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Report of the Bureau on complementarity

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I. Background and mandates

1. On 6 March 2024, the Bureau re-appointed Australia and Uganda as *ad country* focal points for the topic of complementarity, including sexual and gender-based crimes (also considered an “Assembly Mandate”). As such, Australia and Uganda were focal points in both The Hague Working Group and the New York Working Group in the lead-up to the twenty-third session of the Assembly.

General mandates

2. At the twenty-second session of the Assembly in 2023, States Parties resolved to continue and strengthen, within the appropriate fora, effective domestic implementation of the Rome Statute to enhance the capacity of national jurisdictions to prosecute the perpetrators of the most serious crimes of international concern in accordance with recognized fair trial standards, pursuant to the principle of complementarity.¹

3. The Bureau was requested to “remain seized of this issue and to continue the dialogue with the Court and other stakeholders on complementarity, including on complementarity-related capacity-building activities by the international community to assist national jurisdictions, on possible situation-specific completion strategies of the Court and the role of partnerships with national authorities and other actors in this regard, and also including to assist on issues such as witness and victims protection and sexual and gender-based crimes”.²

4. The Secretariat of the Assembly of States Parties (“the Secretariat”) was mandated to, within existing resources, continue to develop its efforts in facilitating the exchange of information between the Court, States Parties and other stakeholders, including international organizations and civil society, aimed at strengthening domestic jurisdictions, and to invite States to submit information on their capacity needs for the consideration of States and other actors in a position to provide assistance, and to report on the practical steps taken in this regard to the twenty-third session of the Assembly.³

5. The Court, while recalling its limited role in strengthening national jurisdictions, was encouraged to continue its efforts in the field of complementarity, including through exchange of information between the Court and other relevant actors.⁴

6. States, international and regional organizations, and civil society were encouraged to submit to the Secretariat information on their complementarity-related activities.⁵

7. Annex I to this report records contributions on complementarity-related activities of the President of the Assembly of States Parties, the Secretariat, the Court, and the international community more broadly. The subsequent parts of this report reflect the work of the focal points on the topic of complementarity.

Review of the International Criminal Court and the Rome Statute system

8. The Review Resolution adopted by the Assembly in 2022 requested “the relevant Assembly mandates designated as responsible for assessing and taking possible further action, as appropriate, on relevant recommendations to continue with the assessment, where necessary, to oversee implementation of the recommendations in 2024 and to submit to the Bureau the outcome of their consideration, including on action already taken and proposals for next steps”.⁶

9. In the Review Mechanism’s “Comprehensive Action Plan” (CAP),⁷ the complementarity focal points were assigned as the “platform for assessment” of IER recommendations 226 – 267, with the Office of the Prosecutor (OTP) formally “allocated” all recommendations except for 247(ii) and 262 – 265 (which listed both the OTP *and* complementarity focal points).

¹ ICC-ASP/22/Res.3, para 130.

² ICC-ASP/22/Res.3, para. 135 and annex I, para. 14(a).

³ ICC-ASP/22/Res.3, para. 136 and annex I, para. 14(c).

⁴ ICC-ASP/22/Res.3, para. 138.

⁵ ICC-ASP/22/Res.3, para. 138.

⁶ ICC-ASP/22/Res.6, para 8. Further background on this priority review topic, including its intersection with the mandate and work of the Independent Expert Review (IER), is set out in the “Report of the Bureau on complementarity ICC-ASP/22/Res.3, para. 135, citing the *Report of the Bureau on complementarity*, ICC-ASP/22/28.

⁷ See at: [https://asp.icc-cpi.int/iccdocs/asp_docs/ASP20/RM-Comprehensive Action Plan-ENG.pdf](https://asp.icc-cpi.int/iccdocs/asp_docs/ASP20/RM-Comprehensive%20Action%20Plan-ENG.pdf).

Gender-based crimes

10. At its twenty-second session, the Assembly recognised “the importance of achieving accountability for all Rome Statute crimes while recalling that there is no hierarchy between them” and encouraged the Bureau “to engage with interested States Parties and other relevant actors to identify ways to support Court efforts in this regard with respect to sexual and gender-based crimes that amount to Rome Statute crimes, with a view to reporting thereon to the twenty-second session of the Assembly”.⁸

11. On 6 March 2024, the Bureau re-assigned this mandate to Australia and Uganda as *ad country* focal points for the topic of complementarity on the basis that their general mandate also extended to assisting “on issues such as ... sexual and gender-based crimes”, as it had since 2021.

II. Organisation of work

12. As noted in their “Report of the Bureau on complementarity”⁹ submitted ahead of the Assembly’s twenty-second session, the focal points (Australia and Uganda) suggested four streams of work:

“(1) Continuing dialogue with the Prosecutor and OTP on the forthcoming (policy) papers on complementarity and completion, and any revisions to its existing policy papers, including on preliminary examinations, as appropriate. This dialogue would need to respect judicial and prosecutorial independence and discretion.

