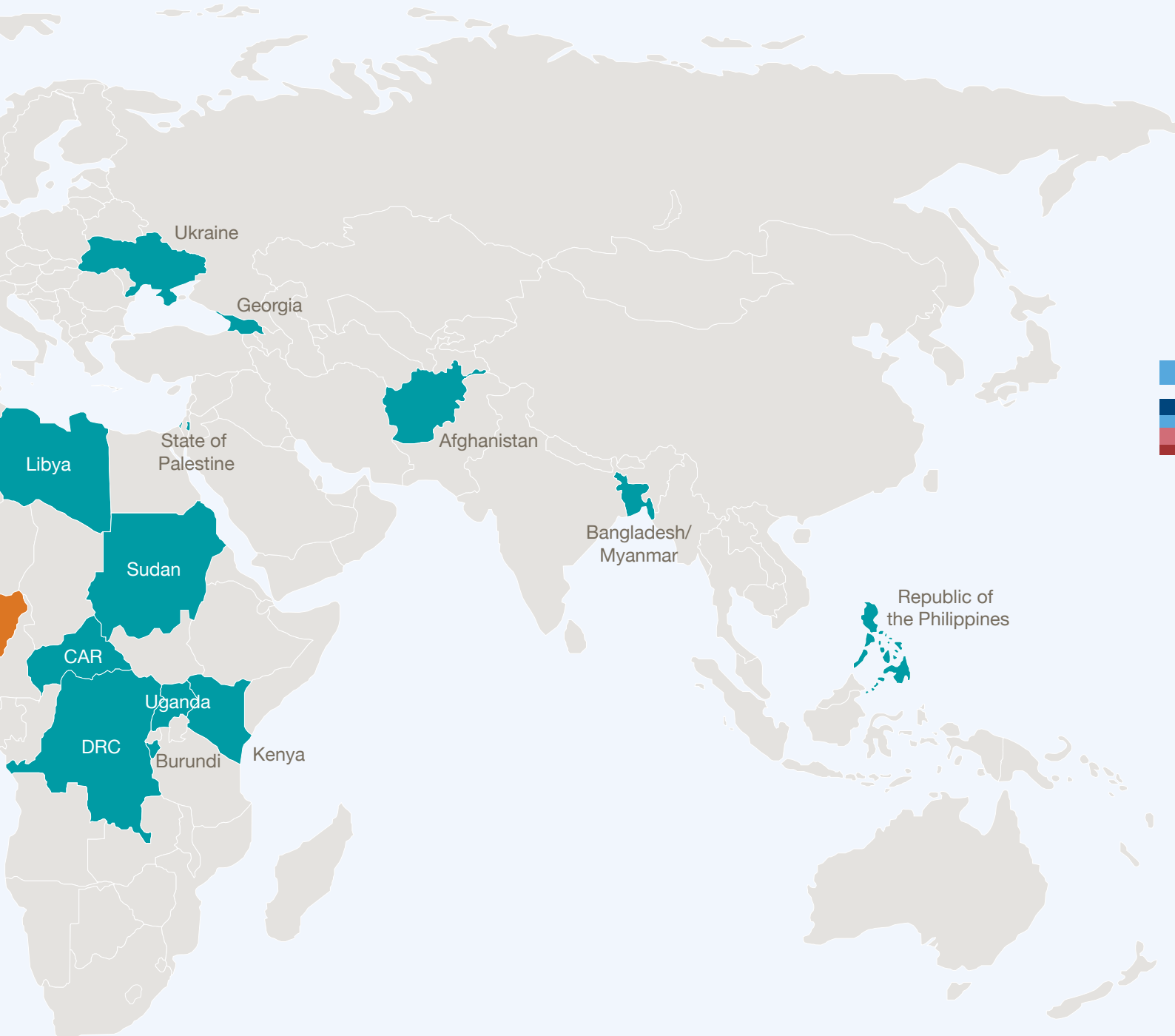
“As we speak, there are women and children, boys and girls, old and young, in fear of their lives, living with uncertainty in the midst of conflict. And as their homes are burnt, many as we speak will not know what the night will bring and what fate awaits them tomorrow.

This is not hyperbole or polemics. It’s the result of an objective assessment from myriad sources. We are, by any analysis, not on the precipice of a human catastrophe but in the very mists of one. It is occurring. And it’s my analysis and my prayer and advice that we must act urgently, collectively to protect the most vulnerable. If this oft repeated phrase of ‘never again’ is to mean anything, it must mean something here and now for the people of Darfur that have lived with this uncertainty and pain and the scars of conflict for almost two decades.”

– Prosecutor Khan at the United Nations Security Council Briefing on Darfur, 13 July 2023

Open preliminary examinations and investigations







The Prosecutor briefing the UN Security Council on the Libya situation, Photo credit: United Nations

Libya

In May 2023, the Prosecutor reported to the UN Security Council, pursuant to Resolution 1970 (2011), on the significant progress made in the *Libya* investigation as a result of a more dynamic, field-focused, and targeted approach.

The Office has accelerated its engagements with the Libyan authorities, as well as civil society, affected communities, survivors, and the families of victims in Libya. The UN Independent Fact-Finding Mission on Libya and the UN Support Mission in Libya have been close partners of the Office. While the former mandate has now ended, the Office continues to anticipate close support from and cooperation with the UN Support Mission.

The Office's technological advancements enhanced its ability to collect and analyse

evidence, and to share it with national authorities. In particular, the use of a new platform called RelativityOne supports the Office's ability to manage new kinds of evidence, and review it effectively, enhancing the quality and efficiency of the Office's independent and impartial investigations.

Furthermore, the Office supported national prosecutions in Italy and the Netherlands concerning crimes against migrants in Libya, working with Europol and the Joint Team (see Chapter 3 below). Likewise, the Office continued to seek to engage with Libyan authorities including the Office of the Attorney General, the Military Prosecutor, and the Ministry of Justice with a view to practical collaboration. In particular, this may include helping the Libyan authorities to increase their own capacity, as well as lending technical

assistance including in forensic science and the identification of remains.

On 8 November 2023, Prosecutor Khan updated the UN Security Council on the occasion of the Office's 26th report on this situation. He indicated that, during the reporting period, the Office has conducted 15 missions, in which it collected more than 4,000 items of evidence and conducted interviews with relevant witnesses. The Prosecutor also explained that cooperation with the Libyan authorities has the potential to achieve noticeable progress during the coming period, stressing the need for mutual cooperation to pursue the arrest of the suspects at large.

Palestine

The *State of Palestine* investigation was opened on 3 March 2021, following Pre-Trial Chamber I's decision on 5 February 2021 that the Court could exercise its jurisdiction in the Situation and that the territorial scope of this jurisdiction extends to Gaza and the West Bank, including East Jerusalem. The investigation concerns alleged crimes committed within the Court's jurisdiction since 13 June 2014. Upon the commencement of his mandate, the Prosecutor put in place a dedicated team to advance this investigation. The Office also sought to enhance particular forms of expertise deployed for this purpose, and requested additional resources from the Assembly of States Parties to do so. Meanwhile, the Office continued to investigate.

On 29 October 2023, in the context of the recent escalation of violence, the Prosecutor visited the Rafah border crossing between Egypt and the Gaza Strip. Afterwards, the Prosecutor spoke from Cairo on the situation in the State of Palestine. He indicated that

over the last year, the Office has engaged in a very sustained manner with the Palestine investigation, making every possible effort to enter Israel and Palestine, as announced at the 2022 Assembly of States Parties. While this visit has not yet been possible, the Office stands ready to work with States Parties and Non-States Parties alike in pursuit of accountability. Consistent with its mandate, the Office's primary objective is to achieve justice, impartially looking at the evidence and vindicating the rights of survivors and victims' families whether they are in Israel or Palestine.

On 17 November 2023, the Office received a referral of the Situation in the *State of Palestine* from South Africa, Bangladesh, the Plurinational State of Bolivia, Comoros, and Djibouti.

Afghanistan

Following the 31 October 2022 decision by Pre-Trial Chamber II authorising the resumption of the investigation in the *Situation in the Islamic Republic of Afghanistan*, the Office has been deploying available resources to collect relevant evidence, interview potential witnesses, identify representative incidents, engage with experts, and liaise with cooperation partners.

Within the parameters of the authorised investigation, as set out by the Appeals Chamber in its decision of 5 March 2020, and considering the gravity, scale, and continuing nature of alleged crimes, the Prosecutor took the decision to focus on alleged crimes by individuals who are members of the Taliban and the Islamic State. Meanwhile, to the extent possible, the Office continues to preserve evidence in relation to other aspects of the investigation and promotes accountability within the framework of complementarity.

The Philippines

The Office resumed its investigation in the *Situation in the Republic of the Philippines* this year, after the decision from Pre-Trial Chamber I granting the Prosecutor’s request to resume investigations, on 26 of January 2023. While pursuing its investigation, the Office seeks to engage and establish a dialogue with all relevant stakeholders, including the Philippine Government and civil society. The Office engaged with the Government of the Philippines during the deferral process and hopes to explore ways to cooperate with all parties concerned. The Office also increased engagements and cooperation in the wider region, with State Parties and non-State Parties, to seek support for its investigations, as well as to engage on general matters of justice, accountability, and complementarity.

Arrests and arrest warrants

As a vital aspect of its enhanced investigative activities, the Office aims to increase the number of warrants of arrest for which it applies. During the course of the last year, the Office has filed applications for arrest warrants in several situations, and continues to prepare similar applications for the future. Each application leads to the independent and impartial judges of the Pre-Trial Chamber considering the evidence presented by the Prosecutor, and determining whether there are reasonable grounds to believe that the named suspect is responsible for the alleged crimes, and that their arrest is necessary.

Arrest warrants are not an end in themselves, but an important first step in upholding the rights of victims and survivors, reaffirming that

their lives and suffering matter. They contribute to closing the gap between the promise of justice and the harsh reality faced by too many. They fortify the deterrent effect of the Rome Statute, so that there should never again be a time in which human rights are trampled so egregiously in different parts of the world. Partnerships and close collaboration with the independent judicial authorities of States Parties and Non-States Parties are vital to move the process of justice forward.

“There are those who thought it was a fool’s errand to set up a Yugoslav tribunal but we saw former presidents Milošević and Karadžić, and senior military commander Mladić, eventually come to trial; we saw the same with the former Prime Minister of Rwanda, for the ‘94 genocide, Jean Kambanda, he was convicted at the Rwanda tribunal; former president Charles Taylor, the list goes on; so those that think they have a free pass or that there is no consequence to their actions need to realise the law is out there.”

– Prosecutor Khan discussing the effect of arrest warrants on CNN, 18 March 2023

Warrants of arrest may be issued confidentially (under seal) or publicly, depending on the circumstances. Where issued publicly, such

warrants may be significant not only for their direct procedural consequences at the Court, but also in signalling to the international community that independent judges have been satisfied of evidence implicating the suspect in crimes within the jurisdiction of the Court. This may help guide relevant entities and individuals in their dealings with the suspect. For example, an individual's freedom to travel may be greatly impacted by a warrant of arrest, since States Parties are under a legal obligation to arrest and surrender such persons to the Court. Public notification of a warrant of arrest may also help to deter suspects from the further commission of crimes, or remind potential future perpetrators of crimes within the jurisdiction of the Court that the law exists for everyone and that power does not mean impunity.

Ukraine

On 22 February 2023, the Office submitted two applications for the arrest of two individuals in the context of the situation in Ukraine: President Vladimir Vladimirovich Putin and Commissioner for Children's Rights Maria Alekseyevna Lvova-Belova. On 17 March 2023, Pre-Trial Chamber II confirmed that there are reasonable grounds to believe that President Putin and Ms Lvova-Belova bear criminal responsibility for the unlawful deportation and transfer of Ukrainian children from occupied areas of Ukraine to the Russian Federation, contrary to articles 8(2)(a)(vii) and 8(2)(b)(viii) of the Rome Statute.

Incidents identified by the Office include the deportation of at least hundreds of children taken from orphanages and children's care



ICC Prosecutor and OTP staff meeting with Ukraine President Zelenskyy



Prosecutor Khan in Southern Ukraine visiting sites relevant to allegations of deportation of children

homes. The Office has reason to believe that many of those children have since been given for adoption in the Russian Federation. The citizenship law was changed in the Russian Federation, through presidential decrees issued by President Putin, to expedite the conferral of Russian citizenship, making it easier for Ukrainian children to be adopted by Russian families. It is alleged that these acts, amongst others, demonstrate an intention to permanently remove these children from their own country. At the time of these deportations, the Ukrainian children were protected persons under the Fourth Geneva Convention.

The applications for arrest warrants also underline that most acts in this pattern of deportations were carried out in the context of the acts of aggression committed by Russian military forces against the sovereignty and territorial integrity of Ukraine which began in 2014.

While various factors contributed to the decision to seek these arrest warrants, one key aspect was the Office’s ongoing commitment to ensure that the law provides shelter to the most vulnerable in conflict, and that the experiences of children in conflict are at the centre of its work.

“Choices have consequences, and one cannot, by dint of official position, or the power of the bullet, commit crimes with impunity”

– Prosecutor Khan on the arrest warrants against Vladimir Putin and Maria Lvova-Belova

The Office received essential support from many partners, including the Office of the Prosecutor General of Ukraine, allowing rapid

progression in the collection of evidence. The Office's participation in the Joint Investigation Team with national authorities from seven States, under the auspices of Eurojust, has also facilitated swift access to relevant information and evidence (see also Chapter 3).

As the situation in Ukraine encompasses a complex and broad range of alleged crimes within the jurisdiction of the Court, the Office is continuing its investigation. It will continue to submit applications for warrants of arrest when adequately supported by the evidence.

Libya

Building on the increased investigative and cooperation activities of last year, the Office continues to work to meet or even exceed the schedule set out in the roadmap it previously publicised. Work is progressing rapidly with a view to potential applications for further arrest warrants in this situation.

Suspect Tracking and Arrest

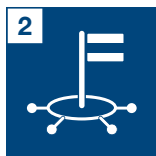
The Office is committed to strengthening its capabilities in tracking suspects and securing their arrest in partnership with the relevant authorities. A new strategic paper is being developed internally, incorporating the increased use of technology and intelligence-led actions. Clear priorities and action plans for arrests are being established, based on the objectives identified under the Office's Strategic Goals. The first phase of development of the Office's tracking function includes a Tracking and Arrest Dashboard, to be established before the end of 2023. This Dashboard will enable effective oversight and regular assessment of tracking activities.

The Office's Suspects-at-Large Tracking Team ("SALTT") develops suspect profiles and generates information to track persons wanted for arrest by the Court. SALTT coordinates with a counterpart team in the Registry through the Suspects-at-Large Working Group, as well as with national law enforcement agencies and other relevant partners, to increase efforts to bring suspects at large before the Court. In a recent strategic review meeting, SALTT brought to light critical issues for its successful work, including the importance of funding and staffing.

A number of ICC suspects remain at large and their whereabouts unknown. To address this strategic risk, additional resources are required. In particular, with the allocation of these resources, the Office will institute an effective ongoing tracking strategy, and increase its capacity to develop robust suspect profiles and efficient arrest strategies. Additional resources are also required to utilise a range of information sources more fully, such as open-source data and imagery, communications and financial data, which are critical for tracking and arrest. Lastly, there is a need to create and engage human sources of information, as well as networks and partners which can help the Court in seeking to arrest suspects at large.

Without specialised human resources such as investigators, analysts and cooperation advisers, the Office is not able to fulfil this core responsibility – as identified by the Rapporteur on arrest strategies, and highlighted by the IER. The OTP has requested additional resources in the 2024 budget to properly address these needs, and to develop the relevant skills, work methods and plans.

Policies into practice



Advancing a culture of good practice

The Office seeks to reinforce its role as a leading global source of policy expertise in the field of international criminal justice. The Office's own policies demarcate priority areas for operations, and highlight its approach to these important areas of work. Such policies not only mark the Office's commitment, but aim to provide clarity and direction to staff members in their work. This include: the interpretation and application of the Statute and the Court's other legal texts, at all stages of the Office's work; fostering and advancing a culture of good practices in relation to the investigation, analysis, and prosecution of crimes, and in relation to the protection of victims, both within the Office and more broadly; and contributing, through the implementation of the policies, to the ongoing development of international jurisprudence regarding crimes under the jurisdiction of the Court.

The Office's policies also aim to raise awareness regarding the importance of addressing specific crimes or thematic areas cutting across its activities, including by supporting genuine national proceedings. The Office publishes its policies in the interests of promoting trans-

parency, clarity, and predictability in the application of the Court's legal framework. Disseminating these policies may enhance cooperation and collaborative work to address these priority area amongst relevant actors globally.

While 2022 was marked by an internal reorganisation of the Office, including its Gender and Children Unit ("GCU"), core priorities for 2023 included strengthening existing policies with new insights, formulating new policies, and, critically, ensuring the policies move from the page to practice. It is essential that the Office's policies have a real effect on its work, internally and externally. These objectives have been reaffirmed in the *OTP Strategic Plan 2023-2025*, including in clear Key Performance Indicators.

November 2022 saw the convening of the first roundtable with civil society organisations on crimes against and affecting children ("CAC"), and internal staff training for the Office on this priority area. Subsequently, the GCU continued to contribute to numerous capacity-building initiatives in the Office throughout 2023. Through such efforts, the Office has reached several milestones. These include regular, cross-organisational, and cross-case discussions among internal focal points for gender-based

crimes (“GBC”) and CAC, with a view to identifying challenges and best practices, and addressing intersectionality. In September 2023, the GCU organised a pilot training on the conduct of forensic interviews with children. This initiative benefited from the extensive and varied knowledge of secondees to the Office from national jurisdictions, blended with the institutional expertise of staff members, in order to bring the Office’s expertise to a new level.

Over the past year, the Office has also engaged in a thorough review and compilation of its operational processes, structures, reporting lines and responsibilities. Following the positive assessment of IER Recommendations

39 to 41, the Office established a Working Group which in April 2022 commenced a review of the internal *Operations Manual*. Staff and secondees actively contributed to this process, which benefited from their varied expertise and input. A soft launch of the Office’s new *Operations Manual* in July 2023 allowed staff members to put many of the revisions into practice and to feed their experiences back into this living document. As an integral part of the Office’s regulatory framework, the *Operations Manual* will be regularly updated, enable the rapid and consistent implementation of policy decisions, and help safeguard compliance with the applicable law across all parts of the Office.



The Prosecutor speaks in the Geneva Roundtable on accountability for Crimes Against and Affecting Children (“CAC”)

Translating expertise into results

While these initiatives strengthen the Office's culture of good practices, implementation is key. The newly developed *Policy on the Crime of Gender Persecution*, launched on 7 December 2022 at the Assembly of States Parties, demonstrates how the Office ensures that its policies become practice. This policy enabled the Office to develop its practice in light of the most recent insights on this crime as well as its own experience in the *Al Hassan* case, which was the first time that the Court charged gender persecution. The launch was followed by an internal training programme provided by the Prosecutor's Special Adviser on Gender Persecution, Professor Lisa Davis. Subsequently, all Unified Teams have been supported in implementing the policy in their day-to-day activities. Complementing the training, the GCU reviews interview outlines, investigation plans, and case hypotheses, and participates in the Office's internal case reviews, in order to provide advice on CAC and GBC, such as gender persecution. As a result of these initiatives, the Office now considers gender persecution in all situations, when appropriate.

To further support the Office's work on these thematic priorities, the GCU is also working with Unified Teams and relevant Special Advisers on an upcoming project to develop specialised templates for interviewing children, victims of GBC, and LGBTQI+ persons. Such work products can be tailored to the context of each Unified Team's investigation, and form part of the Office's commitment to develop and make available up-to-date tools. These tools not only ensure the wellbeing of victims and witnesses, but also of colleagues. For example,

the GCU has created a manual on the security of LGBTQI+ personnel deployed to the field, demonstrating a growing institutional awareness of the diverse issues that Office staff members may face. The development of such products is in line with Prosecutor Khan's efforts to improve the work culture and staff welfare in the OTP (see also Chapter 4).

Giving practical effect to its policies, the Office likewise recognises the growing need for services adapted to children, victims of GBC, and other vulnerable witnesses, and is taking increasing measures to make available child- and survivor-friendly interview facilities. Strengthening the Office's capacity to take a trauma-informed approach, in which the potential impacts of trauma on a victim or witness are considered in every interaction, means providing safe places for them to share their story and provide crucial evidence. In line with this approach, a "soft interview room" was set up in the Office, with furniture and equipment conducive to a more relaxed atmosphere (neutral colours, comfortable furniture, and "go-bags" with emergency personal hygiene and self-care products). Specific break-out rooms were also set up to support interventions by psychosocial experts, breast feeding in the case of nursing witnesses, and childcare during witness interviews with children (toys, books).

The Office continued to deepen its in-house expertise relating to GBC and CAC, including through expert meetings, exchanges with civil society, production of policies and practice materials, and targeted recruitment of staff members, advisers and seconded personnel.

The Office recently onboarded experts with specific knowledge of reproductive crimes, such as forced pregnancy and the murder of pregnant women.

Thanks to the revitalisation of the GCU in June 2022, GBC (including gender persecution) and CAC are actively and consistently considered across the Office's caseload. This involves enhanced training, evidence-based tool development, and policy renewal. In particular, the Office approaches children as key actors in the cases affecting them, and recognises the many ways in which children suffer different crimes under the Rome Statute. It continues to develop specialised tools and trainings for staff members engaging with children as victims and witnesses.

