



## Assembly of States Parties

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## Report of the Secretariat on complementarity

### Note by the Secretariat

Pursuant to paragraph 9 of resolution RC/1 of the Review Conference, paragraph 47 of resolution ICC-ASP/9/Res.3, and paragraph 61 of resolution ICC-ASP/10/Res.5, of 8 June 2010, 10 December 2010 and 21 December 2011, respectively, the Secretariat of the Assembly of States Parties hereby submits for consideration by the Assembly its report on complementarity. The present report reflects the activities undertaken by the Secretariat in the implementation of 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.

## **I. Introduction**

1. By resolution RC/Res.1 entitled “Complementarity”, the Review Conference tasked the Secretariat of the Assembly of States Parties (“the Secretariat”),

“...in accordance with resolution ICC-ASP/2/Res.3, and, within existing resources, 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, and *requests* the Secretariat of the Assembly of States Parties to report to the tenth session of the Assembly on progress in this regard”.

2. By resolutions ICC-ASP/9/Res.3 and ICC-ASP/10/Res.5, the Assembly of States Parties (“the Assembly”), reaffirmed this mandate.

## **II. Activities with respect to actors in the field of complementarity**

3. The focal point for complementarity within the Secretariat continued to implement this mandate along the two-track approach identified by the Assembly focal points, Denmark and South Africa. The Secretariat has continued to maintain contacts and further develop working relationships with actors in the field of complementarity, with a view to supporting States in their efforts to strengthen capacity to investigate and prosecute Rome Statute crimes. The Secretariat recalls that these actors are either capable of transferring knowledge and technical skills to States, or have the capacity to organize the transfer of such capacity and skills, which would ultimately benefit a State in building its capacity to investigate and prosecute Rome Statute crimes. Some of the actors are increasingly mainstreaming international justice into their development assistance programmes.

4. The focal point has also discussed with the Assembly focal points and the President of the Assembly of States Parties modalities for implementation of the mandate, where it was stressed that the efforts of States, international and regional organizations and civil society in building national capacity in the criminal justice sector should be highlighted, and that further activities should be encouraged. The further use and development of the Extranet would be an important tool for these purposes. The President has raised awareness in New York of the need for States to proactively take action with respect to strengthening their capacity in relation to Rome Statute crimes.

## **III. Activities with respect to the Court**

5. In accordance with the mandate of the Review Conference regarding the Court, the Secretariat has continued discussions with the organs of the Court on information sharing and on how it might collaborate with them. Such collaboration has resulted in the Secretariat facilitating the exchange of information in respect of a judicial training project with a State Party and a complementarity actor, and the consideration of action that the Secretariat might take in relation to relevant countries. Collaboration with the Court is progressing well and the Secretariat will continue to improve cooperation with the organs of the Court.

## **IV. Complementarity Extranet**

6. As regards the Complementarity Extranet established in August 2011,<sup>1</sup> the Secretariat is of the view that this vehicle would make it possible to reach a broad scope of actors and enable donors and recipients respectively to be aware of the needs of States for capacity building in the area of international crimes, as well as of the relevant technical assistance available.

7. The Secretariat, on 3 August and 27 September 2012, conveyed communications inviting States, international and regional organizations, and civil society to submit information on relevant complementarity-related activities in which they are engaged, or

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<sup>1</sup> See press release ICC-ASP-20110802-PR707, dated 2 August 2011.

for recipients to indicate the capacity-building needs which they have identified. The Secretariat recalls that the Extranet is intended to provide an information base on events relating to complementarity, identify the main actors and their activities, and facilitate contacts between donor States, international and regional organizations, civil society and recipients, in order to advance the goal of strengthening national capacity to investigate and prosecute the most serious crimes of concern to the international community. The Extranet is a neutral forum which could be used by donors as well as recipients.

8. The Secretariat has received very limited information for posting on the Extranet, but there has been a recent increase in interest from actors involved in complementarity. The Extranet is a work in progress, which the Secretariat will continue to enhance and make more user-friendly. Continued interest by complementarity actors will enable the Secretariat to improve the website.

## **V. Conclusion**

9. Positive progress has been achieved by the Secretariat in the implementation of its mandate. Given that the Secretariat is operating within existing resources, it is however necessary to manage expectations, but the Secretariat will continue to develop and implement this mandate. States Parties may wish to consider ways in which support can be given in this regard.

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