(2) Subject to any general decisions on the implementation of the IER recommendations, initiating a broader “stocktaking” exercise in respect of the principle of complementarity, to build on the work of the IER.

(3) Reflecting further on the division of labour between the Court and ASP, with a particular focus on developing the structural role of the ASP as a forum for dialogue and cooperation on complementarity issues between the Court and States Parties, non-States Parties, civil society and other organisations, with due regard for any operational confidentiality and the distinct mandates and separation of powers under the Rome Statute.

(4) Additional streams of work as necessary to take forward discussions on complementarity and the recommendations of the IER Report both in the complementarity facilitation and in other forums as decided by the ASP.”

III. Summary of meetings

13. To facilitate the work set out above, the focal points held a first meeting on 23 May 2024, a second meeting on 4 July 2024, and a third meeting on 4 October 2024. On 23 May the focal points presented the facilitation work plan, and the facilitation received updates from OTP on the implementation of the IER complementarity related recommendations, the OTP’s complementarity-related situation-specific completion strategies and the regional launch of the OTP’s policy on complementarity and cooperation. On 4 July the OTP provided an update on the implementation of the Office’s new Policy on Complementarity and Cooperation and presented on the Trust Fund for Complementarity and Cooperation. On 4 October the OTP updated the facilitation on the implementation of the revised OTP policy on gender-based crimes (GBC) and the new policy on children. The facilitation also heard contributions from experts focusing on GBC and capacity-building initiatives and an update from the ASP Secretariat on the Complementarity Platform. Comprehensive summaries of these meetings are available at the complementarity resources page of the ASP website.¹⁰

Other activities

14. At the Assembly of States Parties in 2023, Australia and Uganda, as co-focal points on complementarity including GBC, co-sponsored a side-event on ‘Building the Global Justice Ecosystem: Supporting Complementarity in Practice, Applying Lessons Learned to New

⁸ ICC-ASP/22/Res.3, para. 66 and annex I, para 14(b).

⁹ ICC-ASP/22/28, para 13.

¹⁰ See at: <https://asp.icc-cpi.int/complementarity/Resources>

Opportunities and Challenges'. Australia also co-sponsored a side event on the Gender Justice Practitioner's Hub in the margins of the Assembly of States Parties in New York, and sponsored the Gender & International Criminal Law Conference in The Hague in January 2024, to support further engagement on accountability for GBC

IV. General findings

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

16. It is generally understood by States Parties, the Court and other stakeholders that international cooperation, in particular through rule of law development programmes aimed at enabling domestic jurisdictions to address war crimes, crimes against humanity and genocide, may contribute to the fight against impunity for such crimes. Such cooperation has been described as "positive complementarity" or complementarity activities. National ownership is essential and a requirement to engage in, and ensure the success of, such activities.

17. In light of consultations held this year, the co-focal points are of the view that it is important to continue discussions on the principle of complementarity, including on the relationship between national jurisdictions and the Court and the implementation of OTP's Policy on Complementarity and Cooperation.

18. In the context of the review process, the focal points are grateful that States Parties and the Court engaged in a structured dialogue on complementarity and related IER recommendations (R226 – 267). The focal points note that all recommendations allocated to the complementarity facilitation as the "platform for discussion" have been implemented. The focal points thank all those who have participated in the review process from its conception, to now, the completed implementation of relevant recommendations and welcome this milestone achievement.

19. Finally, on the issue of GBC that amount to Rome Statute crimes, the focal points are of the view that the consultations held this year have revealed that there would be value in ongoing consultations in 2025 to engage interested States Parties and other relevant actors to identify ways to support Court's efforts in this regard, including with respect to implementation of the OTP Policy on Gender-based Crimes.¹¹

V. Conclusion and recommendations

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

21. In the review process, it appears that the streams of work – outlined in paragraph 12 above – remain broadly relevant for guiding discussions on complementarity in 2025 while noting that all complementarity related IER recommendations have now been implemented.

22. There is also support for the Bureau to continue to engage interested States Parties and other relevant actors to identify ways to support Court efforts with respect to GBC that amount to Rome Statute crimes.

23. In that context it is recommended that the Assembly adopt the draft provisions on complementarity contained in annex II to this report.

¹¹ See: <https://www.icc-cpi.int/iccdocs/otp/OTP-Policy-Paper-on-Sexual-and-Gender-Based-Crimes--June-2014.pdf>.

Annex I

Contributions from complementarity stakeholders

I. The President of the Assembly of States Parties

The following information and views in this Part I were provided by the Secretariat of the Assembly of States Parties on behalf of the President of the Assembly, Ms. Päivi Kaukoranta.