(Re)developing innovative approaches

The Office's commitment to good practice is also reflected in its efforts to review and update pre-existing policies. In 2023, the Office renewed two of its major policies: the 2014 *Policy on Sexual and Gender-based Crimes* and the 2016 *Policy on Children*. As a result of this parallel process, the Office will guide and inform its approach to investigations and prosecutions through a modern and updated policy framework. This will shape the Office's future investigations and prosecutions, prioritising GBC and CAC accordingly.

The renewal of the *Policy on Sexual and Gender-Based Crimes* has been spearheaded by Professor Kim Thuy Seelinger, under the leadership of Deputy Prosecutor Nazhat Shameem Khan. Until September 2023,

Professor Seelinger served as Special Adviser to the Prosecutor on Sexual Violence in Conflict. She is now the Office's Senior Coordinator (GBC and CAC), and will lead implementation efforts across the Office for both revised policies. Revision of the *Policy on Sexual and Gender-Based Crimes* aims to update the Office's approach in light of evolved jurisprudence around the world, as well as key lessons learned within the Office. The revised *Policy* outlines how a comprehensive approach to GBC will be implemented across an Office that has been restructured since the original *Policy's* publication in 2014.

In May 2023, the Office called for public submissions for recommended revisions to the 2014 *Policy Paper on Sexual and Gender-based Crimes*, and received numerous responses including from 25 external experts from 15 countries. The Office held further consultations with 81 experts from 25 countries in July 2023. To ensure deeper engagement with experts working in national legal systems throughout Latin America, Central and West Africa, and the Middle East in particular, the Office held three additional consultations in Spanish, French, and Arabic, respectively. 33 experts from 13 countries attended these consultations. The Office also consulted with colleagues at the International, Impartial and Independent Mechanism ("IIIM") and the Independent Investigative Mechanism for Myanmar ("IIMM") to gather their valuable insights about integration of an intersectional gender analysis into accountability work.

Inspired by the Prosecutor's vision that GBC are considered in each case before the Office, the revised *Policy on Sexual and Gender-Based*

Crimes outlines the current understanding of these crimes, articulates key principles (such as taking a survivor-centred, trauma-informed approach), and illustrates how the Office will apply an intersectional, gender-competent analysis throughout every stage of its work. A bright example is the *Al Hassan* case, in which the Court will for the first time determine charges of the crime against humanity of persecution including on the basis of gender.

The second pillar of the Office's policy renewal, to revise the *Policy on Children*, was likewise initiated in 2023 by a public call for suggested changes and developments. The revised policy will facilitate the development of new and innovative approaches to make children more visible in all aspects of the Office's work, and

to further strengthen the investigation and prosecution of crimes against or affecting children. Under the leadership of Deputy Prosecutor Khan, the Office aims to take a child rights, child-competent, and child-sensitive approach in its work. This includes facilitating children's participation in proceedings that affect them, consistent with article 12 of the *Convention on the Rights of the Child*.

The Office's efforts in renewing the *Policy on Children* have been guided by the Prosecutor's Special Adviser on Crimes Against and Affecting Children, Ms Véronique Aubert. As an integral part of this process, Ms Aubert supported multiple consultations with civil society colleagues, child rights experts, and national prosecutors from all over the world.



Prosecutor Khan visiting a care home for children in southern Ukraine, near the frontlines, in March 2023

The Prosecutor's prioritisation of crimes against and affecting children was demonstrated by his successful application for warrants of arrest for Russian President Putin and Commissioner for Children's Rights Maria Lvova-Belova, concerning the alleged war crime of deporting Ukrainian children to Russia. The revised *Policy on Children* will help ensure the Office strengthens its ability to recognise crimes against and affecting children in all cases, while also building its capacity to effectively and safely engage with children in the future.

Renewing these important policies does not end with the publication of new documentation. Rather, the Office will continue to take positive measures to ensure that the policy priorities set out therein are implemented by all Unified Teams. An active network of focal points, drawn from each Unified Team, will work with the GCU to ensure that investigation, charging, and trial practices reflect the Office's policy priorities. In addition, cross-pillar Focal Points with expertise on GBC and CAC will offer critical support to all the Office's Unified Teams.

Dynamic complementarity

When Prosecutor Khan was sworn in on 16 June 2021, he committed to engaging with States in novel and imaginative ways to reinvigorate collaboration between his Office and national authorities, based on the mutually reinforcing principles of cooperation and complementarity. Over the course of 2023, the Office worked to set out this vision in the new *Policy on Complementarity and Cooperation*. This document was disseminated in draft to States and civil society for consultation in

September 2023, and will be launched in early 2024, in collaboration with the Co-Facilitators on Complementarity and the Co-Facilitators on Cooperation of the Hague Working Group of the Assembly of States Parties.

The draft *Policy on Complementarity and Cooperation* builds on the view that, by strengthening cooperation with national authorities, and increasing its own capacities to provide tangible support, the Office can play a pivotal role in fostering strong actions by national authorities to uphold their primary responsibilities to address core international crimes. This approach goes hand-in-hand with, and is mutually reinforcing of, a second track: through efforts to strengthen cooperation with national authorities and to assist them, where relevant, the Office will boost its network among national prosecutors globally, building relationships that enhance its own investigations.

The Office will continue such collaborative efforts also in the implementation of its policy – indeed, together with partners it will work to establish a new global Complementarity and Cooperation forum. This will serve as a platform for the two-way sharing of information between the Office and national authorities, in order to identify areas in which support and assistance may be mutually provided.

This is but one example of the efforts to facilitate and coordinate the efforts of all global justice actors, ensuring the efficient use of time and resources in delivering justice. In this same light, the draft Policy also addresses the secondment programme (see also Chapter 4), knowledge sharing projects such as ICC Legal Tools, and information sharing with accountability actors.

“Rather than viewing itself as the apex of the international criminal justice movement, my Office must embed itself as a hub at the centre of our collective accountability efforts. To realise this objective, we cannot limit our aspirations to simply being an effective investigative and prosecutorial body.”

– Prosecutor Khan highlighting the importance of the public consultation on the Policy

Collaboration efforts in line with the draft *Policy on Complementarity and Cooperation* are not limited to the State or institutional level. Indeed, the Policy recognises the crucial role of civil society organisations in building bridges between the Office and all who wish to contribute to the cause of justice. Harnessing this potential, and translating it in concrete results for those affected by the most serious crimes, remains a core priority for the Office.

Special advisers

The outstanding expertise of Special Advisers, who are appointed by the Prosecutor pursuant to article 42(9) of the Rome Statute, is of particular importance to the Office not only in the context of the reinforcement of its policies, but in all facets of its work more broadly.

The Special Advisers play a pivotal role in the support of the Office, and they are much more integrated in day-to-day operations than previously. In the past, Special Advisers would offer *ad hoc* assistance and operate more externally. Today, they are embedded in the work of the Office from within.

The training initiatives led by Special Advisers are a critical aspect of the Office’s translation of policies into practice. During the last year, in this respect, members of the Office benefited from the efforts of several Special Advisers.

Professor Intisar A. Rabb, Special Adviser on Islamic Law, provided tailored training on Islamic Law to members of Unified Teams. This helped participants deepen their understanding of the basic principles of Islamic Law, providing them with important context in approaching investigations. Importantly, while investigators had varying degrees of familiarity with the relevant issues, they built a shared understanding of legal concepts and vocabulary ensuring that they can work together effectively.

Throughout 2023, Professor Lisa Davis, Special Adviser on Gender Persecution, provided further training on Gender Persecution. This training helped enhance the Unified Team members' understanding of the applicable law, and to have fruitful discussions about investigative and legal strategies. It also updated the knowledge of new members of the Office on these specific topics.

On various occasions in 2023, Professor Tim McCormack, Special Adviser on War Crimes, engaged with Unified Teams to provide advice and guidance on matters arising in the course of investigations. Other Special Advisers – including Judge Theodor Meron, Judge Christine van Wyngaert, Professor Vaughan Lowe, Professor Kevin Jon Heller, Ms Patricia Sellers, Ms Véronique Aubert, Professor Kim Thuy Seelinger, Ms Amal Clooney, Mr Vladimir Tochilovsky, Mr Yoshimitsu Yamauchi, and Professor Claus Kress – likewise provided valuable assistance and support to the Office on a wide range of substantive and other matters.

In November 2023, the Prosecutor had the pleasure to announce the appointment of three new Special Advisers: Professor Rene Fernando Urueña Hernandez as Special Adviser on Complementarity; Professor Valerie Oosterveld as Special Adviser on Crimes Against Humanity, and Dr Tan Sri Jemilah Mahmood as Special Adviser Without Portfolio. Their immense experience and knowledge reinforces the Office's capacity in various specific areas essential to international criminal justice.

Strengthening engagement with civil society

Reinforcing the Office's role as a leading global source of policy expertise also entails strengthening engagement with civil society organisations ("CSOs"), and bringing together experts in their fields to reflect on and discuss thematic areas. In May 2023, in partnership with the City University of New York School of Law, the Office brought together a group of leading experts in atrocity accountability and human rights to consider "Principles on Gender Persecution, Prevention, Protection and Survivor Participation". This event, convened in Bellagio, Italy, discussed approaches to the effective implementation of the *Policy on the Crime of Gender Persecution*, newly released in December 2022. It intended to establish a shared, foundational understanding of gender persecution, and to create the initial tools for its prevention, while ensuring the protection and participation of survivors. Participants discussed best practices, as well as challenges which may be encountered in understanding and tackling this crime. The event resulted in a set of recommendations on holistically addressing gender persecution.

The Office continued its practice of hosting two OTP-CSO thematic roundtables each year. These form part of the Office's engagement efforts with local CSOs to build trust and create a strong framework for cooperation, as well as to acknowledge the role of CSOs in the frontlines of accountability efforts. They formed part of the Office's commitment to prioritising CAC and GBC, in line with OTP Strategic Goal 6.

The first roundtable event on crimes against and affecting children (“CAC”) was held in November 2022. During this roundtable, several of the Prosecutor’s Special Advisers discussed forward-thinking litigation strategies on the theme of CAC. These included Prof. Leila Sadat (Special Adviser on Crimes Against Humanity), Professor Kim Thuy Seelinger (Special Adviser on Sexual Violence in Conflict), Ms Véronique Aubert (Special Adviser on Crimes Against and Affecting Children), Professor Kevin Jon Heller (Special Adviser on International Criminal Law Discourse), Professor Tim McCormack (Special Adviser on War Crimes), Ms Patricia Sellers (Special Adviser on Slavery Crimes), Professor Intisar Rabb (Special Adviser on Islamic Law), and Professor Lisa Davis (Special Adviser on Gender Persecution).

This roundtable on CAC was followed on 23-24 May 2023 by a roundtable on gender persecution, with the aim of furthering the implementation and dissemination of the Office’s new policy. This event was funded by the OTP’s new Trust Fund for Advanced Technology and Specialised Capacity. The Office is also particularly grateful to Professor Lisa Davis, the Prosecutor’s Special Adviser on Gender Persecution, who led the organisation of the roundtable. 34 participants were able to join in person and 12 online, jointly representing over 20 civil society organisations from 11 countries. Conversation was also informed by the input of subject-matter experts on the respective issues such as from Professors Lisa Davis, Tim McCormack, and Kim Thuy Seelinger.

In his opening statement, the Prosecutor acknowledged that there is hardly any situation in which the Office is active that does not involve the crime of gender persecution. This hard reality requires further strengthening of collaboration and communication between CSOs and the Office. Discussions revolved around a collective, comprehensive approach to accountability for gender persecution, and different ways to collaborate on the implementation of the Office’s *Policy on the Crime of Gender Persecution*. Participants also addressed the need to adopt a victim/survivor-centred approach when dealing with cases of gender persecution, and to collectively identify standards for documenting gender persecution crimes. Discussion explored possible ways to enhance domestic investigations and prosecutions of GBC, in line with the Office’s concept of dynamic complementarity, as well as how to enhance reporting. Discussion included intersecting themes, such as LGBTQI+-issues. The Office further received input on how best to enhance capacity-building and cooperation with CSOs in the field in situation countries. The roundtable concluded by CSO representatives and Office staff members working together to identify areas in which CSOs may need further capacity or training, and discussed ways of deepening cooperation.



Prosecutor Khan at the OTP Roundtable on gender persecution

Consistent with the Office’s commitment to strengthen collaboration with CSOs, the next roundtable has been organised for 27-28 November 2023, focusing on a trauma-informed approach to investigations and prosecutions. This brings together trauma experts, mental health professionals, CSOs and other practitioners from different constituencies who engage with individuals and communities in situation of armed conflict or systematic violence, whose mental health

has been impacted. Through this roundtable, the Office aims to provide an opportunity for participants to deepen and focus their discussions with one another, to explore operational standards, and to identify best practices and recommendations to enhance a trauma-informed approach by the Office to its investigations and prosecutions. This event will also serve as a consultation forum in preparation for the drafting in 2024 of an Office handbook on this important topic.

Field presence



Since the start of his mandate, Prosecutor Khan has repeatedly reiterated that bringing justice closer to communities, allowing those affected by atrocities to engage directly in accountability processes, is a key priority. In addition to the different cooperation

initiatives, including Prosecutor Khan’s initiative to strengthen the role of civil society in the Office’s work, the Office announced its pivot to an increased field presence in the *2022 Annual Report*, in line with Strategic Goal 4.



ICC country office in Mali, conducting outreach with journalists, civil society, religious and community leaders, Photo credit: ICC-CPI

An increase in the Office’s field presence has been recommended by multiple entities – it was already reflected in the OTP *Strategic Plan for 2019-2022* and the Independent Experts also recommended an increased field presence (see for example the positively assessed IER Recommendations 293-298). Throughout 2023, the Office followed a multi-pronged approach to evolve from an HQ-centric to a more field-centric model, in particular in relation to the four priority situations identified by Prosecutor Khan in 2022 – *Bangladesh, Darfur, Ukraine, and Venezuela* – as well as *Libya* as an additional priority situation.

Following a ‘Town Hall’ meeting on the subject organised with Office staff members in March 2023, the Office’s Field Presence Work Group, established in late 2022, launched a dedicated intranet portal. This serves as a central resource for staff on issues associated with moving to the field, including providing information on conditions of deployment, regularly updated Q&As, job descriptions of the profiles required, and additional resources. The Office continues to work towards increasing its field presence in collaboration with staff members, who are regularly informed of how this move may affect their work and personal circumstances.

The benefits of bringing the Office’s work closer to affected communities cannot be overstated. Victims and members of local communities will feel the impact of the Office’s operations more strongly, for the benefit of all. In particular, closer communication and better outreach can facilitate not only the understanding of such communities of the Court’s work, but also foster a closer relationship between them and the Court’s mission and mandate.

“We must bring our work closer to communities. To build strong cases we must understand the world in which survivors live, the societal context in which crimes are committed. To do that, we have to be on the ground”

– Prosecutor Khan

Sudan

The OTP has significantly advanced its plans for an enhanced field presence in Khartoum, which will include a joint field office with the Registry. Several staff members with a continuous presence in Sudan will be located at this field office, allowing them to engage more directly with affected local communities and local authorities. In addition, being closer to the scene of alleged crimes will assist the Office’s staff to conduct investigations more efficiently and expeditiously. While the deployment of around 8 staff members was delayed by the outbreak of hostilities in Sudan in April 2023, the Office aims to proceed as soon as the security situation allows.

Libya

Further to the missions conducted to Libya by the Prosecutor and Deputy Prosecutor in 2022, and initial discussions with national authorities and the UN, the Office plans to enhance its field presence in Tripoli. This will not only support the Office’s independent investigative activities but also efforts aimed at cooperation and complementarity. Plans continue to be developed in this regard. Establishing a field office in Tripoli will provide a platform for

further strengthening of the Office’s cooperation and complementarity activities in Libya, and the deepening of its partnership with Libyan authorities, survivors, and the families of victims. In addition, it will facilitate the Office’s continued work with the Office of the Attorney General in Libya, the Military Prosecutor, and the Ministry of Justice to increase domestic capacity and to explore lending technical assistance in the field of forensics, through the Forensic Rotational Model.

“It is not some cosmetic exercise. When we are working with the people affected, when we are working with the national authorities, wherever we are in the world, justice becomes something more tangible. It becomes less distant and less theoretical.”

– Prosecutor Khan briefing the UNSC on the situation in Libya pursuant to Resolution 1970 (2011), 12 May 2023

The Office will continue to work with the national authorities of Libya to obtain the necessary visas and realise a field office at the earliest opportunity, and as soon as the security conditions allow.

Bangladesh

Throughout 2023, the OTP has benefited from interview facilities already established in Cox’s Bazar. While not a field office, these facilities allow the Office to have an increased forward

presence. Indeed, between Prosecutor Khan’s first visit to Bangladesh in March 2022 and his second in July 2023, the OTP conducted 11 long-term missions to interview witnesses and collect evidence. Office staff members also held over 50 meetings with civil society organisations to support the investigation, and to increase understanding of the Office’s mandate. As a result of this increased collaboration with organisations on the ground, the Office hosted Rohingya organisations in the Hague to partake in discussions on gender persecution and crimes against and affecting children. Indeed, in 2023, the Office prioritised investigations into these types of crimes, deploying resources from the Trust Fund to increase investigative capacity. It will continue to do so in 2024. The Office hopes that this injection of funds from the Trust Fund will be further supported by additional resources it has requested from States in the 2024 Budget.

Venezuela

Following the identification in 2022 of possible premises for a field office in Caracas, Prosecutor Khan signed an MoU with President Nicolás Maduro Moros establishing an in-country office in June 2023. Under this MoU, the Office will be able to increase the scale and impact of its field presence in Venezuela. The objective is to establish an office in Caracas focused on enhancing cooperation with national authorities and supporting the provision of advice and assistance. Deployment of staff to this new field office will facilitate the provision of assistance for legislative developments in the field of justice, and the sharing of knowledge and best practices with national authorities. The MoU also outlines particular priority areas for which the Office will provide advice and



Prosecutor Khan and President Nicolás Maduro signing an MoU establishing an in-country office, June 2023

assistance to Venezuelan authorities, in line with the principle of complementarity. It is expected that the field presence in Caracas will be realised by 2024.

In-country presence will also facilitate increasing the knowledge of national counterparts with regard to the Rome Statute, and the cooperation modalities of the ICC. The Office remains appreciative of Venezuela's constructive approach to engagement.

Ukraine

In Ukraine, a key step towards the collective commitment for justice through collaboration and effective communication was taken during the Prosecutor's visit in March 2023: the approval by the Cabinet of Ministers of Ukraine of the *Agreement on the Establishment*

of the Country Office of the International Criminal Court in Ukraine. This agreement was signed by Prosecutor General Andriy Kostin and ICC Registrar Peter Lewis on 23 March 2023 in The Hague. It allows the Office to significantly enhance its existing field presence, increase missions across Ukraine and, crucially, to work more closely with survivors, members of impacted communities, and civil society.

On behalf of the Court, Prosecutor Khan opened the field office in Kyiv on 14 September 2023, during his visit to Ukraine. Members of the Office, some of whom have been on the ground continuously since May 2022 as part of a rotational extended mission deployment plan, are now designated as field staff in the Kyiv Field Office. Ultimately, around 25 staff members are likely to work from the field office.



The Prosecutor inaugurating the Kyiv field office

The field office is the largest outside the ICC’s permanent premises in the Hague. It illustrates how the establishment of a field office can reduce the need for a high frequency of field missions, decreasing costs and increasing efficiency. The field office will also be able to play a role in the coordination of the Forensic Rotational Model when used in Ukraine. While the established field office will not completely supplant the need for missions, the field office will provide a firm foundation and network for collaboration which incoming staff on mission can use to enhance their investigative capacities.

