

**SECRETARIAT OF THE ASSEMBLY OF STATES PARTIES TO THE ROME
STATUTE OF THE INTERNATIONAL CRIMINAL COURT**

THE HAGUE WORKING GROUP

Complementarity

Fourth meeting

2 September 2026

Informal summary

The meeting was chaired by the ad country co-focal points, Ambassador Greg French (Australia) and Ambassador Mirjam Blaak Sow (Uganda).

1. Presentation by the OTP on situation-specific completion strategies

A representative of the Office of the Prosecutor (OTP) outlined its longer-term strategy of concentrating resources on a smaller number of situations to achieve deeper and more impactful results. He noted that this approach aligned with the recommendations of the Independent Expert Review (IER). Situations such as the Central African Republic, Kenya, Georgia and Uganda had already completed the investigation phase. Myanmar/Bangladesh, Burundi, and Côte d'Ivoire were expected to reach completion in 2027. The number of preliminary examinations remained at a historically low level, reflecting a more focused approach. The representative clarified that conclusion of the investigation phase did not mean withdrawal from a situation. Rather, it signified that no further arrest warrant applications or new investigative lines would be pursued, allowing resources to be redeployed to situations requiring greater attention. Completion should therefore not be understood as a reduction in overall resources, but as a means of concentrating efforts.

The OTP emphasized the close relationship between completion of investigations and positive complementarity. Support to national authorities — including training, information exchange, and, where appropriate, provision of information or evidence — formed an important part of the transition toward completion. Such activities aimed to strengthen domestic responsibility for accountability efforts. The representative noted that residual activities remained after completion, including witness protection, fugitive-tracking, evidence preservation, preparation for proceedings following arrests, and other residual tasks. He also highlighted that existing arrest warrants remained valid, and resources would continue to be available to respond to arrests and undertake necessary pre-trial activities.

The Central African Republic (CAR) was highlighted as a good example of positive complementarity activities as a means of supporting accountability beyond the traditional investigation mechanism. The OTP representative described ongoing cooperation with CAR national authorities and the Special Criminal Court, supported by a memorandum of understanding and an action plan. Activities included capacity-building workshops, information-sharing, and support to national investigations and prosecutions. A three-stage training project was underway, supported by contributions to the OTP Trust Fund on Complementarity.

The OTP also provided an update on its forthcoming “New Policy Paper on Selection and Prioritisation Criteria for Situations & Cases”. The policy paper would consolidate and replace previous policy documents, incorporate IER recommendations — including an emphasis on gravity — and provide greater consistency and transparency across all stages of OTP work. A draft was expected to be circulated for consultation with States Parties and other stakeholders by the end of October 2026.

Delegations raised questions regarding the relationship between the forthcoming policy and the [2024 Policy on Complementarity and Cooperation](#), assessment of national willingness and ability, implications of completion where arrest warrants remained outstanding, and resources for fugitive-tracking and evidence preservation. In response, the OTP representative emphasized consistency with the 2024 policy and reaffirmed that the core complementarity test remained unchanged. Positive complementarity and engagement with national authorities would inform prioritization decisions, including monitoring of genuine national efforts. Completion planning would seek to minimize any “impunity gap”, considering prosecution needs, evidence preservation, fugitive-tracking, victim and witness support, and complementarity.

Regarding outstanding arrest warrants, the OTP representative explained that completion could involve allocating limited residual resources to preserve evidence or undertake other necessary activities. Cooperation with the Registry’s fugitive-tracking capacity was being strengthened, including the development of information packages to support tracking following completion.

2. Presentation by the IOM on the Evaluation of Complementarity in Guinea

The Head of the Independent Oversight Mechanism (IOM), presented the report on the [Evaluation of Complementarity in Guinea](#) (2025) conducted by the IOM following a request by the Assembly. Guinea was selected as the case study after consultations with the OTP, offering an opportunity to assess a complementarity process that had progressed to a concluded domestic trial. The presentation focused on the highlights of this evaluation, in particular its scope, process, key findings, lessons learned, and recommendations.