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

2. In her role as President of the Assembly, Ms. Päivi Kaukoranta, has repeatedly emphasized the significance of the principle of complementarity in different international forums, including in her participation in the following: the Bled Strategic Forum, which took place on 2 and 3 September 2024; the President spoke at the panel entitled "Summit of the Future: What kind of future can it deliver". The President of the Assembly sent a prerecorded video at the 45th Annual Forum and 13th Consultative Assembly of Parliamentarians on the International Criminal Court and the Rule of Law, held in Islamabad on 28 and 29 October. She also delivered a statement at the opening of the 30 and 31 October meeting organized in Johannesburg with senior officials from African Governments on the review of the Kampala amendments on the crime of aggression; the meeting was entitled "Mobilising African States Parties to the ICC to raise awareness and generate ownership. The President also continued to highlight the role of complementarity at meetings held during her visits to New York, including International Law Week in the latter part of October.

3. In the context of bilateral relations, the President of the Assembly held meetings with United Nations officials, Foreign Ministers, Heads of Missions, representatives of civil society organizations, bar associations, academic institutions, and the media. During these meetings, the President emphasized that the Court operates in complement to national jurisdictions, in full accordance with the principles and values established in the Rome Statute.

4. In her interactions the President of the Assembly has consistently advocated for and raised awareness of the principle of complementarity, stressing that a deeper understanding of the complementary nature of the jurisdiction of the Court could enhance its acceptance and result in an increase in the number of States Parties, ultimately contributing to its universality.

II. The Secretariat of the Assembly of States Parties

The following information and views in this Part II were provided by the Secretariat of the Assembly of States Parties.

5. The Secretariat has continued to carry out its outreach, information-sharing and facilitating function. Consistent with past practice and when appropriate, the Secretariat has coordinated with the co-focal points in carrying out these activities via the "Complementarity Platform for technical assistance", which aims at facilitating links between States Parties requesting technical assistance, the Court, and actors in a position to assist national jurisdictions in their efforts to strengthen capacity to investigate or prosecute Rome Statute crimes. This Platform is designed for States Parties to indicate their technical legal assistance needs. Once the Secretariat receives a request, it coordinates with the Court as well as possible capacity building providers.

6. On April 22, 2024, the Secretariat issued a note verbale inviting States Parties to specify their needs for technical legal assistance by completing the Complementarity Platform. Upon receiving a request, the Secretariat coordinates with the requesting State and shares pertinent information with organizations that may be able to assist. As of October 29, 2024, the Secretariat had received three official requests for technical assistance from States Parties on May 31, June

17, and July 11, 2024, respectively. To support these requests, the Secretariat engaged in consultations with the Court organs and other relevant stakeholders to facilitate assistance. Consequently, virtual meetings were held between representatives of the three requesting States and the Court's relevant organs. Additional follow up meetings are scheduled in 2025.

7. The Secretariat encourages States Parties to view the Platform as an important step in the State-driven process of complementarity, and where relevant, to assess their capacity-building needs at the national level, and to respond to the questionnaire contained in the Platform. The objectives of the facilitation and the Platform can only be achieved through the active participation by a greater number of States. The Secretariat encourages interested States to complete the Platform and submit via email to: asp@icc-cpi.int.¹

8. Given that this function has been established within existing resources, there are limits to what can be achieved. The Secretariat will continue to facilitate the exchange of information between relevant States and stakeholders through liaising directly with them and via its complementarity platform.

III. The Court

The following information and views in this Part III were provided by the Court.

9. The Court and its different organs seek to contribute, where appropriate, to processes and activities which may serve to enhance the effectiveness of national jurisdictions to genuinely investigate and prosecute the most serious crimes of international concern, in line with the complementarity principle set out in the preamble of the Statute and the objectives formulated in the organs' strategic plans for 2023-2025. The Office of the Prosecutor, in particular, attaches significant value to enhancing partnerships with situation countries, third states, accountability mechanisms, civil society organisations, victims and survivors of core international crimes globally and other stakeholders as appropriate, to advance cooperation and complementarity efforts in support of national accountability processes where possible, and in turn further strengthen its ability to effectively exercise its mandate to investigate and prosecute Rome Statute crimes. This renewed approach is reflected in its Policy on Complementarity and Cooperation launched in April 2024 positioning the Office not only as an effective prosecutorial body but as a central hub for accountability efforts and a reliable partner to national authorities.²

10. The Policy on Complementarity and Cooperation is founded on two mutually reinforcing principles: partnership, to support domestic authorities in their efforts to investigate and prosecute serious crimes and promote the goals of the Rome Statute at the national level; and vigilance, to ensure the Office remains focused on its core investigative and prosecutorial mandate. By proactively supporting national authorities, the Office enhances its overall effectiveness and strengthens its ability to fulfil its core mandate efficiently while contributing to decreasing the overall financial and capacity burden placed on the Court in the long term. This has the potential of both improving the case load of the Court and strengthening national capacities.