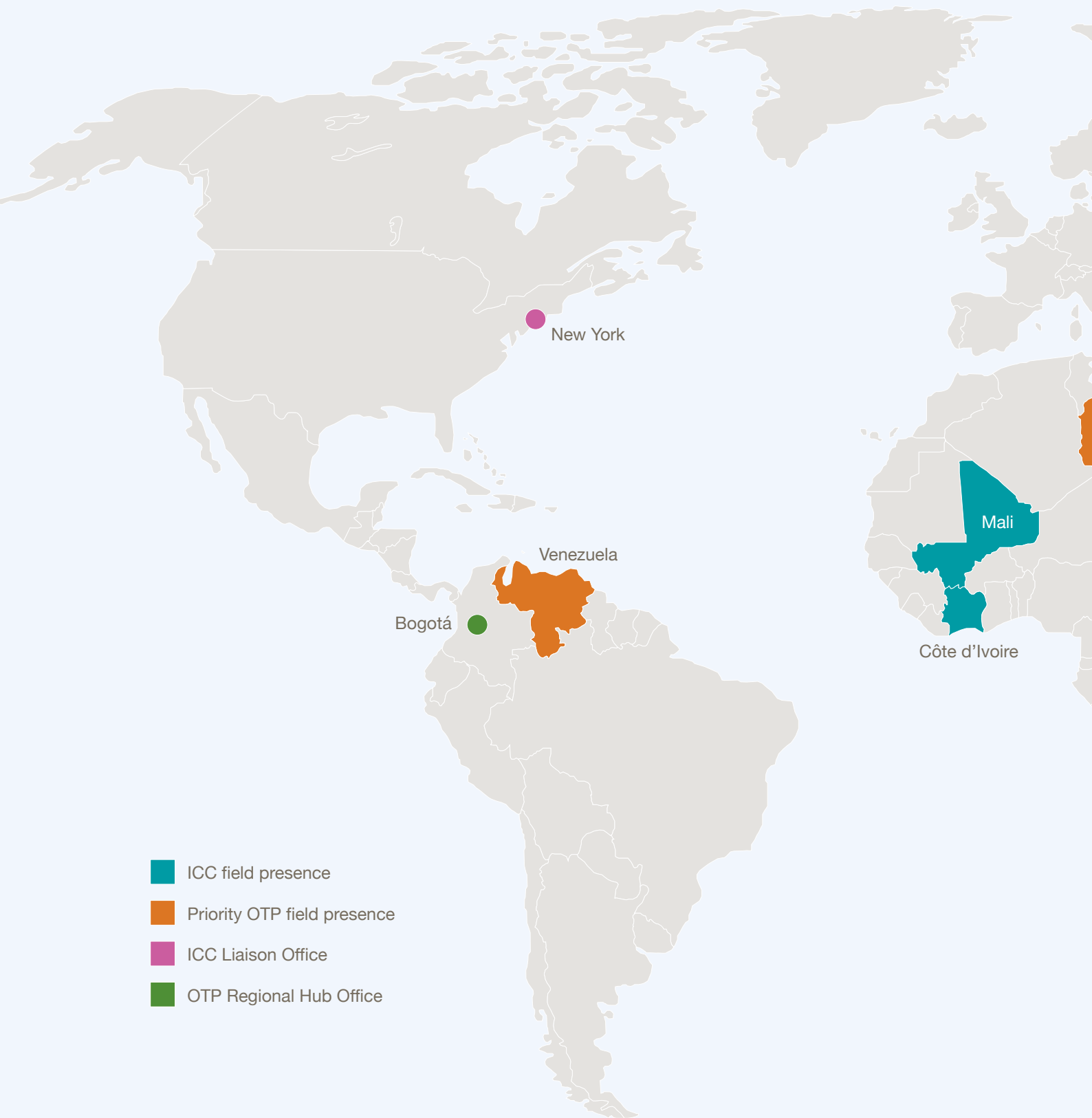
In addition to the five priority situations, the OTP endeavours to ensure that its presence in the field is improved in other ways. This includes increasing the number of areas where

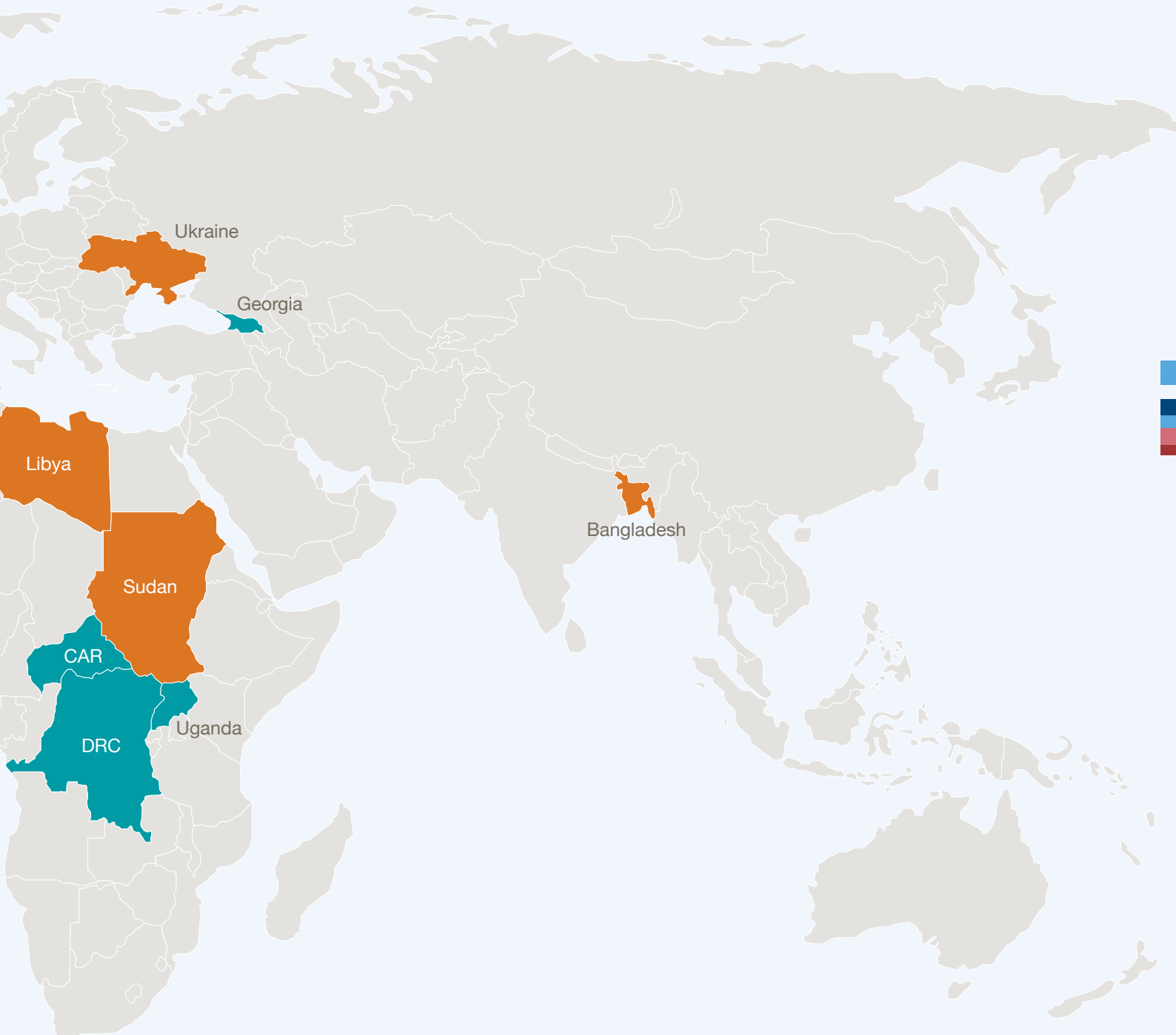
it is present, the number of staff permanently based in the field, and the speed with which it can adapt its operations to the requirements on the ground. The ICC has a Liaison Office to the United Nations in New York and six field presence offices in the DRC, Uganda, CAR, Côte d’Ivoire, Georgia, and Mali. The Office is present in all these situation countries.

Working together with the Registry, the Office will continue to improve and expedite the administrative processes required for opening, scaling up or down, and closing field offices. In locations where there remain obstacles to field presence, such as the security situation in Sudan and Libya, the Office will continue to monitor events. It will increase its field presence at the earliest opportunity, as presence in these situation countries continues to be a priority.

Beyond presence in individual situation countries for operational purposes, the Office also aims to enhance its field presence on a regional level, in order to improve collaboration and understanding of the its mandate, in line with the draft *Policy on Complementarity and Cooperation*. In this regard, in 2023, the Office explored several options to establish regional hubs. During Prosecutor Khan's visit to Colombia in June 2023, he signed an Action Plan with the Government of Colombia. In line with the continuous presence agreed upon in the Action Plan, Colombia has offered to host the Office regional hub for South America in Bogotá. At present, the Office anticipates realising continuous field presence in 2024. In that year, the Office will also continue to explore the options for establishing further regional hubs.

Field presence





Chapter 2

Implementing technological solutions

UN General Assembly side-event with the Prosecutor and the Microsoft CEA Brad Smith, Photo credit: Microsoft





Technology is a key accelerator of the Office's work both inside and outside the courtroom. The Office has embarked on a monumental digital transformation, a clear indication of its commitment to integrating state-of-the-art technologies into its operations. Embracing it allows the Office to ensure its work becomes increasingly relevant, timely, and impactful as the Office works towards the fulfilment of justice. Integrating technological solutions also provides development opportunities to colleagues, ensuring they can make sure their skills are future-proof. Through Project Harmony, the Office is enhancing its capacity to effectively process new and/or large quantities of evidence at greater speed, ensuring its work is increasingly impactful. In this way, when seeking to collect and analyse evidence, the Office can ensure it is equipped to exploit the entirety of both the physical and digital footprint of alleged crimes in modern-day conflict zones. Operating in a volatile technological environment, the Office is also responding to increasing cyber-threats by updating its technological apparatus. The reality of this need was demonstrated by the September 2023 cyber-attack on the Court's systems, which was effectively dealt with by the Court's IT teams and in cooperation with the Host State authorities.

1  **Deliver results in the courtroom**

3  **Make the Office a global technology leader**

6  **Ensure effective investigations and prosecutions of Gender-Based Crimes and Crimes Against and Affecting Children**

8  **Increase efficiency of work and ensure proper resourcing and staffing of the Office**

9  **Strengthen global support for the work of the Office**

Personal message

Information Management Coordinator eDiscovery and Data Analysis Officer

“By embracing technology, our Office isn’t just speeding up our work in and out of the courtroom; we’re making a real commitment to making our operations more relevant, timely, and impactful in achieving justice. This digital transformation is huge for us - it’s like stepping into the future where our tools are smarter and our skills are always up to date. With Project Harmony, we’re getting better at reviewing and sharing large amounts of evidence quickly and efficiently. This means we’re not just keeping up; we’re staying ahead, making sure we’re successful in dealing with crimes in today’s digital and physical world.”

Project Harmony

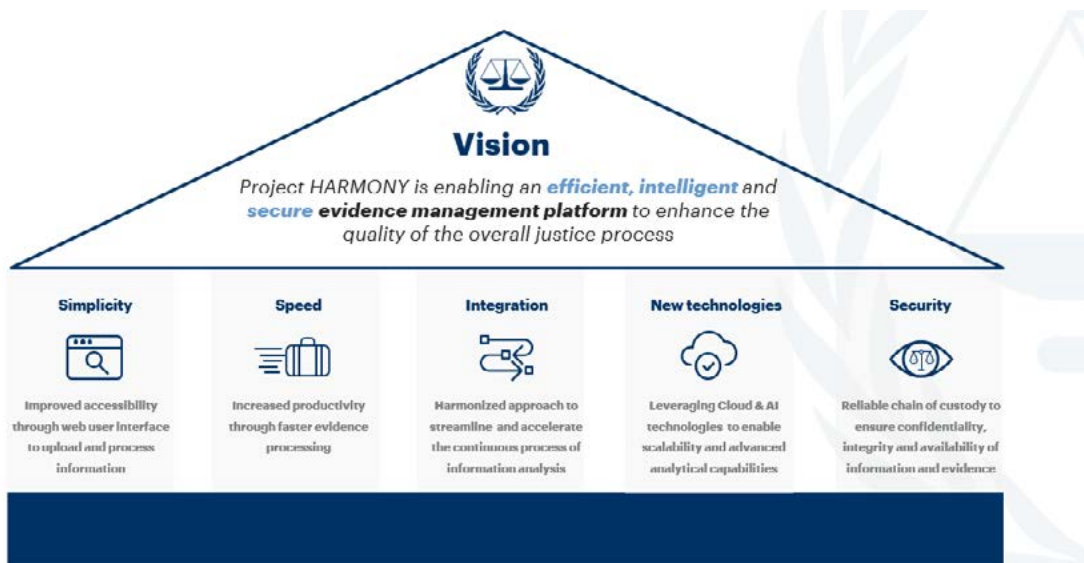


Embracing technology is vital for success: without an up-to-date, reliable, and secure technological infrastructure the Office cannot hope to achieve the full potential of its investigative work.

As the footprint of crime continues to become increasingly digital, it is key that the analysts, investigators, and lawyers of the Office are equipped to review and assess large datasets consisting of digital and multimedia files. These technological advancements are starting to demonstrate their value as they facilitate rapid evidence evaluation, which was previously a time-intensive process. The utilisation of machine learning algorithms for tasks such as

analysing, transcribing, and processing video and audio materials will significantly condense the time frame of these processes. In an industry where every second can be crucial, what used to take four to six weeks might now be accomplished within a few hours or minutes, fostering efficiency and expediting the course of justice.

In an ever-changing environment, embracing creative, imaginative, and effective out-of-the-box solutions is vital to ensure that the Office can effectively investigate and prosecute Rome Statute crimes at a faster rate, speeding up the international justice process for the affected communities. This requires the Office to invest in supported software – that is, software which



continues to be supported by the provider – in order to store information safely, efficiently, and in a technologically-appropriate manner. This requires the Office to invest in all three prongs of Project Harmony: hardware, supported software, and particularly personnel.

“Harmony, enables us as lawyers, analysts, and investigators to leverage the power of AI without being a data scientist. It offers entirely new capabilities such as facial identification, automatic transcription, and object detection. Things we could never do before. [...] Whilst AI is no silver bullet, it will lighten the load in dealing with ever increasing amounts of evidence in ever increasing formats and save the precious time of our staff.”

– Senior Trial Lawyer

Bridging these different elements will allow us to meet the Office’s need both for simplicity but speed, a harmonised approach in a continuously diversifying environment, and security. The Office launched Project Harmony in 2022 to facilitate its work and to meet the needs of its personnel at the speed of relevance. Project Harmony allows Office staff members to build a broader evidentiary base while

simultaneously ensuring the safe collection, storage and use of potential evidence.

2023 has seen the progression of this three-pronged project, together with the Office’s partners Microsoft and Accenture/Avanade, which provided support in designing and building infrastructure, implementing security measures and change management. While safeguarding its independence and the confidentiality of its work, this partnership has allowed the Office to benefit from technical and industry-specific skills and capabilities. This, in turn, has ensured that the Office can become a forerunner in implementing technology in the field of law.

Project Harmony has three overlapping objectives: improving existing infrastructure to collect and preserve data; advancing the Office’s analytical and investigative capabilities; and revolutionising routine and specialised tasks. Through the project, Office personnel will be enabled to work smarter, handling large and complex datasets while increasing staff efficiency and reducing human bias. This will help to shorten investigative timelines and facilitate rapid decision making through, for example:

- Field-based evidence review;
- Automatic transcription and translation; and
- Detection of faces and objects.

To realise these objectives, the Office has been working on the launch of three core components of its new evidence management platform: OTPLink, the OTP eVault, and OTP eDiscovery.



OTPLink



OTPLink is a web-based platform that replaces the multiple systems previously used to share article 15 sub-

missions with the Office. More streamlined and secure, it significantly enhances the efficiency and safety of this process. OTPLink is designed with two distinct portals, enabling both anonymous and authenticated users (such as States Parties) to make submissions. The Office is working to implement a third portal that will equip its personnel to review submissions across various languages and scenarios effectively. This will be achieved through advanced features such as filtering and AI-powered text summarisation, thereby enhancing the overall efficiency and effectiveness of information management.

OTPLink is already an easily accessible, central collection point, which streamlines and clarifies the article 15 process for stakeholders. Yet in

addition, it also offers increased security and integrated AI and Machine Learning. These latter features ensure that a greater number of details related to a submission are readily available to analysts and investigators, reducing the human review time required.

The sub-project was launched in September 2022 and the first iteration of OTPLink went live on 24 May 2023. This version included an anonymous upload system allowing all stakeholders to provide potential evidence to the Office safely and securely. The second version was launched in August 2023, providing increased automation and offering cognitive services as available tools.

As of 5 October 2023, the Office has received a total of 10,528 submissions through OTPLink, with a total number of files reaching 44,705. Of those submissions, 48 have been registered as article 15 submissions, while 99 were counted as evidence relevant to a situation.

Implementing technological solutions

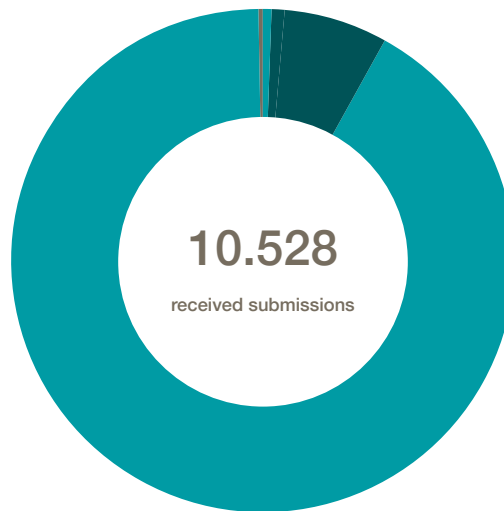
48 have been registered as Article 15 submissions

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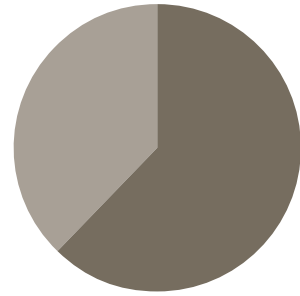
693 were found to require further review by the Preliminary Examinations Section

9.687 were characterised as general communications for the Office

1 new submission



6.569 are not related to an open situation at the moment of submission



3.959 are related to an open situation or preliminary examination of the Office

Furthermore, 693 were found to require further review by the Preliminary Examinations Section and 9,687 submissions were characterised as general communications to the Office.

The online platform receives on average of 100 to 150 submissions each day, and dedicated teams classify them in the categories above, as well as by situation. Importantly, 6,569 submissions are not related to an open situation under examination by the Office at the moment of submission, while 3,959 are related to an open situation or preliminary examination.

Through sharing an explanatory video, the Office has worked to ensure that stakeholders are taken through each step of submitting materials through OTPLink. In August 2023, the Office finalised and shared the translation of this video into Arabic, Russian, Spanish, French, and Chinese as part of its efforts to ensure that the platform is easily accessible to all.

OTP eDiscovery



RelativityOne is a Cloud-based eDiscovery technology software which allows for secure, expansive and resilient data storage. The Office started the sub-project to move its investigations to RelativityOne in the final quarter of 2022, to realise a future-proof working environment and to further assist Office staff members in conducting efficient investigations. Migrating to this industry-leading evidence review and analysis platform represents a significant technological leap, allowing for streamlined, efficient, and accurate data analysis and review from any location, safely and securely. This undertaking has also tackled one of the recently identified issues faced by the Office: reliance on tools that have reached end-of-life support and are no longer developed. The Office started moving to RelativityOne in the first quarter of 2023, and the final cases were migrated in the summer of 2023. This migration is also the foundation

for the successful integration and use of advanced machine learning and video analysis techniques by the Office’s Unified Teams.

eVault



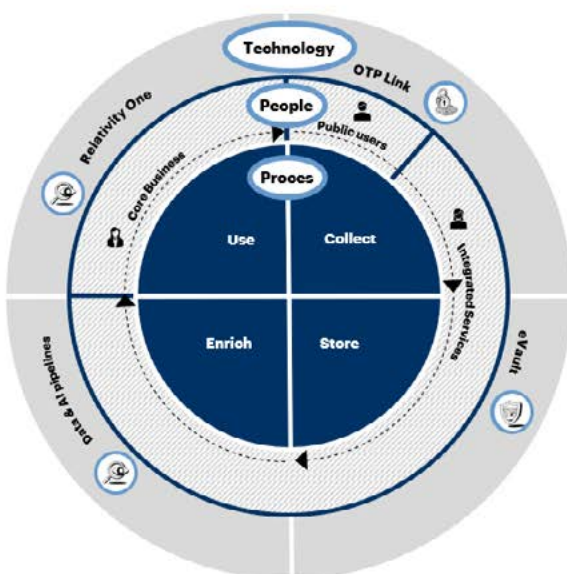
In tandem with the development of OTPLink and the migration to RelativityOne, the Office has moved from its previous online system and on-premises vault to a cloud-based eVault, ensuring a secure environment for the permanent retention of electronic evidence. The eVault provides centralised storage for information and evidence. It is fully auditable and serves as a forensically-sound preservation and retention solution. Through the eVault, analysts, investigators, and lawyers can access and manage all electronic evidence collected by the Office.

The eVault:

- allows for ingestion of electronic evidence that needs to be preserved;
- ensures digital preservation of evidence with systematic backups;
- allows for capturing and management of contextual information; and
- ensures a full audit trail.

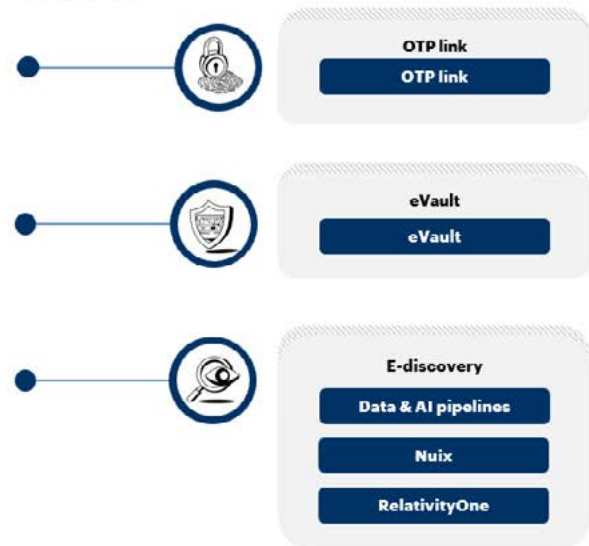
The eVault was successfully launched in August 2023, after the completion of testing. The process of migrating data to the new eVault system is currently underway.

Through these three sub-projects, the Office has increased the resilience, efficiency, and scale of its investigations and prosecutions. By adopting a holistic approach that speaks to all stages of the data lifecycle, the Office has laid the foundation for reliable investigations in a changing environment and among cyber-attacks.



