

7 January 2021

To the attention of Bureau of the Assembly of States Parties to the Rome Statute of the international Criminal Court (ICC)

Your Excellencies,

We the undesigned NGOs represent the voices of victims and we support the mandate of the International Criminal Court (ICC). We come from various countries in Africa spanning across different sub-regions representing civil law and francophone traditions as well as common law countries. We are a diverse group united by our support for international justice and supporters of the international criminal court. We are very aware that the choice of the next Prosecutor will in all likelihood determine whether the ICC grows and retains the confidence of victims, States and other stake-holder or whether the ICC will suffer further erosions of confidence and success. We have followed the process of the election of the next ICC Prosecutor very closely. We followed the first roundtables with the candidates held on 29 and 30 July and the second roundtables held on 9 and 10 December 2020.

We have also reviewed the responses provided by the candidates on the CICC website and conducted our own research and assessment. Whilst we fully understand that the choice of the next Prosecutor is a matter entirely for the Assembly of States Parties, we wish to inform the Bureau of our assessment that the most outstanding candidate, with a proven track record of experience and success, who has demonstrated the capacity to implement the recommendations of the IER and effectively lead the Office of the Prosecutor during these next critical years is, in our view, **KARIM A.A. KHAN**.

As the Committee on the Election of the Prosecutor noted, Mr. Khan is recognized as being “a charismatic and articulate communicator” and “...having a good command of international criminal law practice and of the global context in which the ICC operates as well as the vision of necessary changes in the OTP”. He impressed the Committee with his “...clear commitment to a harassment-free workplace drawing on concrete experience”. This is extremely important given the findings of the IER and the challenges that will need to be addressed by the next Prosecutor. Mr. Khan has our complete confidence as the candidate most able to rise to these numerous legal, investigative, diplomatic, management and budgetary challenges.

We consider it essential that the next Prosecutor is a person of the highest moral integrity and professionalism. We, the undersigned, have consulted and researched this issue extensively and we unanimously believe that **Mr. Khan** has demonstrated throughout his career until now, in various cases and capacities, his absolute integrity and independence. He is a person of the highest moral character. We note just one example for the present purposes in which the current President of the ICC, Judge Chile Oboe-Osuji, in a written decision recognized that :

"The second matter of significance flowing from Mr Khan's actions relates to his submission that he had 'made public pleas for the ICC to be given space to do its work'. Indeed, he had made such appeals in the course of some of his submissions in this case, during public sessions.

I must here observe that Mr Khan's actions—both in making such appeals and in taking it upon himself to take steps aimed at arresting the actions of the individual alleged to have been involved in witness interference—are actions that are consistent with both the best traditions of an honourable profession and the obligations of an officer of the court."

(TC V(A)Separate, PRV of Partly Concurring Opinion of Judge Eboe-Osuji on the 'Decision on Prosecution Request for Admission of Prior Recorded Testimony', 19 August 2015, ICC-01/09-01/11-1938-Anx-Red, available at: https://www.icc-cpi.int/RelatedRecords/CR2015_14130.PDF, paras. 36 and 37)

The ASP has a heavy responsibility in ensuring that the third Prosecutor elected has the ability, leadership and integrity to address the crisis of confidence regarding almost every aspect of the Prosecution's work. We believe without any hesitation that Mr. Khan is the person to take the OTP forward and to make the changes needed. It is our firm conviction that he will be seen to be an outstanding Prosecutor of the ICC if elected.

7 January 2021

Signed,

- Club des Amis du droit du Congo, CAD (Drc);
- Ligue pour la paix, les droits de l'homme et la justice (LIPADHOJ), Drc
- Bureau d'études et de réflexions pour le bien être des communautés (Berco), Drc
- Human Rights Defenders Coalition (HRDC), Malawi,
- Centre marocain pour la paix et la loi, Maroc
- Association Burkinabe pour la paix et les droits humains, Burkina Faso