11. A significant part of the Office's deepening engagement with national stakeholders includes the strengthening of its relationship with civil society, in particular with local organisations, victims and affected communities. To this end, the Office has sought to establish a structured space for regular exchange and reflection. This space will be realised in the establishment of an OTP-CSO Structured Dialogue where the Office and civil society organisations can address matters relating to the implementation of the Policy on Complementarity and Cooperation and more broadly to other topics of engagement between the Office and CSOs, survivors and victims' groups.

12. The Office of the Prosecutor has sought to enhance its complementarity activities in support of national jurisdictions through a wide range of means that include the provision of guidance and assistance in technical fields, exchange of knowledge and best practices, support in the development of legislative provisions seeking to increase alignment of domestic legislation with the requirements of the Statute, and through the enhancement of its field presence for the purpose of implementing complementarity activities and facilitate cooperation with key stake holders.

¹ For further information on the Complementarity Platform see: <https://asp.icc-cpi.int/complementarity/Platform>.

² See at: <https://www.icc-cpi.int/news/policy-complementarity-and-cooperation-2024>.

13. Through for the conclusion of agreements and bilateral arrangements with situation countries and States Parties engaged in the delivery accountability for Rome Statute crimes, the Office is furthering complementarity activities within regulated frameworks that facilitate coordination and collaboration with national jurisdictions. The development and implementation of dedicated dynamic complementarity programmes and initiatives within these frameworks has led to meaningful opportunities where the Office and the domestic authorities of multiple situations have worked together in a coordinated effort towards closing the impunity gap for core international crimes.

14. Furthermore, within the framework of the Rome Statute, in particular article 93, paragraph 10, the Court, in particular the Office of the Prosecutor, has, upon request, shared information with and assisted national jurisdictions. The Office of the Prosecutor has enhanced its approach to managing incoming requests for information and assistance. During the reporting period, fifteen partners either sought assistance from the Office or utilized information provided in domestic and international proceedings, including thirteen national authorities. The requests for assistance varied, ranging from information requests to technical assistance and capacity-building. In instances where the Office was unable to fulfill a request—such as certain phone data extractions—the Office secured the assistance of other partners. Between 1 August 2023 and 1 August 2024, the Office transmitted 519 outgoing RFAs (including 175 Notifications) and received 36 incoming cooperation requests under Article 93(1) of the Rome Statute. Notably, there has been an increase in requests from States seeking assistance with national investigations and prosecutions of core international crimes, or to support judicial filings before the International Court of Justice.

15. The Court has continued to exchange best practices and lessons learned, as well as to provide its inputs where requested on the requirements of the Rome Statute, with its interlocutors, as well as amongst relevant networks of practitioners. On occasions, on a cost-neutral basis, and on invitation, the Court has also allowed staff with specific expertise to participate in training activities, which focus on addressing the Rome Statute crimes at a national or international level. The Court’s annual judicial seminar as well as its seminar for domestic focal points for cooperation have provided valuable opportunities for an exchange of views and experiences between the representatives of the Court and representatives from national jurisdictions. The 2024 edition of the Judicial Seminar was held under the title “Securing Meaningful Justice for Victims – Models and Experiences”³, with financial support from the European Union. The seminar provided an opportunity to compare practices on victim participation and reparations across jurisdictions and 50 participants representing international, regional, hybrid and national courts share best practices and lessons learned on these issues.

IV. Broader efforts of the international community

The following information and views in this Part IV were provided by individual civil society organisations and other stakeholders as identified.

16. The **Arab Center for the Independence of the Judiciary and the Legal Profession (ACIJLP)**, together with the Secretariat of the International Coalition for the International Criminal Court (CICC), seeks to discuss activating the role of Arab NGOs in supporting activities related to the campaign to ratify and join the International Criminal Court. A meeting was held for this purpose in New York in the middle of this year. On July 17, 2024, on the occasion of the International Day of Criminal Justice, the Arab Center issued a statement addressed to the member states of the League of Arab States urging them to join the International Criminal Court. The Arab Center called for activating the model law prepared by the League in 2004 to help member states ratify the Rome Statute. The Arab Center continues to support the role of the International Criminal Court in the Darfur case, after the Director of the Center represented the victims in the Ali Kushayb trial proceedings before the court from 2021-2022.

17. In 2024, the **Asia Justice Coalition (AJC)** continued its series of convenings, focusing on the opportunities and challenges of universal jurisdiction in Asia and its role in complementing international criminal justice mechanisms, including the International Criminal

³ See at: <https://www.icc-cpi.int/news/report-6th-icc-judicial-seminar>.