(* Simplified version of a data lifecycle

The new evidence management platform consists of several components



While the three components of Project Harmony have been completed in 2023 and the infrastructure is now available, the Office's Information, Knowledge, and Evidence Management Section (IKEMS) will provide continuous support to ensure that these technological advances can be used to their full potential. In particular, these advances must be translated into results in the courtroom.

Although the Office is still in the initial phase of assessing the long-term business implications of these technological improvements, preliminary findings indicate a promising future. The adoption of technology not only increases efficiency but also offers potential improvements in accuracy, consistency, and the ability to handle large volumes of data. As the Office continues to harness these cognitive services, it is expected that it will improve evidence handling, processing and analysis.

Building capacity

Training materials for the three pillars of Project Harmony are available through online courses, classroom training sessions, and manuals to all Office staff. IKEMS made an eLearning course available to provide staff with basic knowledge of RelativityOne, followed by more elaborate training sessions to deepen understanding.

“New systems also bring opportunities to learn new industry skills. This vital journey is one that we are on together. [...] No matter how great the funding or modern the technology it cannot succeed without your dedicated engagement.”

– Head of Information, Knowledge & Evidence Management Section

In May 2023, IKEMS also shared learning materials walking staff members through the use and functionalities of OTPLink. The Office provided a similar explanatory video to its stakeholders via the press release announcing the launch of OTPLink.

Virtual reality



Over the course of 2023, in addition to Project Harmony, the Office has explored various technological solutions to challenges inherent in the international justice process. It has launched projects aimed at using augmented and virtual reality (“AR” and “VR”) for the benefit of survivors of international crimes, such as by allowing them to follow judicial proceedings remotely. This aligns with the Office’s priority to enhance psycho-social support for survivors and affected communities. The PSVI VR project additionally supports the Office’s policy focus on crimes against and affecting children (“CAC”) and gender-based crimes (“GBC”).

PSVI VR Project

VR can be used to raise awareness about and explain the work of the Office. It can also be a tool to safeguard the wellbeing of survivors, walking them through what participation in the Court’s work can mean for them.

Partnered with the Frontier Technologies Hub’s Livestreaming Programme of the United Kingdom’s Foreign, Commonwealth and Development Office, the Office has participated in the development of a project to safeguard victims as they participate in the international justice process. This extends from initial

interactions with Office personnel to potential proceedings. Through this partnership, the Office is contributing to the development of a tool to enhance survivors’ experience of participating in the Court’s proceedings. This tool is particularly geared to avoiding re-traumatisation, while providing survivors with the opportunity to be a part of the justice process if they so choose. The tool will be ready by the end of the year for use by adult witnesses and in English. It is intended, however, to develop this tool in the near future for potential use by children.

The sensitisation tool will consist of several modules such as: introducing the Court; informed consent; and a walk-through of the stages of proceedings before the Court. As part of the first module that is being developed, an avatar introduces the witness to the courtroom, explaining what their experience will generally look like. Ultimately, several modules will be developed to encompass the witness’ entire trip to the Hague – covering everything from what to expect arriving at the airport to standing up in court. The Court and Frontier Technologies Hub are working together to ensure that the modules align with the Murad Code of Conduct for documenting conflict-related sexual violence.

By using a virtual court, survivors could familiarise themselves with the setting and the technology used in the court. Guided through the virtual environment, the survivor can spend as much time as they need in the virtual environment. The familiarisation in VR could be extended to include the whole trip to The Hague, with survivors being given a virtual introduction to the city.

- Frontier Tech Hub

Against the backdrop of continuous technological evolution, the Office and Frontier Technology Hub have built appropriate safeguards into the project, with a view to ensuring its sustainability from inception onwards. While the Frontier Technology Hub will partner with the Court to deliver the first modules, it will also provide the Office with the tools to maintain and create existing and additional modules, as well as the required training to use these tools even after the partnership comes to its conclusion.

This project was initiated following a ‘sprint’ exercise to generate ideas on how VR and AR technologies could support accountability for conflict-related sexual violence at the Court, presented by the Frontier Technology Hub at the second Preventing Sexual Violence in Conflict Initiative (“PSVI”) conference in London on 28-29 November 2022. The Office and the Frontier Technology Hub gave further shape to the project to develop a sensitisation tool at an inter-organ workshop in February 2023.

Chapter 3

Becoming a hub

ICC Assembly of States Parties



The most visible facets of the Court’s work take place in the courtroom. This more apparent aspect of the Office’s work is however supported by many others, building up to the fulfilment of the Office’s mandate and its goal to end impunity and to contribute to the prevention of future crimes. On the basis of the principle of complementarity, the Office should identify the roles that different stakeholders can play to ensure these goals are achieved. As such, in its capacity as a global driver of justice, the Office contributes to the facilitation of domestic, regional and, where appropriate, international efforts by sharing information, evidence, and good practices. Embracing its role as a hub for justice also means ensuring the Court is accessible to all its stakeholders: (non-)States Parties, civil societies, as well as victims and affected communities alike. Ensuring that the Office fortifies its capacity to take on this role efficiently and to implement both familiar and novel modalities of collaboration will aid it in the successful fulfilment of its mandate.

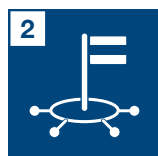
- 1  Deliver results in the courtroom
- 2  Enhance efforts by national authorities to fight impunity
- 4  Bring justice closer to communities and deepen engagement with civil society
- 7  Increase the field presence of the Office of the Prosecutor
- 9  Strengthen global support for the work of the Office

Personal message

Deputy Prosecutor Nazhat Shameem Khan

“The Office of the Prosecutor is acutely aware that our investigations and prosecutions are greatly enriched by the relationships we have with States, national institutions, Civil Society actors, joint investigative teams and other partners. This work takes place across many fields, including in the international arena, through judicial cooperation, activities promoting complementarity, effective outreach, and engagement with civil society. Relationships are based on the trust and commitment we build when we engage and work together. The International Criminal Court is a court of last resort, and if we are able to identify partners and judicial systems which can prosecute effectively and fairly, we endeavour to work together to defer to their domestic and regional jurisdictions. We engage with State Parties and Non State Parties in our quest to further complementarity and cooperation with a joint determination to end impunity for crimes of atrocity everywhere. We engage closely and regularly with Civil Society organisations which have the reach and access we may not always have. This a path delicately forged, within the bounds of the Rome Statute, and in partnership with the many stakeholders without which the work of the Court would be frustrated.”

States and the OTP: Working together towards justice



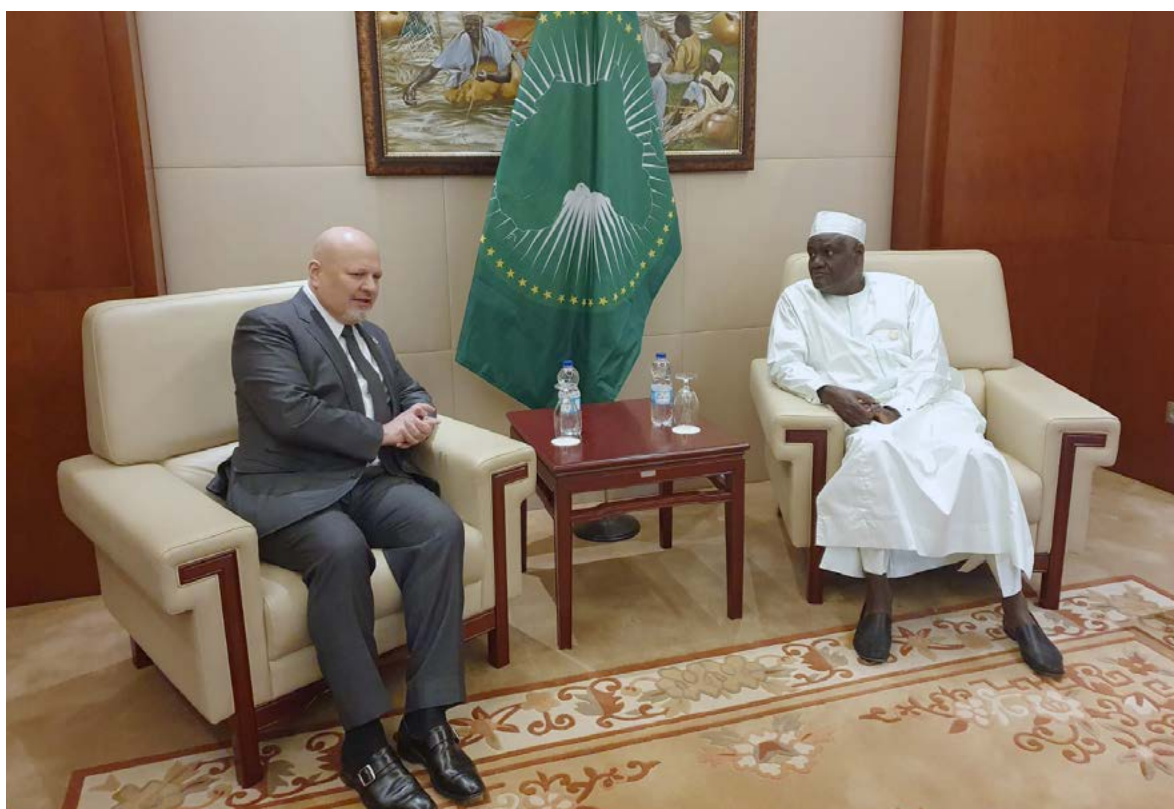
The Office and the ICC as a whole operate in a complex and diverse environment, comprising States Parties, non-States Parties, international and multilateral organisations, judicial entities, and civil society, as well as others. Throughout 2023, the Office has continued to build on its ambition to reinvigorate cooperation with all parties in line with the principles of cooperation and complementarity. Through its proactive approach, it has engaged with a multitude of actors on delivering on the legitimate expectations of survivors of atrocity crimes.

Enhancing diplomatic dialogue

The Office cannot successfully fulfil its mandate to deliver justice and seek accountability for the gravest crimes without the strong support both of States Parties and States not Party to the Rome Statute alike. In addition to the evident need for strong support from State Parties, collaboration efforts between the Office and States not Party to the Rome Statute, through diplomatic engagement and with a view to promoting the universality of the Rome Statute, is vital for fully realising the goal of accountability and fighting impunity for core international crimes.

African Union Heads of State Summit

In 2022, the ICC Prosecutor attended the Ordinary Session of the Assembly of the African Union (“AU”), in Addis Ababa, for the first time in 17 years, at the invitation of H.E. Mr Moussa Faki Mahamat, Chairperson of the Commission. Engagement with the AU continued in 2023 when the Prosecutor attended the 36th African Union summit in February 2023, seeking to continue engagement and cooperation with a view to developing an effective partnership between the ICC and the AU. The summit provided an opportunity for the Prosecutor to also engage with H.E. Mahamat Idriss Déby Itno, President of Chad, on serious crimes committed in the Sahel region. Discussions focused on promoting accountability for core international crimes and on avenues for cooperation between the Office and Chad, as well as the role of complementarity in promoting such accountability efforts. Upon the AU summit’s conclusion, the Chairperson of the Commission proposed a follow-up visit at the seat of the Court to further develop diplomatic engagement between the AU and the ICC. The AU Commissioner for Political Affairs, Peace, and Security, H.E. Ambassador Bankole Adeoye, visited the ICC premises in the Hague on 14 April 2023.



*Prosecutor Khan and Chairperson of the Commission of the African Union,
H. E. Mr Moussa Faki Mahamat*

8th Seminar on ICC cooperation with national focal points

The 8th Seminar on ICC Cooperation with national focal points took place at the seat of the Court in late April 2023. The seminar was focused on promoting cooperation between the Court and situation countries, as a method of increasing efficiency in the international justice process. This initiative, organised with financial support from the European Commission, is part of the Court's broader efforts to stimulate cooperation of national authorities, and to enhance global support for its work, in particular in situation-countries with ongoing investigations.

This year's seminar was held in person for the first time since the COVID-19 pandemic, and was the first session to take place since Prosecutor Khan took office. The 8th Seminar welcomed 32 national focal points from 18 States. For three days, a number of officials and focal points from States where investigations are being conducted, and of other States playing a key role in cooperation, met with Court officials and staff to discuss cooperation with the ICC and share good practices moving forward. The discussions aimed at finding ways to continue the Court's efforts in improving the efficiency of its proceedings in the future, and to continue ensuring effective and efficient cooperation between the focal points and the Court.

“Together, we strive to create a system of global justice that gives expression to the voice of human values. The critical factors in pursuit of this goal are cooperation and complementarity. The national focal points hold a strategic place at the forefront of this effort.”

– Prosecutor Khan welcoming the delegates in the 8th seminar on cooperation with national focal points

The participants underlined that the seminar was useful in enriching the focal points’ understanding of the Court’s operations.

The seminar helped increase the transparency of the Court and its internal workings for the national focal points in attendance. The complementarity session and the presentation of the Office’s new cooperation strategy were much appreciated by the attendees, and regarded as particularly informative. Positive feedback was also received on the session about the role and the rights of victims and the various workshops, as well as the presentation of new partnerships with the Office. Lastly, the session on the role of national focal points was also very well-received, with feedback highlighting that the discussion on different cooperation modalities (and the central role of the focal points in ICC cooperation efforts) allowed them to better define their role as national focal points.



Family picture with the ICC national focal points and ICC Staff at the 8th Seminar



Prosecutor Khan with GRULAC Ambassadors



Deputy Prosecutor Khan (bottom-right square) addressing the 5th Online Asia-Pacific Forum in the Hague, Photo credit: ICC-CPI

Pursuant to feedback received by the national focal points, the Court will attempt to secure translators for Spanish and Arabic, to enable a larger audience of focal points to participate in future seminars.

Regional Group Meetings

Further to its efforts to enhance global awareness and cooperation, the Office has also sought to strengthen exchange and enable a structured dialogue with the regional groups of States Parties accredited to The Hague and Brussels. In line with this initiative, Prosecutor Khan met through dedicated engagements with Ambassadors of the Group of Latin American and Caribbean Countries (“GRULAC”) on 2 May 2023 and on 14 November 2023, the Eastern European Group (“EEG”) on 25 October 2023, the Western-European and Other Group (“WEOG”) on 2 November 2023, and the Asia-Pacific Group as well as the African Group on 7 November 2023. The Office is grateful for the support of the regional group coordinators and hosts in enabling informal interaction with the members of the different

groups, with a view to sharing updates on ongoing activities and strategic initiatives, and deepening partnerships to enhance common goals for the effective delivery of justice. The Office will continue to build on these initiatives, to meet on a more regular basis throughout the year with States Parties, in different formats and settings, expanding also to other fora and locations.

5th Asia-Pacific Forum

In June 2023, the Court convened the fifth Asia-Pacific Forum of the Hague, together with the Hague Project Peace and Justice. The Office participated with the aim of increasing representation and outreach to under-represented countries, as part of its goal to strengthen regional engagement with the Asia-Pacific region. This year’s Asia-Pacific Forum was held online to facilitate participation of all relevant stakeholders. The Asia-Pacific Forum of The Hague forms part of a broader effort to enhance global understanding and support for the Rome Statute and the Court and to promote cooperation at the regional level.

As part of the 2023 Hague Justice Week, the Forum discussed the subject of “Making Impact in Creating Access to Justice at the Local, National and International level”. The agenda included sessions to facilitate engagement between ICC staff members and the participants of the event, in the context of outreach and raising awareness for the Court’s work. The event facilitated dialogue on enhancing the contribution of international justice for the Asia-Pacific region as well as encouraging students and young professionals from the region to consider a career in the field of international justice. The Office was represented by Deputy Prosecutor Nazhat Shameem Khan.

“The Asia-Pacific region, while under-represented in the Rome Statute system, is in many ways a global leader in placing the rule of law at the forefront of international advocacy and in our common work to provide protection to those who need it most. The Office of the Prosecutor is increasingly reaching out to various parts of the world, including the Asia-Pacific region, through missions, enhanced field presence and innovative partnership to strengthen exchange.”

– Deputy Prosecutor Khan’s closing remarks at 5th Asia-Pacific Forum

Summit of Heads of State of the Association of Caribbean States

In the context of the Office’s efforts to increase regional engagement, and to highlight the global impact and ownership of the Rome Statute, the Prosecutor attended the 9th Summit of Heads of State of the Association of Caribbean States (“ACS”), held in Guatemala in May 2023. It was the first time an ICC Prosecutor attended an ACS Summit. The Prosecutor had the unique opportunity to hold a number of bilateral meetings, including with the Ministers of Foreign Affairs of Guatemala, Costa Rica, Suriname, and Panama. Discussions included building new partnerships for justice for Rome Statute and other serious crimes, innovative approaches to collaboration to deliver results for victims and to deepen ICC-Caribbean cooperation, and strengthening work with Caribbean national authorities. The Prosecutor also had the opportunity to address all heads of government and heads of state during the event.

Regional Seminar in Korea

As part of the ICC’s High-Level Regional Seminar Series, a seminar took place in Seoul, Republic of Korea, in November 2023. The Office was represented by Deputy Prosecutor Nazhat Shameem Khan.

The seminar titled “The International Criminal Court and the Asia-Pacific; past, present and future of the Rome Statute - vision for the greater regional solidarity” was jointly organised by the Government of the Republic of Korea and the Court, with the financial support of the European Union. The objective of the event was to raise awareness of the ICC and the Rome Statute system in the Asia-Pacific region, through increased dialogue with high



Prosecutor Khan leading the Ceremony of the renewal of the Rose of Peace, in commemoration of the signing of the 1996 Guatemalan Peace Accords

level ministerial, judicial and technical State actors from the region. The event also aimed to support the ICC's universality efforts and to promote cooperation in the region.

Guatemala

In addition to attending the ACS Summit, Prosecutor Khan participated in important events promoting international justice in Guatemala during his visit. For instance, he attended the ceremony for the renewal of the Rose of Peace, in commemoration of the signing of the 1996 Guatemalan Peace Accords. The Prosecutor was also honoured to join an extraordinary session of the Guatemalan

Commission for the application of International Humanitarian Law.

“Through national justice initiatives and action at the ICC, we serve different components of the same body of law, the same cause: justice. To deliver, we must bring our work closer.”

- Prosecutor Khan at the Ceremony on the Renewal of the Rose of Peace in Guatemala

Following Prosecutor Khan’s engagement with Guatemalan officials, the Guatemalan Minister for Foreign Affairs, H.E. Mr Mario Adolfo Búcaro Flores, paid an official visit to the Court on 25 May 2023.

Venezuela

On 10 June 2023, the Prosecutor completed his third official visit to Venezuela. This mission allowed the Prosecutor to engage in open terms with the President of Venezuela, H.E. Nicolás Maduro, on how the ICC can best support Venezuela in initiatives for meaningful change towards greater accountability for Rome Statute crimes. Constructive engagement between the ICC and the Venezuelan government authorities continues, with a view to promoting full conformity with the Rome Statute. The Prosecutor has also explored avenues to further account-

ability efforts alongside the human rights work of the Office of the High Commissioner for Human Rights.

The OTP field office in Caracas, scheduled to open in 2024, will be an important accelerator of the Office’s ambition to deepen its collaboration with Venezuelan national authorities, in order to strengthen the basis for the goal of meaningful domestic action.

Colombia

The Prosecutor conducted a mission to Colombia in the beginning of June 2023, during which he participated in several initiatives on engagement with national authorities. His visit allowed the Office to deepen cooperation with Colombian national authorities under the 2021 ICC OTP-*Colombia*



The Prosecutor meeting with the judges of the JEP



The Prosecutor with JEP President, H.E. Mr. Roberto Carlos Vidal López, Photo credit: JEP

Agreement and to consider the status of its implementation. The visit also provided the opportunity for the Prosecutor to receive first-hand information on Colombia's ongoing accountability efforts, and to provide support for the work of the Colombian Special Jurisdiction for Peace ("JEP"), a global model for transitional justice efforts. Importantly, the Prosecutor also engaged with civil society, and heard their views on the justice process in Colombia, in the context of efforts to bring the Office's work closer to affected communities.

The Prosecutor visited the seat of the JEP where he engaged in a plenary meeting with the magistrates, to speak about their experiences in the course of the innovative work of the Special Jurisdiction. He also met with the JEP President, H.E. Mr. Roberto Carlos Vidal

López. During the visit, Prosecutor Khan highlighted the Office's willingness to continue working with the JEP and to offer its support. In a panel with the President of the JEP, the Deputy Attorney-General, and the Vice-Chancellor, the Prosecutor discussed how complementarity is a two-way street of help and support between the ICC and national jurisdictions. He highlighted that the international community has much to learn from the unique accountability efforts in the transitional justice process in Colombia.

The Prosecutor also had the opportunity to speak at the event "Roadmap towards justice in Colombia: a peace laboratory constructed on positive complementarity" to discuss the importance of Colombian authorities' national efforts towards transitional justice for the

international community. The Prosecutor emphasised the global significance of the transitional justice work currently underway in Colombia, and reiterated the Office’s commitment to support Colombian authorities in this process. During the mission, Prosecutor Khan also met with the President and Minister of Foreign Affairs of Colombia, with whom he further engaged on these issues.

While in Colombia, the Prosecutor welcomed H.E. Attorney-General Barbosa’s announcement on the opening of investigations in relation to six retired Generals of the Colombian National Army allegedly responsible for extrajudicial killings. The Prosecutor further commended the Attorney-General on his signature of an internal order to enhance cooperation with the JEP, and reiterated his intention for continuous engagement of the Office with the Attorney-General’s work.