The presentation initially recalled the background of the situation: the violent repression of a political demonstration on 28 September 2009, resulting in killings, sexual violence, disappearances, and other crimes. Following OTP engagement, the Guinean authorities took responsibility for accountability efforts. The domestic trial began on 28 September 2022, the same day the memorandum was signed, and concluded on 31 July 2024 with several convictions. Two major developments followed in 2025: a decree establishing reparations for victims and a subsequent decree granting a pardon to former President Dadis Camara.

Regarding the scope of the evaluation, its main purpose was to highlight the joint complementarity commitments expressed in the memorandum of understanding (MoU) between the OTP and the Government of Guinea, and to take stock of the progress made. The MoU formalized a long-standing engagement between the OTP and Guinea, and examined commitments and implementation rather than conducting a legal review of domestic proceedings. Guinean commitments included delivering justice to victims, ensuring transparency, preventing interference, protecting victims and witnesses, providing adequate resources, and keeping the OTP informed. The OTP’s role included monitoring proceedings, reassessing complementarity where necessary, and providing capacity-building support.

As for the evaluation process and its methodology, the evaluation was thorough, participatory, and comprehensive. It comprised a desk review as well as meetings with stakeholders. The evaluation drew on OTP documentation, United Nations sources, and extensive consultations with authorities, judicial actors, victims’ representatives, civil society, and diplomatic missions during a mission to Conakry. The report and its findings and recommendations were the result of those activities.

The report contains an extensive list of findings, some of which the Head of the IOM highlighted as follows. First, the MoU was identified as an important tool for implementing complementarity, though the absence of a detailed action plan limited clarity and monitoring. Second, the domestic trial was considered a significant achievement and a clear example of positive complementarity, despite challenges and fluctuating political will. The judgment is available on the

Legal Tools Database.¹ Third, the OTP engagement was viewed as having contributed to progress. Fourth, some investigative steps, including certain forensic inquiries, were not fully pursued. Fifth, reparations adopted in 2025 were substantial, though issues remained regarding victim identification and inclusion. Finally, the enforcement of the judgement was a central question during the evaluation, as the pardon of the main convicted person was considered a significant development, with some stakeholders suggesting reassessment of complementarity, pursuant to article 4 of the MoU.

The IOM made nine recommendations, almost all of which were accepted by the OTP. Some are general, others are more specific to the OTP or the Guinean authorities, and some are aimed at promoting synergies with the Court or with external stakeholders. The recommendations included developing detailed action plans, adopting a stronger victim-centred approach, increasing OTP presence in complementarity situations, strengthening internal coordination, enhancing cooperation with external partners, and continuing capacity-building. The IOM also recommended robust national programmes for reparations and memorialization. Delegations welcomed the evaluation and raised questions regarding its relevance for the forthcoming OTP policy, the role of political will, and follow-up to recommendations.

3. Review of the Complementarity facilitation

The co-focal points recalled information circulated in July concerning the Complementarity Platform, including a note verbale, explanatory flyer, guidance note, and online request form. They further recalled the mandate in the 2025 omnibus resolution, which requested the Secretariat to facilitate information exchange and invite States to submit capacity needs.

A representative of the Secretariat outlined its plan to modernize the Platform, since users had experienced difficulties understanding how to request assistance and whom to contact. A simpler, more practical model would be envisaged, including a user-friendly web-based and mobile-friendly interface which would allow States to submit requests, select thematic areas, and access explanatory information. Requests would be automatically transmitted to the ASP inbox with appropriate internal liaison. Implementation would depend on available IT and human resources.

Delegations were invited to provide comments and proposals, including possible language for the omnibus mandate on this topic.

4. Other matters

The co-focal points recalled that the next meeting would take place on 30 September 2026 and would include a seminar entitled “Complementarity in practice: State experience, partnerships and the way forward”, held at the Court’s premises. The seminar would focus on national-level experiences and strengthening complementarity through cooperation, capacity-building, and partnerships. Uganda and Australia were expected to present, including participation from Australia’s Office of the Special Investigator. A reception would follow.

¹ See Tribunal de Première Instance de Dixinn, *Ministère public c. Moussa Dadis Camara et autres*, jugement du 31 juillet 2024 (Tribunal de Première Instance de Dixinn), Guinea, available at: <https://www.legal-tools.org/doc/d3pewvb4/pdf>.