Court.⁴ Building on the same, the AJC secretariat, with pro bono assistance from practitioners across the region, continues to publish jurisdiction-focused briefs. These briefs highlight criminal and civil causes of action that could support survivors of atrocity crimes in Asia, including those that are States Parties to the Rome Statute.⁵ As a part of its Women Leaders in International Justice and Accountability Project, the AJC is working to develop women’s leadership in international law by building expertise and facilitating critical dialogue on international justice and accountability in Bangladesh, India, and Sri Lanka across three thematic areas: 1) rights of refugees and other displaced persons and minorities; 2) mechanisms related to international criminal justice; and 3) restorative or transitional justice.⁶

18. The **Australian Centre for International Justice (ACIJ)** built on its legal advocacy related to reforms to improve Australia’s institutional framework for international crimes investigation. ACIJ continued to monitor Australia’s response to allegations of war crimes by Australian special forces in Afghanistan, advocating for the right to reparations for affected communities. ACIJ continues to work with partners to submit confidential briefs to the Australian Federal Police, seeking the opening of criminal investigations for international crimes, consistent with the principle of complementarity.

19. The **Coalition for the International Criminal Court (CICC)** supported activities promoting understanding and the realization of the principle of complementarity. In 2024, the CICC secretariat supported efforts and engagement by member organizations in several countries around the world. CICC members have been involved in promoting complementarity and activities around complementarity in several countries, such as the Central African Republic, Colombia, Guinea, Ukraine and others.

20. The **EU Genocide Network** organized two plenary meetings in April and November 2024. The spring meeting, convened under the Belgian Presidency of the Council, focused on witness protection and support in core international crimes and universal jurisdiction cases before national jurisdictions. The autumn meeting, convened under the Hungarian Presidency of the Council, was devoted to the topic of unlawful attacks against civilians under international humanitarian law. Further, the Network co-organised a meeting on Battlefield Evidence together with Eurojust Counter-Terrorism Working Group and the U.S. Department of Justice, and a seminar on cumulative prosecutions in partnership with the Eurojust Western Balkan Criminal Justice project. In May, the Belgian Presidency of the Council, the European Commission, Eurojust and the Network marked the 9th EU Day commemorating the 30th anniversary of the 1994 genocide against the Tutsi in Rwanda. Members of the Secretariat and the Network delivered numerous interventions during international conferences, study visits, diplomatic events throughout the year. Recently, the Secretariat supported and participated in the inaugural session of the ‘PacificJust’ Network for investigation and prosecution of international crimes in the Pacific region, an initiative launched by the Justice and Accountability Network Australia (JANA).

21. **Human Rights Watch (HRW)** monitored Guinea’s trial of the September 2009 stadium massacre. Judges delivered a verdict in July 2024, which has now been appealed. The ICC prosecutor’s office should continue its monitoring of the ongoing proceedings. Human Rights Watch tracked proceedings at the Special Criminal Court in the Central African Republic and Colombia’s Special Jurisdiction for Peace, and monitored the Office of the Prosecutor’s engagement on national justice with authorities in several countries, including Venezuela and the Democratic Republic of Congo. The organization also provided comments on the Office of the Prosecutor’s policy paper on “Complementarity and Cooperation,” with a view toward encouraging the office to ensure it works to secure political will on the part of national authorities, in addition to technical capacity.

22. The **ImPACT Coalition on Strengthening International Judicial Institutions** (convened by Citizens for Global Solutions (CGS), World Federalist-Movement-Institute for Global Policy (WFM-IGP), and Partners), at the UN Civil Society Conference in Nairobi, Kenya, in May 2024, held in anticipation of the Summit of the Future, approximately 20 “ImPACT Coalitions” formed, including a coalition on supporting and strengthening international judicial institutions convened by a team that leads the Legal Alternatives to War (LAW not War)

⁴ See at: <https://www.asiajusticecoalition.org/universal-jurisdiction-convening-series>.

⁵ See at: <https://www.asiajusticecoalition.org/jurisdiction-briefs>.

⁶ See at: <https://www.asiajusticecoalition.org/women-in-international-justice-accountability>.

campaign. Subsequently, the coalition held five webinars across time zones, raising awareness and educating on complementarity among international, regional, and domestic judicial institutions. The coalition also held in-person events during action days at the Summit (featuring ICC Acting Head of Outreach) and in The Hague and Yerevan, Armenia, in October.