“I leave Colombia clear in my view that, while work remains to be done, an innovative path has been set towards the delivery of meaningful justice for survivors and the families of victims.”

– Prosecutor Khan on the conclusion of his visit to Colombia.

The Prosecutor engaged with a range of CSOs at the end of his mission to Colombia. Even after the closure of the preliminary examination concerning the situation in Colombia, the Office’s engagement with civil society and

national authorities will not end. The Prosecutor expressed his gratitude for the willingness of those engaging with him to share their views and concerns about the national accountability process, as it currently stands, and reassured them that their views will continue to guide the work of the Office in the future.

Democratic Republic of the Congo

At the end of May 2023, Prosecutor Khan concluded his first visit to the Democratic Republic of the Congo (“DRC”) since assuming his functions. The mission allowed the Prosecutor to set a roadmap in collaboration with the national authorities, to improve coordination of technical assistance to fight impunity for crimes under the Rome Statute. By engaging with various DRC authorities, and hearing directly from survivors who have suffered from the most serious of crimes, the Office sought to set a new path towards meaningful justice in the DRC.

In Kinshasa, the Prosecutor met with local CSOs to discuss new ways to bolster efforts towards justice in the DRC. Their discussion stressed the importance of a new complementarity-focused approach, in which a robust national mechanism must play a more central role in the fight against impunity at the domestic level, in addition to the ICC efforts at the international level. Meeting with members of communities affected by Rome Statute crimes in the DRC allowed Prosecutor Khan to reiterate his focus on deepening the essential partnership between them and his Office. He highlighted that the Office shares their goal of combating impunity for the atrocity crimes they have suffered, and how important their contributions are to the Office’s efforts.

Becoming a hub

The Prosecutor commended survivors who have engaged with the Office and shared their stories, reiterating that it is imperative that their voices play a central role in the criminal justice efforts in the DRC.

“For 20 years, we have worked in a certain way and the simple reality is that crimes, violence and rape did not stop. We cannot keep doing the same thing and expect different results.”

– Prosecutor Khan on a new complementarity-based approach for justice in the DRC

During his time in Kinshasa, the Prosecutor also received an update on the implementation of the DRC national strategy to address serious international crimes, and discussed new approaches to secure justice with the DRC President. A key takeaway from these discussions was the centrality of coordinated action between the ICC and the DRC to achieve the new vision for accountability in the country.

The Prosecutor met with H.E. Ms Bintou Keita, the Special Representative of the UN Secretary General in the DRC and the Head of the UN Organisation Stabilisation Mission in the DRC, in Kinshasa. Together, they reflected on the experience of survivors in the DRC and how these experiences steer the common work of the UN and the ICC towards justice. The Prosecutor thanked the UN Mission to the



The Prosecutor on mission in the DRC

DRC for the continued support and for their renewed partnership for collective action.

The DRC mission also included a visit to Bukavu in eastern DRC. There, the Prosecutor met with Nobel Peace laureate Dr Denis Mukwege at his clinic, where victims of atrocity crimes (in particular sexual violence) receive treatment. The Prosecutor and Dr Mukwege joined their voices to bring light to the rights of victims of gender-based crimes, and how justice must be delivered for them through meaningful and new approaches to accountability. They called for an end to sexual violence and acknowledged the importance of reparations for victims of Rome Statute crimes in the judicial process.

In Bunia, Prosecutor Khan met with the local authorities and the military prosecutor's office. Discussions included the essential need to support and accelerate local action to address legacies of violence in the DRC, and the loss felt by local communities, in order to deliver meaningful justice for the affected victims

and survivors. The Office's delegation in Bunia also met with victims of gender-based violence who had received rehabilitation services from the ICC Trust Fund for Victims. The Prosecutor praised their critical role in the Office's work and stressed the need to ensure they are empowered across all avenues for accountability, including domestic initiatives within the DRC.

Following the Prosecutor's mission, the Office announced that the Government of the DRC had submitted a new referral under article 14(1) of the Rome Statute, concerning alleged crimes under the Statute committed in North Kivu since 1 January 2022. This demonstrates the reconfirmed commitment of the DRC authorities to seeking accountability and working with the Court to deliver meaningful results to those who have suffered from international crimes. The Office commenced the review of the referral in 2023, in line with its usual practice to determine whether or not the opening of an investigation into the alleged crimes would be warranted.



Prosecutor Khan meeting with the local authorities and the military prosecutor's office in Bunia, DRC



Prosecutor Khan in Bukavu, on mission to meet members of affected communities and government officials

Bangladesh

The relationship between the national authorities of Bangladesh and the Office reflects an example of effective cooperation. To bring the Office's work closer to affected communities, the Prosecutor concluded his second visit to Bangladesh in early July 2023. During this visit, he was able to describe some of the Office's concrete steps in progressing the investigation to interlocutors from the Rohingya communities, including 11 long-term missions of the Office's staff to interview witnesses and collect evidence in the area.

The Prosecutor heard a group of Rohingya women in the Kutupalong refugee camps speak openly about their experiences, and highlight their community's need for accountability. He also met with youth groups who expressed their wish to play their own part in the process of justice for their community.

"The willingness of the Rohingya to still believe in and seek accountability, despite their experiences, is something that we must repay by redoubling our efforts."

– Prosecutor Khan upon meeting Rohingya refugee communities in Bangladesh.

As well as the investigative measures described by the Prosecutor, he noted the strengthening of its investigative capacity which was made possible by resources from the Trust Fund for gender-based crimes and crimes against and affecting children. In 2024, the Office will continue to seek further resources from States Parties support its investigation into these priority crimes.



The Prosecutor with Prime Minister of Bangladesh H.E. Ms Sheikh Hasina

The Prosecutor facilitated 50 meetings with CSOs in the region in order to support the Office’s investigations, and to increase the Office’s understanding of the CSOs’ work and the context in which they operate. This engagement with CSOs working with the Rohingya population continued in the Hague, in order to help maintain the focus on successfully investigating and ultimately prosecuting gender persecution and crimes against children.

The mission also focused on deepening the cooperation between the Government of Bangladesh and the Office, for example through meeting with Prime Minister H.E. Ms Sheikh Hasina. During this meeting, Prosecutor Khan commended the country’s continuous demonstration of commitment to international justice, as well as Sheikh Hasina’s own personal strong support of the ICC.

In addition to the national authorities and affected communities, Prosecutor Khan met with the UN Resident Coordinator, and the UNHCR Country Director, in order to identify further ways of strengthening

UN-ICC cooperation. The three reflected on the serious challenges facing international agencies, and the urgent action needed in providing support to the Rohingya community in a climate of reduction of donor support, with dire consequences for the health of the refugees but also on security, safety and stability within the camps.

United Arab Emirates

The Prosecutor visited the United Arab Emirates (“UAE”) in February 2023, in the context of his efforts to engage with non-States-Parties to the Rome Statute, and to build support for the work of his Office. The visit allowed the Prosecutor to hold a number of fruitful meetings with senior officials and to discuss global justice efforts in the context of common heritage. He met with H.E. Abdullah bin Sultan bin Awad Al Nuaimi, Minister of Justice, to discuss concrete ways of cooperating



From left to right: The Secretary-General of the Muslim Council of Elders, H.E. Sheikh Nahayan bin Mubarak Al Nahayan the UAE Minister of Tolerance & Coexistence, and Prosecutor Khan



The Prosecutor speaking at the 2023 Munich Security Conference, with fellow panellists Kaja Kallas, Prime Minister of the Republic of Estonia, Lindsey O. Graham, Senator in the United States of America, Nadia Murad, Nobel Peace Prize Laureate 2018, and moderator David Miliband, President and Chief Executive Officer International Rescue Committee

in advancing the shared goal of international justice. He also conversed with H.E Judge Mohamed Abdelsalam, Secretary-General of the Muslim Council of Elders. Among other things, they had the chance to discuss the importance of faith leaders in our collective efforts to achieve justice, and the role that faith plays in the pursuit of justice and accountability.

Lastly, the Prosecutor met H.E. Sheikh Nahayan bin Mubarak Al Nahayan, Minister of Tolerance and Coexistence. They addressed their common vision to promote dialogue, understanding, and cooperation among multiple stakeholders in the pursuit of accountability, in the spirit of human fraternity.

Munich Security Conference

In February 2023 Prosecutor Khan attended the 59th Munich Security Conference (“MSC”) with the theme “Searching for a Common Vision”. He participated as a speaker in the panel discussion “Against Lawlessness: Ensuring Accountability”. He addressed the context of the Russian invasion of Ukraine, and advocated for the importance of showing that the law can provide shelter to all affected by the worst of crimes.

“We are currently in the age of accountability, in an age of innovation when we are seeing renewed action at all levels of the international justice process. To be able to truly deliver for those affected, the international community must strengthen cooperation efforts and work in a coordinated manner in order to be effective and efficient in the pursuit of justice. The lesson we have learned is that there cannot be spectators or bystanders in the process of accountability for serious crimes. Local courts, national courts, regional courts and international courts must work in greater harmony, share evidence better and make sure that there is no hiding place for those who breach international criminal law.”

– Prosecutor Khan at the Munich Security Conference, 17 February 2023

Canada

Prosecutor Khan conducted his first official visit to Canada in May 2023. Upon invitation by the Raoul Wallenberg Centre for Human Rights, the Prosecutor gave the second Distinguished Lectureship in remembrance of Professor Elie Wiesel’s legacy in his fight for Jewish and human rights causes. The Lectureship had the theme of “International Justice in a World at a Crossroads”. Professor Wiesel fought for the rights of the oppressed throughout his life. Nobel Peace Prize Laureate and Holocaust Survivor, he dedicated his life to working towards peace and championing human rights around the world. He was also a founding member of the Raoul Wallenberg Centre for Human Rights, which continues to host the annual lecture in his honour.

The Canada visit was also an opportune occasion for the Prosecutor to engage with national justice initiatives, and to continue building support for the work of the Court, in the context of further strengthening partnerships with States Parties.

The Prosecutor visited Parliament Hill and met with multiple Canadian government officials. Joined by distinguished members of the Raoul Wallenberg Centre for Human Rights, the Prosecutor met Foreign Affairs Minister, H.E. Ms Mélanie Joly, and discussed strengthening the basis for effective action across the Court’s situations. At the Justice Ministers’ Conference, Prosecutor Khan joined the Minister of Justice and Attorney-General of Canada, H.E. Mr David Lametti, to discuss ways to further strengthen ICC-Canada judicial cooperation. They explored how the Office might continue to broaden its work with partners on a global

scale, to more effectively deliver results under the Rome Statute.

Before the end of the mission, Prosecutor Khan met with members of the Senate and House Foreign Affairs Committees. Recognising Canada's strong contribution to the Court, the Committee members and the Prosecutor discussed the need for accelerating cooperation between them, to achieve this goal collectively.

Cooperation, assistance, and exchange of information

Throughout 2023, the Office has sought to advance its aim to become a hub for justice that, in addition to supporting the national authorities of situation countries and strengthening the international justice community

through engagement with non-States Parties, shares information with other jurisdictions. As seen in Chapter 2, the progress made by Project Harmony has allowed the Office to receive, process, and make available more information and evidence than ever before. The Office's objective is to draw upon this information for the benefit of all victims, whether in the context of accountability efforts before the ICC, or in their home country, or in any third State. In line with this initiative, the Office has engaged in multiple information-sharing initiatives to promote accountability efforts in domestic jurisdictions throughout 2023.

The Office remains particularly mindful of the importance of maintaining high standards of confidentiality. This is necessary to avoid risking the safety of any individual, community,



Prosecutor Khan addressing members of Senate and House Foreign Affairs Committees

or organisation that has cooperated with the Office in its work. As such, across all situations and cases, the Office continues to pay scrupulous attention to this issue when disclosing information and evidence to partners, prioritising compliance with proper handling measures. The Office’s renewed commitment to stronger judicial cooperation with different partners does not come at the expense of appropriate confidentiality and safeguards regarding information- and evidence-sharing.

Darfur, Sudan

The Office has been able to secure additional evidentiary material in relation to its investigations in Darfur, thanks to its enhanced cooperation with national authorities and international institutions. Through this expansion of its operational relationships, and by sending requests for assistance to relevant authorities outside of Sudan, the Office was able to map relevant information held by various domestic authorities. In this way, important new information has come into the Office’s possession, allowing the corroboration of existing evidence, the pursuit of new leads, and the interviewing of further witnesses. The Office has benefited from strong logistical and operational support from partners in this situation. In turn, the Office has assisted a national investigation related to the Darfur situation in early 2023 by sharing information and evidence with the relevant jurisdiction.

Challenges in accessing information and evidence in situation countries are a perennial concern for the Office. This can be mitigated, however, by innovative forms of cooperation with third states, whether States Parties to the Rome Statute or non-States Parties, as well as

with other entities. In the *Darfur* situation, the Office has obtained access to relevant information and witnesses by pursuing these new avenues. The positive impact of this exchange of information and cooperation can be seen in the *Abd-al-Rahman* case, in which the Prosecution completed its presentation of the testimonies of 81 witnesses.

The Office continues to cooperate with third parties on evidence collection, especially for cases with suspects at large, fostering closer relationships of cooperation in this regard. It remains committed to further increasing its evidence collection pertaining to the situation in Darfur, drawing on the support of national jurisdictions, international and regional organisations, and other partners. In turn, this will not only support its prosecutorial and investigative activities, but also potentially lead to expanded partnerships with additional States.

Central African Republic

On 16 December 2022, the Prosecutor informed the authorities of the Central African Republic (“CAR”) and other domestic and international stakeholders of his decision to close the Office’s investigation in CAR, apart from all investigative activities pertinent to ongoing cases before the Court. This is without prejudice to the Office’s continued efforts to assist the domestic authorities of CAR in pursuing justice.

In this context, and in light of the synergies between its work and that of CAR’s national justice system and the Special Criminal Court (“SCC”), the Office is working to conclude a Memorandum of Understanding both with the CAR government, and the SCC. These aim

to strengthen cooperation with the Office, in order to foster complementarity, but also to identify concretely the relevant areas in which mutual support, collaboration, and consultation may be needed.

Since Deputy Prosecutor Niang attended the opening of the first trial at the SCC in May 2022, the Office has continuously sought to share information and lend its support. While the Office's own efforts in the CAR situation are focused on the successful prosecution of those subject to ICC arrest warrants, it also aims to significantly deepen its cooperation with the SCC. This approach reflects the Prosecutor's vision for delivering justice through synergies of this kind, strengthening national capacities in the framework of complementarity. In this way, justice may be brought as closely as possible to the affected communities. Concrete actions towards implementation include sharing information with the SCC, and contributing to building its capacity through: the provision of training; the sharing of experiences, best practices and lessons learned, including in relation to witness protection; and regular exchanges at both operational and management levels. Critically, the Office has worked to identify information which it might hold that is potentially relevant for SCC proceedings, with a view to sharing such information or evidence as soon as possible to facilitate domestic investigations and prosecutions.

To date, the Office has received 17 formal requests for cooperation from the SCC. In those requests, the SCC sought to obtain information in the Office's possession, within the framework of the Office's obligations under the Statute.

In response, the Office transmitted relevant materials collected with a view to supporting the SCC's investigation and prosecution. In this process, the Office took necessary steps in collaboration with the SCC to address any issues arising from information sharing, including with regard to the security of witnesses.

Five recent SCC requests for information are in the process of being implemented. As of October 2023, the Office has shared with the SCC: 561 documents from public sources; 289 documents provided by governmental entities after their authorisation; 253 documents arising from information provided by consenting witnesses; 437 documents produced by or through article 55(2) witnesses; and 1,331 photos and video documents from the Office's Forensic Science Section.

In addition to requests for information, the SCC also sought the Office's assistance by means of sharing its own expertise or facilitating the sharing of expertise from its partners. In particular, the SCC requested technical assistance in the forensic analysis and exploitation of electronic devices, and training on those subjects. The Office addressed those requests, and continues to work in coordination with the SCC to create a capacity-building and experience sharing program.

Notably, in response to an SCC request, training on phone data extraction and analysis has been prepared in consultation with the SCC. A concept note has been developed which outlines four topics to be covered by the training: witness protection, CDR analysis, GBC investigation techniques, and judicial

cooperation. With the use of existing internal capacity, and with thanks to the cooperation of the Dutch National Forensic Institute for those activities that cannot be undertaken in-house, the Office was able to assist the SCC with its requests for phone data extractions. Similarly, a training will be organised and offered to SCC's investigators on Open Source Investigation Techniques ("OSINT"). Details of the training are currently being put in place.

This new phase of engagement and cooperation between the Office and the CAR is a clear example of dynamic complementarity working in practice. Mutual discussions between the Office and CAR authorities produced a common vision for transferring accountability actions from the international level to the domestic level. In this process, the Office will continue



Exhumation of remains in the CAR facilitated by the OTP, international partners and CAR authorities

to offer meaningful support and assistance to domestic authorities pursuing accountability.

For example, the Office is facilitating exhumations and a missing persons identification project linked to victims at the *Camp de Roux*, in partnership with CAR national authorities as well as other international partners, like the Argentine Forensic Anthropology Team and the Columbia Law School Human Rights Clinic. This deployment included sending over 20 technical experts in the fields of archaeology, pathology, odontology, and anthropology, as well as ballistic experts and morgue technicians to the CAR to facilitate the operations. Human remains of 31 bodies were excavated and analysed, including for DNA. Subsequent to the exhumations, DNA tests were performed on potential relatives and two victims were identified. The OTP facilitated a ceremony in which the remains of one victim were returned to their family, in accordance with the relatives' wishes, in collaboration with CAR national authorities. The families for both identified victims were able to honour the memory of their loved ones and give them a decent burial.

“The world is witnessing complementarity as envisioned in the Rome Statute being made effective in the Central African Republic.”

– Prosecutor Khan on complementarity in the CAR, 16 December 2022



Burial of remains of victims exhumated in the CAR

Judicial proceedings related to Rome Statute crimes in the *CAR* situation are unfolding simultaneously in the ICC courtrooms in the Hague and in the courtrooms of the SCC in Bangui. The SCC delivered its first verdict at the end of October 2022 against three

individuals accused of crimes against humanity and war crimes. These proceedings are a tangible example of the synergy between two jurisdictions sharing one common mission: to deliver justice for the victims of the worst crimes committed in the Central African Republic.



The OTP Joint Mission with the Trust Fund for Victims visiting Conakry to assess possibilities for cooperation, procedural law questions and right to reparation for victims in Guinea

Guinea

In Guinea, the Office has remained engaged in the accountability process for crimes committed during the 28 September 2009 events in the national stadium in Conakry. The opening of a domestic trial into these events, in September 2022, triggered the closure of the Office's preliminary examination into the situation.

The Office's continued engagement in Guinea is guided by a Memorandum of Understanding ("MoU") between the Office and Guinea that was signed on 28 September 2022. It aims to further the principle of complementarity, and to strengthen future cooperation in the pursuit of justice in Guinea. Pursuant to this agreement, the Republic of Guinea committed to supporting the domestic trial into the 28 September 2009 events, in which 11 accused have been charged with killings, disappearance and

gender-based crimes. This support includes: ensuring the capacity of judges, prosecutors, registry members, and lawyers; ensuring outreach and communication activities to inform the public of developments in the judicial proceedings; and providing support and assistance to victims and witnesses participating in the trial. In line with the Prosecutor's vision for complementarity and cooperation, by signing the MoU, the Office committed to continue supporting Guinea's accountability efforts. This includes contributing to projects and programmes aimed at the provision of knowledge transfer, exchanging best practices, and technical support.

In March 2023, the Office conducted a mission to Conakry following up on the implementation of the MoU with national authorities, civil society organisations and diplomatic actors.

This aimed to ensure the appropriate progression of the domestic trial, and to assess the need for technical support. The Office conducted parts of the mission jointly with the ICC's Trust Fund for Victims, in order to assess possible areas of cooperation regarding victims' right to reparation. Based on its meetings, the Office identified capacity building opportunities for stakeholders involved in the trial, and has since developed a concept note mapping out the different existing capacity building initiatives by Guinea's international partners, including the United Nations. The Office identified areas where it can provide its own expertise. Consultations on implementing such activities will continue with key stakeholders.

Joint Teams

Besides the sharing of information with national authorities, the Office has been engaging in more systematic institutional information-sharing initiatives. As a member of the Ukraine Joint Investigation Team ("JIT"), and the Libya Joint Team, the Office contributes to the coordination of large-scale investigations and prosecutions, without duplicating work, by effectively harnessing available resources in close collaboration with Team partners.

JITs are an established efficient and effective cooperation tool amongst national investigative agencies when tackling cross-border crime. Based on an agreement between competent authorities, they facilitate the coordination of investigations and prosecutions conducted in parallel across several States.

In 2023, the OTP was welcomed into the Network of National Experts on Joint Investigation Teams ("the JITs Network"),

hosted by Eurojust, as a formal member. The JITs Network was established by the European Union in 2005 to facilitate the work of practitioners, as well as to encourage the use of JITs and contribute to the sharing of experience and best practice in using this tool. Prosecutor Khan expressed his will to be an important part of the JITs Network and to develop the Office's participation as an important tool for judicial cooperation and information-sharing. The first meeting of the JITs Network in which the OTP participated as a formal member took place in October 2023.

