

Morris A. Anyah
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27 September 2020
Sent this date by e-mail

Melinda Reed
Executive Director
Women's Initiatives for Gender Justice
Laan van Meerdervoort 70
2517 AN The Hague
The Netherlands

Dear Ms. Reed,

Thank you for the questionnaire which you transmitted to me on behalf of a number of civil society organisations¹ on 4 September 2020, with a view to be completed by candidates who have been shortlisted for the position of Prosecutor of the International Criminal Court (ICC).

As I indicated in my e-mail to you of 15 September 2020, I appreciate the commitment and interest behind the questionnaire which I have since then had the opportunity to review more closely. Upon closer review and further consideration, it seems to me that there is much duplication and overlap between the vast majority of questions posed and those I have responded to during the various stages of the selection process, in particular: my interview before the Committee on the Election of the Prosecutor of the ICC (CEP); the public hearings held on 29 and 30 July 2020, at which civil society organisations were represented and posed questions to the four shortlisted candidates; and in the Security Questionnaire I completed in connection with the formal CEP candidate selection process.

In these circumstances, it seems appropriate to allow my answers of record to stand, in relation to the topics raised in your questionnaire: namely, Commitment and Vision; Preliminary Examinations, Investigations and Prosecutions, Communication and

¹ African Center for Democracy and Human Rights Studies, UNA Sweden, Alhaq, ALTSEAN-Burma, Amnesty International, Asian Legal Resource Centre, The Australian Centre for International Justice, Congo Peace Initiative, FIDH, Georgian Coalition for the International Criminal Court Human Rights Watch, Justice International, Nigerian Coalition for the ICC, No Peace Without Justice, Odhikar, Open Society Justice Initiative, Parliamentarians for Global Action, REDRESS, Reporters sans frontières, StoptheDrugWar.org, The Swedish Foundation for Human Rights, World Citizen Foundation, Women's Initiatives for Gender Justice, World Federalist Movement/Institute for Global Policy, and the World Renewers Organization. (The questionnaire having been developed with the assistance of the Coalition for the International Criminal Court Secretariat.)

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Outreach, Victims and Affected Communities, Defence Rights, Impartiality, Independence, and Cooperation, High Moral Character, Leadership and Management, and OTP² Office Culture.

In respect of one of the issues raised, however – that of High Moral Character – it seems appropriate that I reiterate publicly, responses I gave to questions posed in that regard by the Chair of the CEP and contained in the Security Questionnaire I completed. There has never been, nor am I aware of, any formal allegation against me of professional misconduct of the sort inquired of in your questionnaire. The same is true of any formal allegation of financial mismanagement or fraud, and of any criminal allegations of any sort: anywhere in the world. These are straightforward issues as far as my candidacy is concerned, and I extend the same invitation I gave before the CEP for further inquiries to be made regarding any such matters of those with whom I have worked or dealt.

One noteworthy matter which may appropriately be considered at this juncture, relates to the timing of your questionnaire and the potential publication of responses thereto *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.

The last indication made public by the Secretariat of the ASP on 19 September 2020, is that the States have extended for a period of one month (until 22 October 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/45.) The indication given is that the States Parties are actively seised of the matter and are undertaking efforts to arrive at a consensus, if possible, and it would seem appropriate to be cognisant and respectful of that process and timeline, leaving it free from any interference by the shortlisted candidates, civil society organisations, or any other quarter, especially where the States Parties have availed the shortlisted candidates to civil society organisations in a public and transparent forum, some two months hence.

Not being aware of whether other candidates for elected office at the ICC have responded to your questionnaire, I respectfully request for purposes of fairness, courtesy, and transparency, that this letter be published as my response to your questionnaire, should any of the respective civil society organisations elect to publicly publish any responses given by other candidates for elected office at the ICC.

² “Office of the Prosecutor” of the ICC.

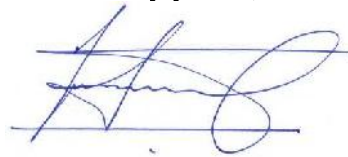
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Please permit me to avail myself of this opportunity to thank you in earnest for the vitality of interest and genuine commitment by the respective civil society organisations in ensuring that only the most qualified candidates are elected as officials of the ICC. As stated during the public hearings, I remain strongly committed to engaging cooperatively and liaising actively with civil society organisations, if given the extraordinary honour and privilege of serving as the Prosecutor of the ICC.

Sincerely yours,

A handwritten signature in blue ink, appearing to read 'Morris Anyah', written over three horizontal lines.

Morris Azuma Anyah

Cc: The President of the Assembly of States Parties to the Rome Statute of the ICC, His Excellency Judge O-Gon Kwon;

Her Excellency Ambassador Sabine Nölke, the Chair of the Committee on the Election of the Prosecutor of the ICC;

The Secretariat of the Assembly of States Parties to the Rome Statute of the ICC.