23. The **International Bar Association (IBA) ICC & ICL Programme** published the 2nd edition of “Strengthening the ICC and the Rome Statute System: A Guide for States Parties”⁷, providing recommendations to states and the ASP for the establishment of comprehensive and effective national frameworks to support domestic prosecutions in accordance with the complementarity principle. In June 2024, the IBA ICC Moot Court Competition engaged over 500 students from 47 countries to enhance their knowledge of the ICC, the Rome Statute and international criminal law.⁸ In June 2024, the IBA Hague Office, together with Ukrainian Bar Association and the IBA Human Rights Institute, organised a training to build the capacities of Ukrainian legal professionals, including judges, prosecutors, and defence lawyers, to investigate and prosecute war crimes.⁹ In October 2024, the IBA also held a training event on environmental war crime prosecutions for members of the Ukrainian Prosecutor General’s Office and the Ukrainian Supreme Court, in Poland. In October 2024, the IBA together with the CEELI Institute and the Center for International Law and Policy in Africa (CILPA), held a conference on Universal Jurisdiction: Accelerating Progress on Justice and Accountability for the War in Ukraine and Beyond, which produced the Prague Statement on Universal Jurisdiction, outlining necessary changes to strengthen the effect of the principle of universal jurisdiction to support justice and accountability for core international crimes.¹⁰

24. In 2024, the **International Federation for Human Rights (FIDH)**, together with its member organisations, continued its efforts to promote complementarity, advocating for a balanced approach which supports concrete action of domestic mechanisms - and avoids undue deference to states whose actions fall short and victims are left with no real avenues for justice. FIDH submitted comments on the OTP’s new Policy on Complementarity and Cooperation and published a Q&A unpacking the policy and its potential impact. Additionally, FIDH is: promoting complementarity in the renewed OTP investigation in the DRC; preparing a report on accountability mechanisms in Sudan; promoting complementarity in Colombia advocating for more OTP outreach to local CSOs and victims; and played an active role in the Guinean trial of the 28 September 2009 massacre, which concluded with a landmark verdict in August. FIDH is also leading the Global Initiative Against Impunity, a new consortium of nine NGOs committed to fighting impunity at all levels, including at the ICC and domestic mechanisms.

25. The **Iranian Center for International Criminal Law (ICICL)** is committed to strengthening the principle of complementarity in relation to the International Criminal Court (ICC). In 2024, the Iranian Center sent letters to the Iranian authorities urging them to criminalize these offenses at the national level. Furthermore, the Iranian Center raised public awareness, by using social media, about the need to enact procedural and substantive laws that effectively protect victims of international crimes, ensuring alignment with ICC standards and addressing existing conflicts within the legal framework.

26. **Justice Rapid Response (JRR)** continued to support transitional justice and accountability at the national level by providing highly specialized expertise from the JRR Roster to increase the effectiveness and strengthen the capacity of both national authorities investigating and prosecuting international crimes and civil society organisations documenting international crimes and/or litigating cases on behalf of victims before national courts. When working with national authorities JRR has provided support through tailored case-based mentoring support with an emphasis on maintaining local ownership. In 2024, JRR has responded to requests for expertise from States and CSOs in a variety of areas including international crimes’ investigations and prosecutions, SGBV, child rights, victim participation, psychosocial support, military expertise, OSINT, reparations, environmental crimes, restorative justice and digital security. Among situations countries of the ICC, JRR has supported accountability actors, as part of the implementation of the complementarity

⁷ <https://www.ibanet.org/document?id=Strengthening-the-International-Criminal-Court-A-Guide-for-States-Parties-2nd-Edition>.

⁸ <https://www.ibanet.org/Singapore-Management-University-wins-2024-IBA-ICC-Moot-Court-Competition>.

⁹ <https://www.ibanet.org/Ukrainian-legal-practitioners-visit-The-Hague-for-high-level-training-in-international-criminal-justice>.

¹⁰ www.ibanet.org/document?id=IBA-The-Prague-Statement-on-Universal-Criminal-Jurisdiction-Oct2024.

principle, in relation to Afghanistan, Bangladesh/Myanmar, the Democratic Republic of the Congo, State of Palestine, Ukraine, and Uganda.

27. **Lawyers Without Borders Canada (LWBC)** undertook several complementary related activities : Training civil society organizations on advocacy strategies for the effective implementation of the agreement between the Colombian government and the OTP of the ICC; organizing follow-up sessions on the decisions of Colombia's Special Jurisdiction for Peace, regarding the prosecution of senior officials; and advocacy for sexual crimes to be prosecuted cumulatively as crimes against humanity and war crimes, where appropriate; supporting 200 victims of conflict-related sexual violence, committed in Gao and Timbuktu in 2012 and 2013, in their proceedings before the Specialized Judicial Pole and the ECOWAS Court of Justice.