Joint Investigation Team for Ukraine

The Office participates in the Joint Investigation Team (JIT) examining alleged core international crimes committed in Ukraine, together with national authorities from seven States under the auspices of Eurojust, including Ukrainian national authorities and specifically the Office of the Prosecutor General of Ukraine. This continues to facilitate swift access to relevant information and evidence, including in support of the applications for the arrest of President Vladimir Putin and Maria Lvova-Belova.

The Office has recently engaged in positive discussions within the JIT to further prioritise action, which is anticipated to result in increased output of JIT activity in 2024. The Office considers that this work will set a strong basis for work on additional priority lines of investigation in the coming year. As part of this work, the Office is seeking to ensure the cooperation represents a "two-way street", with OTP providing relevant information and assistance to national authorities, in addition to receiving support and information in support of its own investigations.



Prosecutor Khan at the ICPA launch event, Photo credit: Eurojust

Eurojust also hosts the International Centre for the Prosecution of the Crime of Aggression against Ukraine (“ICPA”). The Office’s participation in the ICPA is in line with the common vision reflected in the Joint Investigative Team, to enhance cooperation and efficiency in prosecutions.

The participation of the Office in the initiatives hosted by Eurojust represents an important part of its overarching cooperation strategy, while also reflecting a collective will to ensure unity of focus and purpose in bringing perpetrators of core international crimes to justice. The Ukraine JIT and the ICPA present important opportunities to deepen cooperation between national authorities carrying out investigations and prosecutions, and to promote a coordinated response to the crimes allegedly committed in Ukraine.

Joint Team for Libya

As reported in the 2022 Annual Report, the Office formally joined a Joint Team based on article 19 of the *United Nations Treaty against Transnational Organised Crime* (“UNTOC”). Other partners and collaborators within the JT include Europol and law enforcement and prosecutorial authorities of Italy, the Netherlands, the UK, and Spain. The focus of the JT is to bring to justice key players in criminal networks active in the violent smuggling and human trafficking of persons from the Horn of Africa through Libya to Europe. The JT focuses on proactive, modern and generous cooperation to tackle the daily obstacles of international and complex investigations. The JT collects, shares, analyses and processes information about the activities of one or more criminal organisations or individuals suspected to be involved in

organised migration-related crime from Africa (in particular from Libya) to Italy and other European countries.

The JT partners and Europol meet regularly to coordinate their joint efforts. This year, the Office participated in one meeting at the Deputy Prosecutor's level and a number of operational meetings held both in person and remotely. The Office has conducted a number of joint interviews with JT partners. This collaborative method of investigations can save resources for all collaborators, and foster the direct exchange of knowledge and experience, thereby making all parties' work more efficient. Most importantly, joint interviews can help avoid victim re-traumatisation caused by multiple interviews about the same issues carried out by different agencies.

In 2022, there were two successful extraditions of suspects to JT partners. In January 2023, another suspect was arrested by authorities in the United Arab Emirates pending extradition to the Netherlands.

A new strategic meeting with the JT members is scheduled for December to renew the JT contract, and to continue multi-stakeholder collaboration on accountability efforts for international crimes. The Office will continue to be actively involved in the investigations of the JT, in pursuit of the shared goal of accountability. The Office is sincerely grateful for the continuous efforts of all JT partners and Europol, demonstrating their determination to ensure accountability for serious crimes.

Requests for assistance

The OTP has pioneered a new system for receiving Requests For Assistance ("RFAs"), modernising the process by utilising new technologies. Incoming requests for information, assistance, and judicial cooperation are an important aspect of the Prosecutor's vision for the Office to become a hub for information on international justice. This new system for receiving RFAs allows the Office to harness the power of technology to make its work more efficient.

The Office's *2022 Annual Report* announced the introduction of new technological tools to improve this workflow. The full results of the ongoing modernisation of the Office's operations are yet to come to fruition, but the important first steps have been taken. The Office is informing its partners, such as the Genocide Network and the Judicial Investigation Team Network, of this new system and is encouraging States to send more incoming requests to the Office.

Since the new RFA system is still in an early phase, the Office expects to receive an increased number of requests in the coming year. However, the Office has already observed new parties reaching out through this new process, as well as much higher efficiency in screening the relevant information necessary to respond to the requests. Since the introduction of the new system, fourteen partners reached out to the Office and/or received and used information provided by the Office in domestic proceedings. This included eleven national authorities, two UN quasi-judicial bodies

(UN mechanisms) and one hybrid judicial body (the Special Criminal Court for the Central African Republic). The types of assistance sought from the Office were diverse: from requests for information, to request for technical assistance and capacity building. This new process allows for more time to look at the required information, while simultaneously not delaying the Office's operations. The new system also allows for more efficient back-and-forth discussion between the Office and the requesting party.

In the period between 1 August 2022 and 31 July 2023, the Office transmitted 458 outgoing RFAs and received 17 incoming requests for cooperation under article 93(1) of the Statute. Throughout the implementation of this new RFA process, as explained above, the Office remained committed to ensuring witness safety, especially when requested to share sensitive information. In the reporting period, the Office noted an increase in the number of States/partners that sought its assistance to support national (structural) investigations and prosecutions of core international crimes or other serious crimes under the national law of the requesting States.

The Office's draft *Policy on Complementarity and Cooperation* also touches on the newly established RFA process.

Complementarity plans

The Office is committed to cooperating with the efforts of national authorities to fight impunity in domestic proceedings. This commitment is reflected in Strategic Goal 2 of the Office's *Strategic Plan for 2023-2025*, and is made operational through the guidance set out in the

Office's draft *Policy on Complementarity and Cooperation* (see also Chapter 1). With this guide and roadmap in its efforts towards dynamic complementarity, the Office continues to find new and creative pathways to enhance partnerships with national authorities and civil society. In this way, all partners can more effectively realise their shared goal of justice for international crimes.

The Office has therefore sought to engage with national authorities of situation countries to find, in accordance with the Rome Statute's envisioned principle of complementarity, the best way forward to enhance domestic accountability efforts. The examples below illustrate these collaborative efforts in 2023.

Colombia

Prosecutor Khan concluded his visit in Colombia this year by signing the *OTP-Colombia Action Plan* with Minister of Foreign Affairs H.E. Mr Durán, within the framework of the 2021 *Cooperation Agreement*. The Prosecutor acknowledged the crucial efforts of Mr Durán in founding the transitional justice movement in Colombia and welcomed his signature on the *Action Plan*, as one of the original architects of the Special Jurisdiction for Peace ("JEP"). The Plan represents the renewed common commitment of the Office and Colombia to build new ways to deliver impactful, comprehensive justice.

In particular, the *Action Plan* set up agreed objectives and activities to be undertaken by the Office in support of justice and accountability efforts in Colombia, and a timetable to deliver on these objectives in cooperation with Colombian national authorities. Concrete



*H.E. Álvaro Leyva Durán, Minister of Foreign Affairs,
and Prosecutor Khan sign the OTP-Colombia Action Plan*

examples include the provision of technical expertise and support by the Office to relevant Colombian authorities, and the exchange of good practices in priority thematic areas, such as gender-based crimes (“GBC”), and crimes against and affecting children (“CAC”).

The *Action Plan* also includes a commitment to assist in coordinating action across justice institutions, and working towards the establishment of a continuous presence by the Office in Colombia. This will materialise with the establishment of an OTP field office in Bogotá in early 2024. The Office is also currently exploring the possibility of creating an office in Bogotá focused on complementarity, in conversation with the Colombian authorities. This would allow the Office to carry out this

work from one location, and it would be funded through the Trust Fund for Complementarity.

The Office is committed to supporting the JEP. To operationalise the Office’s continued support, the Prosecutor signed a Joint Workplan with JEP President, H.E. Mr. Roberto Carlos Vidal López – which included, in particular, support for investigation and prosecution of gender-based crimes. One manifestation of the Office’s continued support was the provision of a training event for the JEP in August 2023 on the crime of gender persecution and the Office’s *Policy on the Crime of Gender Persecution*. This was delivered by the Professor Lisa Davis (Special Adviser on Gender Persecution), and Office staff members. The training was funded through the Trust Fund (“TF”) for Complementarity.

Democratic Republic of the Congo

The Office continues to engage with the DRC authorities and other stakeholders to encourage national proceedings to address serious crimes. In this regard, a new framework for cooperation and complementarity was introduced following the Prosecutor’s visit to the country. To support this new complementarity-focused approach to ensuring accountability in the DRC, the Prosecutor signed a Memorandum of Understanding (“MoU”) with the DRC Minister of Justice, in June 2023. Consistent with the Office’s vision for dynamic complementarity, the MoU includes tangible goals and deliverables expected to result from the OTP-DRC collaboration, representing meaningful action towards justice.

The MoU reflects the common desire of the DRC and the Office for strengthened cooperation to achieve their collective goal of fighting impunity for Rome Statute crimes. It also provides the framework to support many domestic justice initiatives, including accelerating the implementation of the DRC’s national strategy to address serious international crimes.

The MoU further provides for a joint DRC-ICC comprehensive mapping of alleged Rome Statute crimes that may be taken forward either by the DRC authorities or by the Office in line with the principle of complementarity. It also discusses the potential to hold ICC proceedings *in situ*, within the DRC, subject to national judicial authorisation. Lastly, the MoU will allow the Office to increase the support it provides to DRC authorities. This includes: deployment of forensics experts in support

of national efforts to protect and excavate mass grave sites, and to secure crucial evidence of crimes, as part of the Office’s Forensic Rotational Model; and facilitating the sharing of good practices from other States Parties in the field of evidence collection and preservation.

Venezuela

During his visit to Venezuela in June 2023, the Prosecutor concluded a Memorandum of Understanding (“MoU”) with the President of the Republic, H.E. Mr Nicolás Maduro Moros, to establish an OTP field office in Venezuela.

“As I have said since the beginning of my term as Prosecutor, my Office most effectively delivers its mandate when it can work closer to the countries that form the Rome Statute community. Under this MoU, we will be able to increase the scale and impact of our field presence in Venezuela, broaden the domestic interface for our work and seek to identify and support meaningful efforts to improve national justice initiatives.”

– Prosecutor Khan on the opening of an OTP field office in Venezuela, 13 June 2023

Becoming a hub

The MoU outlines a series of priority areas in which the Office commits to providing assistance to Venezuelan authorities, in line with the crucial principle of complementarity. Some of these priorities include assisting Venezuela on legislative developments in the field of justice, knowledge-sharing, and best practices. The Office also plans to collaborate with national counterparts in seeking to increase domestic knowledge of the Rome Statute and the cooperation modalities of the ICC.

The OTP office in Venezuela is intended for work on complementarity initiatives in collaboration with national authorities. It presents

an innovative way to support national justice initiatives, and to bring the Office's work closer to communities, as it has committed to do. In the near future, the Office further intends to hold a CSO meeting in Venezuela, to hear the views of civil society and identify how best to integrate their views and experiences within the joint effort to pursue dynamic complementarity between the Office and Venezuela. The Office further intends to host an international justice conference in Venezuela in the context of this collaboration. This will continue the important dialogue on how best to achieve international justice in collaboration with a variety of stakeholders, such as States or other international organisations.



The OTP signed an MoU to establish an OTP field office in Venezuela in June 2023

Civil Society



Ukraine Accountability Dialogue Group

The Ukraine Accountability Dialogue Group was created to foster dialogue among the different national, international and civil society initiatives seeking accountability for international crimes occurring in Ukraine. The group is intended to serve a coordinating role, allowing its members to identify situations in which the coherence of different accountability efforts can be appropriately enhanced through more extensive collaboration and coordination.

The Dialogue Group is organised on two action levels, including one annual meeting at the level of Ministers, and one Plenary Dialogue Group Meeting at the level of experts. This coordinates the ongoing work of four thematic workstreams relating to the situation in Ukraine. These four thematic workstreams include: assistance to Ukraine; actions by international and regional institutions; civil society documentation efforts; and national investigations, co-chaired by Eurojust and the Office of the Prosecutor General of Ukraine.

OTP Civil Society initiative

The Prosecutor launched his Civil Society Initiative in 2022, with the aim of renewing and deepening the Office's dialogue with Civil Society Organisation ("CSOs") partners globally. The initiative is meant to strengthen the Office's cooperation with local CSOs on the ground in situation countries.

As seen above (Chapter 1), the Office has engaged with CSOs on its thematic priorities by conducting thematic roundtable events to facilitate important discussions regarding international justice. Roundtables on crimes against children, gender persecution, and the trauma-informed approach to investigations and prosecutions took place as part of this initiative since the *2022 Annual Report*.

The Office's Public Information Unit is working on an outreach strategy, to be completed by late 2023 to early 2024. This will allow the Office to operationalise its commitment to meaningful outreach, and support its expansion.

Through these different elements, the Office has been able to further strengthen the role of civil society in its work, thereby addressing (amongst others) IER Recommendations 156, 158, and 159. As the Office continues its work

both in The Hague and in situation countries, it will seek to harness even more effectively the potential of constructive collaboration within the context of its independent mandate.

CSO Guidelines

The Office and Eurojust jointly launched the *CSO Guidelines* for documenting international crimes and human rights violations for criminal accountability purposes. The *Guidelines* seek to support CSOs in documenting international crimes with a view to assisting criminal investigations for the purpose of potential prosecution. This helps make the justice process more efficient, and brings the work closer to local communities. It is meant to empower CSOs to take an active role in the Office's efforts to achieve accountability, by preserving and obtaining information in a way that ensures its admissibility as evidence – whether in potential future prosecutions at the ICC or in domestic jurisdictions.

The *Guidelines* have been made available in English, French, Spanish, Arabic, and Ukrainian. This allows for a wider and deeper interaction between investigation teams and CSOs in countries relevant to situations before the Court, exploring best practices and precautions in support of their documentation efforts. As recognised in conversations between the Office and several local CSOs, the translations currently available are still not yet sufficient to make them accessible to all who may potentially benefit from them. As such, the OTP continues to explore opportunities for translation of the *Guidelines* into additional languages, including languages local to situation countries.

The Office aims for the *Guidelines* to be disseminated as widely as possible, and has accompanied their launch and each translation with social media information. With the assistance of Eurojust, around 1,000 copies of the *Guidelines* in the English language were printed and distributed to CSOs during several events and roundtables.

During the reporting period, the Office held various coordination meetings with Eurojust and the Genocide Network to define an outreach strategy for the *Guidelines*. Several technical briefings for specific regions (Asia-Pacific region, Francophone countries, MENA region, Spanish speaking countries) are planned for the end of 2023 or the beginning of 2024. Together with Eurojust, the Office is liaising with several CSOs for the organisation of these events. One State has expressed strong interest in supporting or hosting future training opportunities in Spanish.

In addition, the Office has directly engaged with several CSOs, including from different situation countries, to further disseminate and discuss the *Guidelines*. In this way, the conversation includes the necessary perspective and views of CSOs on further improvement and development. These consultations took place in the context of general events such as the CSO Roundtable and the Gender Persecution Roundtable, as well as in tailored sessions for CSOs from specific situation countries. In March and July 2023, one presentation and one in depth-training session were provided to CSOs upon their requests in relation to two current investigations.

In February 2023, the *Guidelines* were nominated for the European Ombudsman's Award for Good Administration. The nomination was made by Slovak NGO Human Rights League.

"[The CSO Guidelines] represent an outstanding example of a swift, needs-based, timely and rapid institutional reaction to fill the need for guidance, at the outbreak of the war, to ensure that information we collect is gathered in a way to be used as evidence in future prosecutions at the national and international level.

European institutions rarely react so quickly and with such a high-quality practical "product" for practitioners, prepared as a result of a collaborative effort which is remarkable in itself, ready to be used, and with material which, at the same time, preserves added value of being versatile enough to be adapted and tailor-made to the conditions and context in which different NGOs operate."

– Slovak NGO Human Rights League, nominating the CSO *Guidelines* for the EU Ombudsman Award

On 28 June 2023, the *Guidelines* won the overall Award of the European Ombudsman for Good Administration. This highlighted the centrality of collaboration in delivering justice for the victims of such crimes.

Overall, the *Guidelines* contributed to a higher level of interaction between the Office and CSOs. During the year, the various dissemination initiatives facilitated frank discussions between the OTP and CSOs on the formal role of criminal accountability mechanisms and the contributions that CSOs can provide through the preservation of relevant information. It is still too soon to assess the concrete impact of the *Guidelines* on CSOs' documentation efforts, but there is already greater awareness on the possible dangers for criminal accountability deriving from poor documentation practices. The next stage of this project will direct the continuing engagement and dialogue of the Office with CSOs towards further refining and complementing the *Guidelines*. In this way, it will be ensured that they accomplish their purpose of being useful to those CSOs that, within the scope of their mandates, want to support criminal accountability efforts.

ICC Annual NGO Roundtable

The ICC-wide annual NGO Roundtable took place in June 2023 – the first in-person NGO Roundtable since 2019 and the outbreak of the COVID-19 pandemic. The Roundtable welcomed NGOs dealing with issues pertinent to situation countries and the communities therein. It was structured according to a situation-by-situation model, with each session focusing on one active situation of the Court's work. In addition, non-situation-specific

Becoming a hub

Collecte d'informations relatives à des crimes internationaux et à des atteintes aux droits de l'homme pour faire respecter l'obligation de rendre des comptes sur le plan pénal

Guide pratique à l'intention des organisations de la société civile

توثيق الجرائم الدولية وانتهاكات حقوق الإنسان لأغراض المساءلة الجنائية مبادئ توجيهية لمنظمات المجتمع المدني

Documenting international crimes and human rights violations for accountability purposes: Guidelines for civil society organisations



Documentar los delitos internacionales y las violaciones de los derechos humanos para la rendición de cuentas en el ámbito penal: Directrices para las organizaciones de la sociedad civil

European Ombudsman Ms Emily O'Reilly presenting the Ombudsman Overall Award for Good Administration to the OTP and Eurojust in Brussels

Photo credit: Javier Bernal and EU Ombudsman Award

Документування міжнародних злочинів і порушень прав людини для притягнення до кримінальної відповідальності осіб, що їх вчинили. Рекомендації для громадських організацій

sessions addressed topics such as: complementarity and ways to achieve it in collaboration with NGOs; the Office’s *Guidelines* for CSOs; and opening remarks from the ICC Principals. Discussions were very wide-ranging in their scope. For the Office, the event represents an important forum in which to further build on its commitment to deepen engagement with CSOs in situation countries. In particular, this was the first NGO Roundtable that addressed the Office’s work situation-by-situation, allowing for more focused and in-depth discussions.

Prosecutor Khan addressed the Roundtable attendees by restating the Office’s priority commitment to strengthening partnerships with civil society, especially with CSOs active in situation countries. He praised the courageous work of NGOs working with communities affected by Rome Statute crimes. Their dedication is an inspiration for the work of the Office, in collaborating to improve the paths to justice. Notably, the Office has increased its

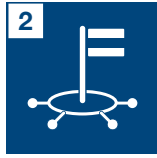
efforts to disseminate important information in local languages in communities affected by Rome Statute crimes. For example, the *CSO Guidelines* have been made available in English, French, Spanish, Arabic and Ukrainian.

The Prosecutor expressed the Office’s commitment to changing the status quo when it comes to civil society partnerships and collaboration. The old order of international justice involved distinct and individual efforts from CSOs, the ICC and other actors. The Prosecutor stated his belief that a new method of achieving justice is necessary, where strong partnerships are forged with all stakeholders – and especially with the CSOs working so closely with the communities for which the Office is trying to help deliver justice. CSOs and the Office need to walk hand-in-hand on the path to justice, and the Prosecutor pledged the Office’s commitment to continue to forge those partnerships, through a variety of initiatives.



In order, left-to-right: Deputy Prosecutor Khan, Prosecutor Khan, and Deputy Prosecutor Niang at the ICC-NGO Roundtable

Institutional cooperation



ICC – Europol cooperation

The Prosecutor met with Europol Executive Director, Catherine De Bolle, in early April 2023 to discuss ways of deepening the partnership between the Office and Europol. Their discussions acknowledged the centrality of collaboration and innovative action to delivering meaningful justice under the Rome Statute. Later that month, the ICC President and the Executive Director of Europol signed a *Working Arrangement*, providing a legal framework to establish cooperative relations between the two institutions. The Arrangement enhances ICC-Europol cooperation, and encourages the exchange of specialist knowledge, information, experience and expertise. It also provides for cooperation between the two institutions, in forms such as the exchange of general situation reports, results of strategic analyses, information on criminal investigation procedures and crime prevention methods. Furthermore, the two can collaborate on evidence-gathering, providing advice and support in individual criminal investigations, as well as participating in training activities.

As noted by the ICC President, Judge Piotr Hofmański, the *Working Arrangement* will allow the ICC to benefit from Europol’s world-leading expertise and specialist knowledge. Indeed, it is

envisioned to strengthen the relationship of the two institutions and to mutually enhance their capacity to achieve their respective mandates, which both aim at ensuring that serious crimes do not go unpunished. Europol expanded its mandate in 2017, to include war crimes, crimes against humanity, and genocide.



Prosecutor Khan with Europol Executive Director Catherine De Bolle



Forensic team, Ukraine, 2022

Since then, it has received contributions on war crimes from over 20 different conflict areas, such as Syria, Iraq, Libya, and most recently Ukraine. Through the *Working Arrangement*, the newly strengthened cooperation framework between the ICC and Europol will allow for a more effective response to core international crimes, by working together and sharing information and resources to end impunity.

