

Morris A. Anyah
Counselor & Attorney-at-Law

E-mail: admin@anyahlaw.com

Web: <https://anyahlaw.com>

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Sent this date by e-mail

Dominic Kennedy
Executive Director
International Criminal Court Bar Association
Oude Waalsdorperweg 10
2597 AK The Hague
The Netherlands

Dear Mr. Kennedy,

Thank you for the questionnaire which you transmitted to me on behalf of the International Criminal Court Bar Association (ICCBA), with a view to be completed by candidates who have been shortlisted for the position of Prosecutor of the International Criminal Court (ICC).

As you may know, my career as counsel appearing before international criminal courts or tribunals traverses not just the role of serving as counsel for the prosecution, but also to those of counsel for the accused and victim participants, alike. As a consequence, the issues which have been raised in your questionnaire resonate deeply with me, especially considering that such issues have not, to my knowledge, thus far featured in public or private engagements with the shortlisted candidates during the formal candidate selection process.

As you may also know, questionnaires were transmitted to the shortlisted candidates in September 2020 by certain civil society organisations, soliciting their respective responses to issues of paramount importance to those organisations. In responding to that questionnaire on 27 September 2020,¹ I suggested that the timing of their engagement with the shortlisted candidates was noteworthy *vis-à-vis* the prevailing stage of the process being undertaken by the Assembly of States Parties to the Rome Statute of the ICC (ASP), in relation to the selection of a consensus candidate for the position of Prosecutor of the ICC. That sentiment applies, in my respectful view, with equal force to the ICCBA's questionnaire.

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http://www.coalitionfortheicc.org/sites/default/files/cicc_documents/Prosecutor%20Questionnaire%20Response_ANYAH.pdf.

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The last indication made public by the Secretariat of the ASP on 21 October 2020, is that the States have for the second time extended by a period of one month (until 22 November 2020), the nomination period that was opened on 30 June 2020, “in order to allow additional time for the consultation process to reach a conclusion.” (Reference: ICC-ASP/19/SP/50.) Additionally, in the past few weeks, there have been credible reports in the public domain which provide a reliable basis to conclude that States have thus far been unable to arrive at a consensus choice among the four shortlisted candidates and are now minded to expand the number of candidates under consideration. Furthermore, indications given suggest that the modalities of such an expansion of the number of candidates are currently being worked out by the States Parties and, with the inclusion of additional candidates, all candidates for the position would be subjected to public scrutiny and participate in public hearings to be facilitated through the Secretariat of the ASP.

In the prevailing circumstances, please permit me to suggest that it would be more appropriate to await the final list of candidates before raising issues of concern to the ICCBA with the complete field of candidates. It would also seem appropriate for the ICCBA to work through the Secretariat of the ASP to be availed of the opportunity to participate in the ostensible round of public hearings with all candidates which are being foreshadowed.

Not being aware of whether other shortlisted candidates for the position of Prosecutor of the ICC have responded to your questionnaire, I respectfully request that this letter be published as my response to your questionnaire, should the ICCBA elect to publicly publish any responses given by any shortlisted candidate.

Please permit me to avail myself of this opportunity to thank you in earnest for the vitality of interest and genuine commitment by the ICCBA in ensuring that only the most qualified candidate is elected as the next Prosecutor of the ICC.

Sincerely yours,



Morris Azuma Anyah