28. **Legal Action Worldwide (LAW)** works with thousands of survivors of international crimes, including survivors of gender-based crimes, to ensure all individuals are treated equally - with respect, dignity and meaningful access to justice. LAW represents clients in legal proceedings at national, regional and international levels, including Rohingya clients in the ICC's investigation of the situation in Bangladesh/ Myanmar. Notably, in 2024, LAW provided dozens of Rohingya witness statements to the Gambia's legal team for submission into the record of their genocide case before the International Court of Justice, and continued to provide legal advice to Rohingya clients who testified in a universal jurisdiction proceeding in Argentina. In the context of Ukraine, LAW has established a women-led consortium to prepare and file cases using extraterritorial and universal jurisdiction concerning international crimes committed by Russian forces. In addition, this year, LAW has provided war crimes and crimes against humanity case files to three national prosecutors requesting the opening of investigations, including in relation to a situation currently under ICC investigation. LAW continues to call for the ICC Office of the Prosecutor (OTP) to open a preliminary examination in the situation of Syria/Jordan on behalf of Syrian torture survivors deported into Jordan. LAW has provided input to the ICC's strategy on advancing victims' rights, as well as to the OTP on the revision of its policies on children, gender-based crimes, and on slavery crimes. With the support of Australia, LAW is also supporting the establishment of the Gender Justice Practitioner Hub to foster collaboration, strengthen coordination and facilitate experience-sharing amongst practitioners all over the world to ensure better gender justice outcomes for survivors of core international crimes.

29. In 2024, the **Open Society Justice Initiative (OSJI)** continued its efforts in documentation and domestic litigation with respect to crimes in Syria and Ukraine. With respect to Syria in particular, the Justice Initiative contributed to several investigations in European jurisdictions, including to seek accountability for crimes committed through the use of chemical weapons. Together with Syrian partners, the Justice Initiative is a civil party in the proceedings in France that have led to the issuance of an arrest warrant against President Assad, which was ratified by the Paris Court of Appeal in June 2024 and is currently before the *Cour de Cassation*. The organization has furthered cooperation with national authorities in different countries to bring to account actors responsible for atrocities in Ukraine. Moreover, the Justice Initiative has been actively exploring litigation with respect to crimes committed on Palestinian territory. Finally, the Justice Initiative has been actively engaged in litigation efforts on state responsibility for human rights violations that amount to international crimes. Such proceedings can help highlight the nature and seriousness of the violations and produce evidence of the crimes in question. Specifically, in May 2024, the Justice Initiative, together with partners, filed a complaint before the United Nations Human Rights Committee seeking a ruling on the Russian Federation's responsibility for its role in an attack to a Syrian hospital in May 2019. For the past three years, the organization has researched and advocated for a case against Afghanistan before the International Court of Justice for violation of the Convention on the Elimination of All Forms of Discrimination Against Women.¹¹

30. **Parliamentarians for Global Action (PGA)** continued its efforts on complementarity during 2024. PGA contributed to drafting of the complementarity legislation in Ukraine, through participating in a dedicated parliamentary workshop in the Hague and subsequently submitting a commentary on the draft legislation. PGA further

¹¹ For more information on the Open Society Justice Initiative's litigation efforts, see its latest [Global Human Rights Litigation Report](#)

worked to strengthen domestic legal frameworks on complementarity and/ or cooperation in Armenia and Ghana. Furthermore, in Mexico, PGA provided input on the draft legislation which harmonizes the domestic criminal code and the Constitution with the provisions of the Rome Statute, as well as facilitates cooperation with the ICC. A final step in the legislative process was taken by the National Assembly of Ecuador which on 14 March approved unanimously the text of the cooperation law introduced by a PGA member based on PGA's draft law, which includes (i) a guarantee of Ecuador's compliance in the application of the crimes under the Rome Statute; and (ii) complementary and effective mechanism of cooperation with the ICC.

31. **Ukrainian Legal Advisory Group (ULAG)** has published the Needs Assessment report¹² – an exercise aimed to provide an overview of current state of the Ukraine's justice system, international mechanisms and initiatives to ensure justice for conflict-related crimes; identify existing gaps and needs of the system, as well as suggest certain recommendations and solutions to address those. ULAG hopes that the report will assist stakeholders in decision making process and help tailor solutions to ensure that all existing and prospective elements of the justice architecture for Ukraine are effective and complementary to each other, filling accountability gaps and strengthening the international justice system as a whole.

32. Building on our 2023 “Training for Trainers” program, Ukrainian Legal Advisory Group (ULAG) and **Women’s Initiatives for Gender Justice (WIGJ)** organized two in-person trainings for Ukrainian practitioners in September and October 2024. Each two-day trainings aimed to equip practitioners with strategic approaches to combat conflict-related sexual violence (CRSV) in Ukraine. The 2023 Trainers' Guide, which featured modules, resources, and tips grounded in international standards and case law, was updated with a new module to further support practitioners in their work. Additionally, we continued our mentorship program, connecting Ukrainian legal representatives of victims with international criminal law experts to strengthen ongoing efforts for justice and accountability.