The ICC is also cooperating with Europol in the context of an Open Source Intelligence (“OSINT”) initiative, which brings together multiple national authorities to assist in investigations into war crimes in Ukraine. Europol has established an Operational Task Force of OSINT experts to participate in the project in order to further aid these investigations by national authorities, and to share its own specialised capacity and information to further streamline investigations.

Forensic Rotational Model

In 2022, the Office launched a new collaboration model, the Forensic Rotational Model (“FRM”). The FRM was conceived in the wake of a first forensic mission undertaken by the Office in Ukraine, with experts from the Dutch Royal Marechaussee (“KMar”) in May-June 2022. The FRM makes multidisciplinary forensic expertise available in situation countries through the deployment (on a rotational basis) of forensic teams/experts under the auspices of the Office. Such experts are in turn made available to the Office by means of the cooperation of States Parties willing to second experts. The model took off with the deployment of 42 investigators, forensic experts, and support personnel – largely seconded to the Office by the Government of the Netherlands. Since this first mission, 11 fact-finding and forensic missions to Ukraine have taken place, through

collaboration between the Office and forensic country teams and experts of 6 States Parties.

In 2023, the Office made significant efforts to establish and roll out the FRM, while continuing to fine-tune working modalities, processes and requirements (such as in relation to the financial arrangements, and operational and legal requirements). The model is currently being operationalised in the *Ukraine* situation, with the view to expanding it in the future to other situations where the Office conducts independent impartial investigations of Rome Statute crimes, such as in the situations in *Libya* and the *DRC*. Important steps have been taken with a view to further deployments in 2024.

The FRM aims to ensure effective support and assistance in collecting evidence and developing a coherent approach to accountability efforts, both at the domestic level and at the ICC. Indeed, the FRM has been able to provide increasingly meaningful assistance in the past year to the Ukrainian authorities, as an important part of the Office's dynamic complementarity approach. Additionally, the FRM is increasingly able to support the Office's own investigations. The Office has been able to implement the FRM through the joint efforts of existing Office staff.

Ukraine

The Office coordinates between the different forensic contributors in Ukraine based on three different support models. Forensic support can be given firstly through the 'full independent' modality, where a country team arrives in the field with its own forensic and security staff, usually between 40 and 50 people. In this model, the country team supplies a full mission

with its own lab technicians, equipment, and security personnel in a fully independent forensic mission. Another type of possible forensic support is the 'semi-independent modality', when a team arrives in the field with enough staff to conduct forensic activities but without any security personnel. In this case, the Court aids the forensic team through provision of security in the field, and any other necessary support. In the third modality, currently utilised in the Ukraine investigations, a single national forensic officer lends their expertise and is embedded within the ICC mission to help with forensic activities.

At this stage, forensic rotational model presence in Ukraine falls somewhere between 50-60% throughout the year. This means that the ICC is able to coordinate about 6 months of forensic presence in the field, each year. This presence is made possible due to the invaluable support of many countries through all three different forensic support modalities, coordinated by the Office. This forensic support is deployed where it is most needed at any given time, and does not necessarily operate only in Kyiv.

DRC

The Memorandum of Understanding signed by the DRC and the OTP in 2023 provides for the operation of the Office's Forensic Rotational Model to increase the support provided to DRC authorities. The MoU allows for the deployment of forensics experts by the Office, which would support national efforts in the DRC to protect and excavate mass grave sites, and to secure crucial evidence of atrocity crimes.

Chapter 4

Working better together: relying on the team

Prosecution team, Appeals hearing in the Situation in the Bolivarian Republic of Venezuela, 8 November 2023




The Office aspires to be a learning organisation with an increasingly welcoming, supportive, and open working environment. In such a high-pressure/high-stakes environment, colleagues are faced with the impact of atrocity crimes – be it directly or indirectly, on a daily basis. All colleagues, and the Office as a whole, should keep engaging with the issues identified and continue on the dynamic process of changing and enriching the Office’s work culture. Realising a safe working environment and effectively drawing on the enormous potential of the Office’s rich and diverse workforce will have a meaningful impact on the efficiency and effectiveness with which the Office discharges its duties. In addition to collective ownership over well-being, creating effective processes and ensuring proper resource allocation in all parts of the Office are key for colleagues to excel at their work. In response to colleagues’ proposals to improve work culture, the Office is in the process of overhauling the “lessons learned” framework in order to include these key insights directly in the regular Office workflow. This will positively impact the speed of implementation of lessons learned and foster the continuous development of the Office, as a learning organisation. The Office is operating in a challenging fiscal environment and within the bounds of a 2023 budget with zero actual growth, meaning that the execution of the Office’s work calls for creativity and strong collaboration with all its partners.

1




Deliver results in the courtroom

8



Increase efficiency of work and ensure proper resourcing and staffing of the Office

9



Strengthen global support for the work of the Office

10



Improve the working environment of the Office and ensure a respectful working culture

Personal message

OTP Focal Point for Gender

“In each of us lies great potential to shape an environment we can truly enjoy to work and take pride in. It requires acknowledging and valuing our similarities but more so our differences and what makes us unique. It also demands that we help one another to thrive in our various roles at the OTP, regardless of our grades, identity, religious or cultural background, in order to fulfil the mandate of the Office and the Court.”

Purna Sen, Special Adviser on Working Climate

“Uniting the personnel of the OTP is the driving motivation to further international justice.

For everyone to be able to do their best work, the Office culture must reflect and uphold internally the principles of justice that bring people to the court – pursuit of fairness, non-discrimination, the absence of abuse and timely, appropriate accountability. Current collective efforts at cultural change will bring these to life within the Office in order to strengthen efforts beyond it.”

Workplace Culture and Diversity



In line with the findings of the IER and Prosecutor's Khan commitments prior to his election, workplace culture and diversity have been among the Prosecutor's core priorities throughout 2023. On the heels of the work of the Ad Hoc External Advisory Panel on Work Culture for the Office of the Prosecutor, and the outcomes of the Staff Engagement Survey (2018), the Office has continued to work over the course of 2023 on: improving workplace culture; empowering colleagues to contribute to positive change; and growing and diversifying the expertise and viewpoints in the Office. With the onboarding of its first Ombudsperson in January 2023, the Court has implemented IER Recommendation 118. As one of the Court's Principals, Prosecutor Khan has engaged with the Ombudsperson throughout the year to receive the feedback and recommendations that the Ombudsperson, fully respecting independence and confidentiality, has been able to share.

The creation of an internal workplace culture transformation workgroup, supported by the Prosecutor's Special Adviser Ms Purna Sen, has been one of the first key milestones in this regard in 2023. The internal workgroup

identified thematic areas in need of improvement in the Office from the Staff Engagement Survey results. The creation of the workgroup allowed for the development of staff-owned and staff-driven solutions and projects aimed at positive transformation of the Office's workplace culture.

For example, in August 2023, the workgroup launched a poster campaign to combat inappropriate behaviour such as bullying, racism, sexism, harassment, unconscious bias, and discrimination based on gender identity and/or sexual orientation. This was varied out together with members of the OTP Equity Inclusion Diversity Committee (OTP-EIDC), the OTP Focal Point for Gender, and Deputy Prosecutor Khan. The aims of this campaign will be reinforced by the Office's and Court's efforts to roll out mandatory trainings for Office staff members on prohibited conduct in the near future. Initiatives such as those spearheaded by the internal workgroup contribute to the achievement of the Office's and the Court's objectives as set out in its work on the implementation on IER recommendations (see for example the positively assessed Recommendations 14, 15, 87, and 130).



Deputy Prosecutor Khan addressing OTP staff in a talk on leadership from a gender perspective

Furthermore, by incorporating the participation of a number of Office staff in the workgroup in their core duties, the Office is also contributing to Pillar I of the Court’s *Strategy on Gender Equality and Workplace Culture* adopted in 2022, specifically with regard to the importance given to the use of a bottom-up approach.

‘Are We There Yet’

Another example of a workplace culture improvement initiative is the ‘Are We There Yet’ (“AWTY”) group, a cross-sectional group of Office staff members, formed at Prosecutor Khan’s initiative, who have come together to drive positive cultural change in our workplace. In order to achieve this objective, the AWTY group is meant to engage and consult with colleagues at all levels, including management.

“Together with all colleagues, we want to make the OTP a workplace we are proud to be part of, and where we all thrive as professionals and as human beings in order to fight impunity and bring justice to the victims of the most serious crimes.”

– AWTY

These consultations are intended to help identify proposals for internal reform, and to act as a means of liaison between both staff and leadership to collectively and effectively bring about change. The AWTY group is formed

to achieve a workplace that is discrimination, harassment and abuse-free, and that prioritises personal well-being and development. Further objectives for the workplace include the fair and constructive selection of professionally and culturally-diverse personnel and the fostering of an open, transparent and honest institutional culture.

Court Strategy on Gender Equality and Workplace Culture

The Court's *Strategy on Gender Equality and Workplace Culture* ("GEWC"), launched on 8 December 2022, is the first of its kind to be adopted by an international court or tribunal. It aims to address the challenges the Court has been facing in relation to gender equality and workplace culture. The *Strategy* draws from, and is consistent with, good practices and successes achieved at other international organisations and national entities, which the ICC will use as a roadmap for change. It is envisaged for full implementation across the Court by 2025 as part of the ICC's commitment towards the Generation Equality Movement. It seeks to catalyse tangible progress towards gender equality during the UN Decade of Action (2020-2030), and to deliver Sustainable Development Goals, including Sustainable Development Goal 5 on Gender Equality.

The assessments made by the IER Report, the staff surveys of 2018 and 2021, and the OTP Ad Hoc External Workplace Culture Panel all indicated that the Office's working culture is riddled with issues such as lack of accountability, poor leadership and problematic behaviour. It similarly highlighted the need to improve the gender and geographical balance in the Office, in the interest of fairness, diversity

and impact on performance. The *GEWC Strategy*, therefore, is one of the tools that the Office can utilise to improve its working environment and ensure a respectful working culture – in line with Strategic Goal 10 of the *OTP Strategic Plan for 2023-2025*. The *GEWC Strategy* is similarly acknowledged in the *OTP Strategic Plan* as one of the five priorities that the Office will contribute to implementing in order to improve the overall workplace environment at the Court.

The *Strategy* provides a way forward to address the gaps, needs and recommendations relevant to gender equality and the work environment at the Court, identified in the *Independent Expert Review Report* ("IER Report") and the ICC Staff Engagement Surveys of 2018 and 2021. It is commensurate with the Court-wide and OTP Strategic Plans for 2023-2025, and it complements and reinforces the efforts in place since 2018 and the ongoing work of the Court Principals, the Staff Wellbeing Framework, the Staff Wellbeing and Engagement Committee ("SWEC"). The *Strategy* also reflects the Prosecutor's and the Court's Principals' joint commitment as International Gender Champions.

The *GEWC Strategy* intends to achieve the Office's and the Court's goals through comprehensive gender mainstreaming and targeted actions, including by addressing structural, procedural, and cultural inequalities, and applying an intersectional gender analysis when planning and developing activities and policies. The goals are premised on three pillars identified through a gender assessment conducted by the first ICC Focal Point for Gender Equality between 2021 and 2022:

safe and inclusive workplace culture and processes; personal and professional life integration; and gender parity and equal opportunities. Each of these pillars envisages short-term deliverables which comprise components or initiatives already underway at the Court. They also include mid- and long-term actions which can lead towards more sustainable and comprehensive progress across the Court.

Staff Pulse Engagement Survey

The Office recognises that change is a process. While the entire Office would like to address all issues identified in the immediate term, small-scale, comprehensive efforts are required to realise meaningful improvements. This was confirmed by the outcomes of the ICC Staff Pulse Engagement Survey held in December 2022. When the results became available, the Office’s management shared the staff’s disappointment with the results, even though several concrete initiatives aimed at the improvement of workplace culture were already taking place at the end of 2022 and early 2023. A key objective and outcome of the change process already underway is the commitment of colleagues in all positions in the Office to continued conversation and brainstorming. The Organisational Development Unit, for example, engaged in an extensive debrief meeting after the results of the Pulse Survey, to work towards addressing the issues identified by Office staff.

Furthermore, the Prosecutor together with the Deputy Prosecutors organised a ‘Town Hall’ meeting in March 2023 to address key topics such as security and the impact of the Office’s pivot to greater field presence of staff. This was

closely followed by a Briefing Session hosted by both Deputy Prosecutors to address and discuss, in the company of the Special Adviser on Workplace Culture, the outcomes of the Pulse Survey. The resulting discussions and plethora of constructive suggestions are a testament to the collective ownership of staff members with regard to such key topics as the wellbeing of colleagues and culture change.

“Each of us has reason to engage in that process of change, whether we’re male, whether we’re female, senior or junior, new or established, francophone or anglophone”

– Purna Sen, Special Adviser on Workplace Culture

The next Pulse Survey took place in November 2023 and its results, expected to become available in early 2024, will allow Office staff and management to take stock of the impact of the different initiatives that have been undertaken since the launch of the Special Adviser’s Action Plan in October 2022. It can also help demonstrate the results of the different internal ‘Town Halls’ and Briefing Sessions, conducted for the same purpose.

Meanwhile, the Prosecutor and Deputy Prosecutors’ priority has been to ensure that recommendations, results, and conversations be translated into concrete action and tangible steps forward. The recommendations that staff submitted after the ‘Town Hall’ in March were



Panel of the OTP Town Hall in October 2023 addressing Office colleagues on the response to the cyber-security threat earlier in September

forwarded to different groups – such as AWTY, and the Office’s HR department, Legal Advisory Section, and Equity Inclusion & Discrimination committee – in order to guarantee their consideration, and to evaluate their feasibility and compatibility with other ongoing initiatives. One of these initiatives identified, in line with IER Recommendations 97 and 98, was a 360-degree feedback process on all managerial positions, which has been implemented by the Office.

Group Consultations Between Operational Staff (G4-P3)

Furthermore, following the ‘Town Hall’ in March 2023, Prosecutor Khan organised group consultations between operational staff (at grades G4-P3). This allowed the Prosecutor and Deputy Prosecutors to start a broader internal

initiative to hold personal consultations among grade-levels. This aimed to map grade and background-specific challenges, and to allow staff to propose matching solutions. Meetings in the context of this initiative took place in April, May, and June 2023. Throughout the year, staff received reports on which initiatives were approved, and the status of their implementations. The Prosecutor ensured that this initiative was staff-led and staff-owned, while staff facilitators consulted with relevant units and sections in the Office to verify a holistic approach and lack of duplication between different initiatives. These meetings are intended to establish a continuous cycle in which feedback is received from G4-P3 level staff, implemented, and then further conversation with G4-P3 staff ensues to follow-up on any further suggestions they may have.

‘Feel Your Words’

One initiative that resulted from these G4-P3 level meetings with the Prosecutor was an awareness poster campaign, launched on 3 August 2023 by Deputy Prosecutor Khan. The campaign, titled “Feel Your Words”, was intended as one of the first steps in combating bullying, racism, sexism, harassment, unconscious bias, and discrimination based on gender identity and/or sexual orientation in the workplace. The posters feature harmful language which depicts the lived experiences of many Office staff members, and that may unconsciously or consciously purport to stereotype colleagues on the basis of one or more characteristics.



Deputy Prosecutor Khan and OTP staff members putting up the first campaign poster on 3 August 2023

“Through this initiative, which was proposed and implemented by many members of OTP staff, we aim to break the culture of silence towards inappropriate behaviour and to demonstrate the need for everyone to reflect upon their own words and actions or those of their colleagues. We want to guide each other to behave appropriately or, when necessary, to report any concerns.”

– Deputy Prosecutor Khan

Administrative issuances

The ICC has published Court-wide administrative issuances as an additional step to address the topic of bullying, discrimination, harassment of all forms, and the abuse of authority within the Court. In particular, two administrative issuances on “prevention of sexual exploitation and sexual abuse” and on “addressing discrimination, harassment, including sexual harassment, and abuse of authority” have been published to help in setting out a formal framework to address such problems within the Court, and also within the Office.

Internal mobility

Another solution to some concerns raised in the G4-P3 level meetings that is currently being explored is to increase mobility opportunities across different sections of the Office. One concern raised in the meetings was the difficulty of changing post, both in terms of upward and internal mobility, experienced by some Office staff members. By aiming to put in place procedures for easier internal mobility, colleagues can have more opportunities to expand their skillset and progress in their career.

The Office recognises that a healthy and positive work culture is a necessary foundation for the Office to be a diverse, respectful, and efficient workplace. The Prosecutor and Deputy Prosecutors have committed themselves to drawing on and harnessing the diversity of the international community, in order to most efficiently and effectively investigate and prosecute Rome Statute crimes. These initiatives offer concrete examples of the Office's commitment to changing its work culture and professional environment.

Gender and Geographical Balance

The Office aims to have a dynamic and diverse workforce, especially when it comes to the balance of gender and geographical or ethnic background of its personnel. There is a clearly defined ambition to increase the gender and geographical diversity of Office staff members, especially in relation to the underrepresented countries of the GRULAC and Asia-Pacific regions. Furthermore, the Office has detected an imbalance in the distribution of gender at different levels of seniority. Female staff members are overrepresented in entry-level, VP and intern positions, while male staff are

overrepresented in senior and higher-level positions within the Office.

The Office has committed to dealing with these challenges by pledging to change the gender imbalance and geographical underrepresentation of certain countries and regions of origin in its personnel.

By means of implementing IER Recommendation 88, among others, the Office is moving forward in its ongoing commitment to bring more women into senior managerial positions. The OTP has demonstrated this commitment, for example, through the appointment of its new Senior Coordinators. The Office currently has five Senior Coordinators, of which four are women. One of those Senior Coordinators is a new female P5 staff member assigned to work on gender-based crimes ("GBC") and Crimes Against and Affecting Children ("CAC"). This position is funded through the Trust Fund for Technological Tools, Psychosocial Support and Specialised Capacity in GBC and CAC. In this way, the Office both honours its commitment to prioritise GBC and CAC in its operations, and deepens its approach towards the treatment of such crimes by embedding specialised capacity within the Office. As rightly recognised by the IER Report, the need for greater inclusion of female staff in higher positions can also help in part to bring about change in identified prevailing past practices of unacceptably tolerated predatory behaviour. This new appointment of female leadership can also continue to positively impact the Office's work culture through change management.

Furthermore, the Office has continued its path towards greater gender and geographical

representation through the ongoing implementation of IER Recommendation 91. This relates to the composition of recruitment panels, requiring at least one woman and one person from an under-represented State, as well as speakers of both working languages. The Office has implemented this recommendation through the overall reform of its recruitment process, and seeks to eliminate any potential inherent bias that may act as a de facto barrier to entry for under-represented gender and geographical groups. One challenge that has arisen in implementation, however, is the occasional difficulty in including a representative of an under-represented region in all recruitment panels. While the Office actively continues to work to remedy this obstacle in its future recruitment processes, it remains an ongoing challenge not least due to the inherent problem of the small numbers of employees from such under-represented States and regions.

In the effort to increase geographical representation among staff members, the Office has assumed a proactive stance on its engagement with under-represented regions in order to increase interest and participation in the Court's work among individuals from those regions. One such example comes from GRULAC Regional Group meeting attended by Prosecutor Khan in May 2023, in which methods to expand regional interaction with the Court were discussed. In a similar vein, Deputy Prosecutor Khan engaged with representatives from the Asia-Pacific Region, by representing the Office in the fifth Asia-Pacific Forum held in June 2023. The Forum had the direct goal of increasing representation and outreach to the Asia-Pacific Region, as part of the Office's goal

to enhance geographical representation in its personnel. The event intended to encourage students and young professionals from the region to consider a career in the field of international justice, and to pursue employment in the Office in the future.

OTP Focal Point for Gender

Prosecutor Khan decided to appoint an OTP Focal Point for Gender in December 2021. The appointment of an OTP Focal Point for Gender also represented one of the Prosecutor's initiatives as part of his commitment, as a Principal, to achieve greater gender equality in the Office, as well as fostering greater gender awareness, and creating a safe and inclusive workplace culture and environment at the Court.

The OTP Focal Point for Gender provides support and advice to the Prosecutor in strengthening gender equality in the Office and addressing gender-related issues in the conditions of employment at the Office. The OTP Focal Point for Gender also works closely with Deputy Prosecutor Nazhat Khan, the OTP Special Adviser on Working Climate, the ICC Focal Point for Gender Equality, IOP, OTP-HR and other colleagues, working groups and programmes across the Court that may support the Focal Point's work. The mandate of the OTP Focal Point for Gender is complementary to and mutually supportive of the ICC Focal Point for Gender Equality.

The role of the OTP Focal Point for Gender is paramount to ensuring equality and fairness across the Office, as well as fostering a working environment where diversity is embraced in all its forms. Through the focal point, Office personnel are able to channel their needs and

concerns for a connected, inclusive, and productive workplace, and to appreciate the broader impact that issues such as implicit/unconscious bias, inequality, lack of diversity and lack of inclusion can have on our work in investigating and prosecuting war crimes and crimes against humanity, and genocide, particularly when engaging with victims/witnesses from diverse backgrounds, parts of the world and of different gender identities.

The scope of the duties of the OTP Focal Point for Gender include but are not limited to reviewing the sufficiency of existing policies that are focused on promoting gender awareness, gender balance and inclusivity across the Office, identifying issues affecting diversity, equality/equity and inclusion (“DEI”) in the Office, organising capacity-building for colleagues on DEI issues and, liaising with colleagues and entities across the Court with a view to supporting DEI initiatives and raising related issues with the Prosecutor.