¹² <https://ulag.org.ua/reports-and-materials/needs-assessment-ukraines-justice-system/>.

Annex II

Draft language for inclusion in the omnibus resolution

[Note: elements from the ASP20 omnibus resolution relating to sexual and gender-based crimes have been included here given the Bureau's decision to continue to assign this mandate to the complementarity co-focal points]

Preamble

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

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

Welcoming also in this regard relevant contributions from the Court relating to gender-based crimes,¹ as well as from States Parties and other relevant actors, and *convinced* that these initiatives should be an integral part of strategic dialogues and actions to strengthen the Court and national courts in the fight against impunity, while fully respecting their judicial independence,

Recalling that the application of articles 17, 18 and 19 of the Rome Statute concerning the admissibility of cases before the Court is a judicial matter to be determined by the judges of the Court,

Recalling also that greater consideration should be given to how the Court will complete its activities in a situation country,

Activities of the Court

1. *Recognizes* the importance of achieving accountability for all Rome Statute crimes while recalling that there is no hierarchy between them, and *encourages* the Bureau to engage with interested States Parties and other relevant actors to identify ways to support the Court's efforts in this regard with respect to gender-based crimes that amount to Rome Statute crimes, with a view to reporting thereon to the twenty-fourth session of the Assembly;

Complementarity

1. *Recalls* the primary responsibility of States to genuinely investigate and prosecute the most serious crimes of international concern and that, to this end, appropriate measures need to be adopted at the national level, and international cooperation and judicial assistance need to be strengthened, in order to ensure that national legal systems are willing and able genuinely to carry out investigations and prosecutions of such crimes;

2. *Resolves* to continue and strengthen, within the appropriate fora, effective domestic implementation of the Rome Statute, to enhance the capacity of national jurisdictions to prosecute the perpetrators of the most serious crimes of international concern in accordance with internationally recognized fair trial standards, pursuant to the principle of complementarity, and *stresses* that the proper functioning of the principle of complementarity entails that States incorporate the crimes set out in articles 6, 7 and 8 of the Rome Statute as punishable offences under their national laws, to establish jurisdiction for these crimes and to ensure effective enforcement of those laws, and *urges* States to do so;

3. *Welcomes* efforts by the United Nations, international and regional organizations, States and civil society in mainstreaming capacity-building activities aimed at strengthening

¹<https://www.icc-cpi.int/iccdocs/otp/OTP-Policy-Paper-on-Sexual-and-Gender-Based-Crimes--June-2014.pdf>.

national jurisdictions with regard to investigating and prosecuting Rome Statute crimes *strongly encourages* additional efforts in this regard by other international and regional organizations, States and civil society;

4. *Welcomes* the report of the Bureau on complementarity and the recommendations made on future consultations set out therein;²

5. *Welcomes* the ongoing exchanges with the OTP in the context of the OTP's new Policy on Complementarity and Cooperation, with respect to a range of measures and initiatives intended to support the development of dynamic and two-way relationships between the Office, national authorities and other accountability mechanisms, and, crucially, the victims and survivors of atrocities globally, in order to deliver justice close to the affected communities;

6. *Also welcomes* the information provided by the Secretariat of the Assembly of States Parties on the progress in giving effect to its mandate to facilitate the exchange of information between the Court, States Parties and other stakeholders, including international organizations and civil society, aimed at strengthening domestic jurisdictions;

7. *Encourages* States, international and regional organizations and civil society to submit to the Secretariat information on their complementarity-related activities and *further welcomes* the efforts made by the international community and national authorities, including national capacity-building activities, to investigate and prosecute gender-based crimes that may amount to Rome Statute crimes, in particular the continued efforts on the strategic actions to ensure access to justice and to enhance empowerment of victims at national level;

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

² ICC-ASP/23/24.

Annex III

Draft language for inclusion in the annex on mandates of the omnibus resolution

With regard to **complementarity**,

(a) *requests* the Bureau to remain seized of this issue and to continue the dialogue with the Court and other stakeholders on complementarity, including on complementarity-related capacity-building activities by the international community to assist national jurisdictions, on possible situation-specific completion strategies of the Court and the role of partnerships with national authorities and other actors in this regard, and also including to assist on issues such as witness and victims protection and gender-based crimes;

(b) *requests* the Secretariat to, within existing resources, continue to develop its efforts in facilitating the exchange of information between the Court, States Parties and other stakeholders, including international organizations and civil society, aimed at strengthening domestic jurisdictions, and to invite States to submit information on their capacity needs for the consideration of States and other actors in a position to provide assistance, and to report on the practical steps taken in this regard to the twenty-fourth session of the Assembly.