OTP Equity, Inclusion & Diversity Committee

The OTP Equity, Inclusion & Diversity Committee (“OTP-EIDC”) is composed of Office staff members. It spearheads several initiatives to promote the equality and advancement of Office personnel, non-discrimination, diversity and inclusion across the entire Office. These are primarily carried out through training and consultation lobbying with regard to in-house policies. OTP-EIDC also works together with the OTP Focal Point for Gender to promote awareness on DEI issues. The OTP-EIDC regularly disseminates information on different topics ranging from cultural, religious and heritage celebrations

observed by our colleagues and how to be mindful and supportive during such observations, to information on contact points across the ICC that provide support in addressing discrimination and harassment. Following the proposals of all Office operational staff during the group sessions convened by the Prosecutor and Deputy Prosecutors, the OTP-EIDC is further mandated to facilitate, together with the OTP Focal Point for Gender, Registry, Staff Union Council and the ICC Focal Point for Gender Equality, regular trainings on unconscious bias, anti-discrimination and harassment, social differences and on being an active bystander. These trainings are in the preparation phase and tentatively forecast to commence in 2024, alongside the ongoing Court-wide active bystander workshops.

Induction Programme

The Office inaugurated its induction programme for new staff in August 2022 following IER Report Recommendation 42, which identified a gap in the tools and knowledge offered in the induction process for new staff. The induction programme, officially called OTP Orientation Session, is OTP-specific and is offered in addition to the ICC-wide induction programmes for all new staff. It explains the units and different divisions of the Office and is given on a quarterly frequency with the possibility of switching to bi-monthly, if seen as a more efficient option.

The OTP Orientation Sessions are created as a responsive tool in order to incorporate feedback from staff members for each new version and they are constantly developing in response to the experience of staff members. In this way, the induction programme can be

an efficient and flexible tool to serve the purpose of continuous improvement of the process of welcoming staff to the Office, and helping them understand the structure and operations, while making their transition to their new position as smooth, welcoming and effective as possible.

The last OTP Orientation Session was held on 4 August 2023. At the time, several staff that had been invited had already been on board for a number of months. Nevertheless the session served to introduce staff members, seconded staff and consultants to the work and structure of the Office and it was very well received. The next session will run over one and half days (instead of one full day), and will additionally include a Practical Introduction to both the ICC and the Office to provide newcomers with information on practical and administrative aspects.

Sharing expertise



Throughout 2023, the Office has been working on effectively harnessing the varied experience, skills, and expertise present among its staff members. Following the broader restructuring initiated by Prosecutor Khan upon assuming his mandate, and by actively sharing knowledge internally, the Office has taken another step to strengthening its team and setting it up to deliver concrete results. These efforts have been further strengthened by the generous support of States, both through voluntary contributions to the Office's different Trust Funds and the secondment of national experts. Together, this will allow the Office not only to add surge capacity but also to build stronger networks of knowledge and information sharing internally, as well as externally – altogether moving the Office ever closer to a sustainable model that facilitates efficient investigations and prosecutions.

Trust Fund on Advanced Technology and Specialised Capacity

The positive response to the Office's Note Verbale of 7 March 2022, asking States to contribute to its Trust Fund for Technological Tools, Psychosocial Support and Specialised Capacity in gender-based crimes ("GBC") and crimes against and affecting children ("CAC") has allowed the Office to continue to build its

specialised capacity, and to inject additional resources into the most urgent priority areas. Indeed, through voluntary financial contributions, the Office has been able to significantly enhance the overhaul of its technological infrastructure through Project Harmony (see also Chapter 2). The OTP Trust Fund on Advanced Technology and Specialised Capacity has allowed the Office to effectively address fundamental challenges in its existing infrastructure, in particular with respect to the harnessing of advanced technology, without seeking additional resources in the programme budget. The impact of the enhancements that the Trust Fund has brought can be seen across the work of the Office, benefiting all situations. It has also allowed the Office to fund the position of the new Senior Coordinator for GBC and CAC.

With regard to psychosocial support and witness protection, the Office has prioritised the recruitment of psychosocial experts to support the Unified Teams with the aim of reducing the risk of traumatisation. With the assistance of the voluntary contributions, the Office has been able to onboard 18 psychosocial experts to date, to offer support on an ad hoc basis, nine of which are offering their support services in situation countries. A second priority identified by the Office is the enhancement of

facilities in field duty stations to support the engagement of witnesses through remote interviews. Similarly, the Office has been working on the development of child- and gender-based-victim-friendly interview rooms and resources at the seat of the Court in The Hague. This will create a space conducive to the wellbeing of witnesses, including children (see Chapter 1). Furthermore, the Office has prioritised the identification and onboarding of experts in the field of GBC and CAC. To date, one expert has joined the Office and six more are currently undergoing the recruitment process. These experts have been integrated in the different UTs, with additional policy expertise being offered through the experts of the Gender and Children Unit.

In line with the original spending plans of the Office under the Trust Fund, roughly 55% of the voluntary contributions have been allocated to its technological projects, with 14% being used for the priority areas of psychosocial support and 24.5% for specialised capacity in GBC. A total of 26 States and the European Union made voluntary contributions to the development of a sustainable model for the Office to operate successfully in the context of modern conflicts and their increasingly large, digital footprints.

By boosting its capacity through this injection of resources, the Office has been able to lay a solid foundation and to identify more specific technical areas in which it would greatly benefit from additional expertise. This will allow it to continue to grow internal capacity, and further move towards its envisioned sustainable model

within the regular budget. Looking forward, the Office aims to shift Trust Fund contributions to focus on complementarity and cooperation activities. The Office is presently working with the Registry in order to establish a Trust Fund on Cooperation and Complementarity aimed at supporting a range of activities outlined in the recent draft policy issues by the Office in this area as well as agreements signed with States including Colombia, Democratic Republic of the Congo and Central African Republic. This would in particular support positive or dynamic complementarity activities which do not have any financial support under the regular budget of the Office. Through contributions to this Fund, the Office will be able to undertake several activities in line with its mandate to engage with and encourage States to take on their duty and primary responsibility to investigate and prosecute international crimes.

Seconded Programme

From March 2022 onwards, the Office has not only been supported through voluntary contributions, but crucially also through the secondment of national experts. Pursuant to IER Recommendation 103, a total of 46 national experts joined the Office in 2022. The majority of the secondees that joined the Office in 2022 were investigators, followed by lawyers and analysts, representing 21 States Parties. Over the course of the first half of 2023, an additional 30 national experts were seconded by States Parties and other external parties, with a total of 26 parties contributing to the initiative.

As of 19 October 2023, 76 seconded experts have been onboarded. The national experts seconded to the Office have been providing support across all of the Office's functions and across all situations.

As reflected in its 2024 programme budget proposal, the Office will be shifting its focus with respect to the requested functions and expertise of seconded national experts. Specifically, the Office will seek from States the secondment of experts with expertise in highly specialised areas including all-source analysts, open-source investigative specialists, geospatial analysis experts and other analytical fields. The Office does not presently have sufficient positions in this areas supported through the regular budget of the Office.

The Office is unable to influence gender and geographical representation through the appointment of secondees in 2023, seeing as relevant national authorities are currently solely responsible for choosing their proposed secondees. However, in the spring of 2023, the Prosecutor announced the creation of the Trust Fund for Financial Support to Secondments in order to facilitate secondments from developing economies, which should be operational by late 2023 or early 2024. In this way, wider geographical representation can be achieved also through the appointment of secondees, bypassing any potential financial barriers that could inhibit underrepresented countries from appointing secondees. To increase gender diversity of secondees in coming years, the Office is intending to send more specialised profiles to national authorities for secondments.

Other initiatives

NPO initiative

The Office has introduced a new model of employment in the form of a National Professional Officer ("NPO"). This new employment modality allowed the Office to implement Recommendation 95 of the IER, which suggested the creation of different staffing models across the Court. While this had already been done through short-term contracts and secondments, the NPO initiative allows for even more diverse options, creating greater flexibility and responsiveness to the needs of the Office and its operations.

The Staff Regulations and Rules that were approved during the 2022 Assembly of States Parties included the new staffing category of NPO. The 2023 Spring Session of the Committee on Budget and Finance requested that the ICC's Registry finalise the guidelines that would govern NPO integration in the ICC working structure. This procedure is underway and it is expected that NPO contracts will be available to the OTP in 2024.

Connect-Share-Learn initiative

In March 2023, the Office launched the Connect-Share-Learn initiative, to enable colleagues to connect with each other, share knowledge and learn. Such learning not only benefits individuals but also the organisation by generating new ideas and gaining a diverse perspective. This initiative started as a series of lunch-time seminars given by Office staff members and seconded personnel, as well as external speakers from other organisations.

The Connect-Share-Learn programme aspires to be an umbrella for informal opportunities for learning and development in the Office. It forms part of the broader aim to develop and expand the skillset of the Office’s employees, and thereby to increase its knowledge capital and improve its operations. Despite the limited resources available to the Office for training, learning and development, many initiatives have been launched by different sections to address the knowledge gaps with use of minimal resources. In the long-term, Connect-Share-Learn could become the hub to coordinate all these initiatives, sharing resources and exchanging experience.

Through this volunteer-based form of social learning, enabled by this initiative, Office colleagues have the opportunity to share their experiences, take an introspective look at the organisation and generate new ideas together to help the Office progress and develop. These seminars have a particular benefit for seconded personnel, visiting professionals, interns, and new staff, who can learn about the organisation and integrate faster, as well as meet colleagues from across the Office and foster interpersonal learning and trust. Secondees, in particular, often bring unique and precious perspectives from their domestic organisations and experience, insight from which Office personnel greatly benefit.

The sessions are beneficial for the Office for multiple reasons. They allow colleagues to share their job-specific skills and knowledge with co-workers of various departments, and understand the role and responsibilities of colleagues in different sections. This increases the possibility for future collaboration among

sections. The sessions also serve as a useful launch platform to promote new internal products or processes. As the Office goes through its digital transformation through Project Harmony (see Chapter 2), and through other means, these sessions have shown to be a great opportunity to present these innovations – as demonstrated during the “tech summer” of Connect-Share-Learn. These “technology summer” sessions gave the opportunity to answer questions, and to enhance the involvement and sense of ownership of all colleagues and secondees in the efforts to ‘digitise’ the Office’s operations. The sessions are very well received, attracting a wide range of people from language services to analysts, investigators, (senior) trial lawyers and many others.

The organisers take special care to improve the event by holding a brief retrospective meeting after each session, in order to assess the outcome and review the feedback received. While still an Office initiative, Connect-Share-Learn is intended to further develop into an initiative of knowledge-sharing among all ICC personnel. Increasingly, it will include more individuals and work areas of the Office, as well as inviting presenters from the Registry and the judiciary, or opening some sessions to attendees from other organs of the Court.

Lessons Learned project

In 2020, the Office underwent an audit of its Lessons Learned (“LL”) activities by the Office of Internal Audit. This concentrated on the implementation of the lessons learned policy, and the utilisation of the LL portal as a more measurable feature of the lessons learned processes. The Office of Internal Audit issued six recommendations, which included, among

others: expanding the *Lessons Learned Concept Paper* and defining responsibilities in the lessons learned process; redefining the purpose and requirements of the lessons learned process; and including LL within the induction programme for new Office staff. The recommendations on lessons learned are being implemented as part of the Office's learning culture.

The implementation of the LL recommendations from the audit was only implemented after the process of OTP reorganisation was largely complete, with the assignment of new management roles and responsibilities. This went hand in hand with the assessment and implementation of the relevant IER Report recommendations on LL, such as Recommendations 272, 273, and 313.

The Office has incorporated LL into its working culture, and is currently updating its *Operations Manual* accordingly. In some instances, the Office conducted a formal LL process; in other instances, the lessons learned derive from the Court's jurisprudence, or the Office's practices during its investigations and prosecutions. Informal LL processes triggered by evolving jurisprudence or the Office's practices will also be reflected.

The Office is committed to a flexible approach to LL exercises. They may take the form of quick, informal after-action reviews. Furthermore, LL exercises should not be confined to the Office's Unified Teams, but performed by any team or unit within the Office, as advisable, to promote the organisation's learning culture throughout all departments.

The LL *Concept Paper*, which remains in place and is supported by the LL online portal, already defines the roles and responsibilities of all stakeholders in the LL process. The Office is making systematic use of the LL online portal, which is available to all staff members. To date, more than 190 lessons learned have been uploaded, and made available to OTP teams. It is expected that by the end of 2023, the Office will update its online portal to facilitate registration of LL activities online, as well as to include tools for conducting, recording and disseminating such material among colleagues.

By the end of 2023, the Office aims to identify potential LL facilitators and to create a pool for future use. It will also introduce the new LL framework to its personnel, including the new ways of implementing both the IER Recommendations and the recommendations of the Office of Internal Audit. In early 2024, the Office anticipates developing a training for the designated facilitators on conducting LL activities and using the online portal. Furthermore, the Office aims to create a resources library for the facilitators. Lastly, the Office intends to conduct information sessions for managers and teams in order to facilitate the inclusion of the LL framework within the Office's normal operations.

Chaper 5

Moving forward together

ICC, The Hague's Just Peace Open Day, 24 September 2023



The Office is guided in its work by its mandate under the Rome Statute. Success is measured and identified in its vision and strategic plans, which continue to be sharpened and redefined. The Office recognises that growth is a process and sets itself, within its strategic cycle, ambitious yet realistic and attainable goals for the year ahead.

Personal message


Prosecutor Karim A. A. Khan K.C.

“In last year’s Annual Report, I had the opportunity to set out six milestones for 2023. Although the future is not predictable, we are dedicated to take emerging opportunities to use the unexpected in the benefit of our work and those who look to us. Reflecting on our priorities for the year 2023, we acknowledge that, although not perfect, each step taken – no matter how small – has significant value to the promotion of the Rome Statute’s mandate and in restoring justice to those who have suffered from the commission of the worst of crimes.


Over the course of the last year, members of the Office have strived to improve and expand our work and its impact. Through several challenges, we maintained our dedication to take crucial steps in order to accomplish – to the best of our ability – and exceed the goals we set ourselves for 2023 and beyond, as reflected in our Strategic Plan for 2023-2025. Looking back to the six goals I outlined last year, I can reflect with equal pride in the work of our colleagues and anticipation to do even better.

Since September of this year, our field office in Kyiv has been operational, which we hope will be the first of a number of others. The Office’s Gender and Children unit is also fully operational, having contributed to exceptionally valuable policy work and exchanges with civil society. The Office has


1  **Deliver results in the courtroom**

3  **Make the Office a global technology leader**

4  **Bring justice closer to communities and deepen engagement with civil society**

5  **A renewed policy framework for the Office**

6  **Ensure effective investigations and prosecutions of Gender-Based Crimes and Crimes Against and Affecting Children**

9  **Strengthen global support for the work of the Office**

also made crucial progress in terms of utilising technology in the journey to improve how evidence is received, stored, and used. The use of technology allowed us – and will allow us in the future – to extend our missions, as it also allows victims from all over the world to reach us, in confidence, and to tell their stories. In 2023, we also maintained constant contact with states and civil society in line with our vision to enhance cooperation and promote our mandate under the Rome Statute.

While we continue ceaselessly to work towards the realisation of our ambitions enshrined in our Strategic Goals, we are also looking ahead to 2024 and identifying how, as an Office, we can

look beyond the horizon at future opportunities to bring justice to victims, to contribute to the work of our partners, and to innovatively face the challenges that come with investigating modern conflict. It is my hope that this final Chapter will provide a sense of how we will strive to achieve our goals in the upcoming period, with a focus on the thematic priorities outlined throughout the various chapters of this Report. I, and all the members of the Office, keenly feel the key importance of earning the trust of all victims and affected communities. We will continue to do this through delivering better together – with States, institutions, civil society, and all our partners, as well as those most directly affected by Rome Statute crimes.”

What to look out for in 2024



This *2023 Annual Report* illustrates the varied ways in which the Office has continued to deliver on the advancement of the cause of justice. The Office has continued to work towards meeting victims’ legitimate expectations, and recognising the reality of intersecting crimes. Under the leadership of Prosecutor Khan and Deputy Prosecutors Khan and Niang, the Office has continued to further its work on the thematic priorities that were identified in the first edition of this report. The work of the Office is marked by the realisation that, as an Office, we can only truly consider ourselves successful on the day that the work is no longer necessary, and there are no situations under preliminary examination or investigation. While Prosecutor Khan has often echoed this sentiment, he has equally underlined the key importance of continuing to identify milestones, objectives, and expectations to allow the Office to identify both the tangible progress it makes, and the areas in which it faces challenges. The previous chapters have highlighted both these elements. Indeed, the steps taken with regard to the six objectives identified in the *2022 Annual Report* (Chapter 5, “Beyond the

horizon: next steps”) have each been discussed in this report. In this final chapter, we will likewise look ahead at the tail end of 2023 and into 2024, to anticipate how the work of the Office on its thematic priorities is set to continue.

Cases: In and outside the courtroom

The Office looks forward to continuing activities related to pre-trial and trial proceedings.

In the case of *The Prosecutor v. Ali Muhammad Ali Abd-Al-Rahman* (“*Ali Kushayb*”), the Defence started the presentation of its case on 19 October 2023. Upon conclusion of the Defence case, the judges of Trial Chamber I will deliberate on the proceedings and, within a reasonable period, pronounce the decision on conviction or acquittal pursuant to article 74 of the Rome Statute.

In the case of *The Prosecutor v. Mahamat Said Abdel Kani*, the trial is expected to continue in 2024.

In the *Yekatom and Ngaïssona* trial, the Prosecution presented its case throughout 2023 and the Defence is scheduled to start the presentation of its case in December 2023.

In the case of *The Prosecutor v. Al Hassan Ag Abdoul Aziz*, the pronouncement of the article 74 judgment might take place in late 2023 or early 2024.

In the *Uganda* Situation, the Office is expecting a decision from the Pre-Trial Chamber on its request to hold a hearing on the confirmation of charges against Joseph Kony *in absentia*.

Regarding the situation in Libya, after giving the first-ever in-country UN Security Council (“UNSC”) briefing in August 2022 on the situation in Darfur, Sudan, the Prosecutor aims to brief the UNSC from Tripoli in 2024. This will be the second time on which Prosecutor Khan will deliver a UNSC briefing from Libyan soil.

Policies

The Office organised the first mandatory all-staff training on CAC in 2022, and it is currently in the process of developing a similar training on GBC to be rolled out in 2024. This training, which will be organised on a hybrid basis to allow full participation, will also be made available for new staff members who are onboarded after the training takes place. The training will take a holistic view of the Office’s policies, also touching on slavery crimes and gender persecution.

Furthermore, the Office will work on the development of Policies on Slavery Crimes, Environmental Crimes and Cyber Crimes. Regarding Environmental Crimes, consultations and engagement with staff and external partners are set to start before the end of 2023, with a view to draft an OTP Policy on Environmental Crimes in 2024 and mobilise current and new constituencies to support the Policy.

These policies will be developed as part of the OTP *Strategic Plan for 2023-2025* (see Goal 5, and Key Performance Indicator 9 of the Strategic Plan). Together with the policy work undertaken by the OTP on GBC, CAC, and complementarity, the development of these policies will be milestones in relation to the objective to realise a renewed policy framework for the Office.

In early 2024, a conference on cyber-enabled crimes and international criminal law will take place at the seat of the Court in the Hague. The conference will be organised jointly by the Office and Microsoft, with the presence of various speakers and attendees from the private sector, national and international investigators and prosecutors, civil society, and academia. The focus of this dialogue will be directed at addressing how the cyberspace can be used in order to facilitate or commit serious crimes that fall within the jurisdiction of the Court under the Rome Statute. Furthermore, it will touch upon the role that the International Criminal Court plays in addressing this type of crime, whether in terms of current and existing cyber operations, future aspirations to tackle cybercrime, or identifying challenges and possible solutions.

This conference is hosted in line with Strategic Goals 3 and 5 as identified in the OTP Strategic Plan 2023-2025, since it feeds into the Office's ambition to enhance and broaden its policy framework by introducing new policies on evolving crimes, including cybercrime. In addition to allowing a space to discuss different challenges and opportunities, the dialogue will allow the exchange of different expertise regarding cybercrime and the monitoring of cyber operations, and allow future possibilities of cooperation and collaboration.

Collaboration and engagements

Following the productive OTP CSO roundtable in November 2023, the Office will host two further roundtables in 2024. The first of these will focus on GBC and in particular the implementation of the Office's new policy on GBC. The roundtable will be scheduled to take place in the first half of 2024. The implementation of the OTP's new policy on CAC will also be discussed, as well as the intersecting topic of slavery crimes. As noted above, a policy on the latter subject will be developed in 2024. The focus and timing of the second CSO roundtable will be determined in early 2024.

In addition to the two roundtables, the Office will be organising further events to facilitate engagement and collaboration with civil society, in line with the initiative that Prosecutor Khan launched in May 2022.

“I fear that if we fail collectively to hear the call of our humanity, if we fail to listen to the reproaching soul of our hearts, to be better than we are, to be more just than we’ve been, to fight for things not based upon people’s religion or tribe or nationality, their wealth or their poverty, but simply because we want to live in a world where there is equality so that we do not fall completely into the abyss. We want to live in a world where there is justice. We have to do better than we are doing right now. There are so many that are crying, and there are so many that are in pain. Collectively, the law and the quest for justice is essential to move out of the misery that we see all around us.”

– Prosecutor Karim A. A. Khan, KC.



