



EMAIL

Mr. James A. Goldston, Executive Director, Open Society Justice Initiative
Mr. Richard Dicker, Director International Justice, Human Rights Watch

Date: 13 October 2021

Ref: IOM-2021-03

Dear Mr Goldston, Dear Mr Dickers,

Thank you for your letter dated 13 September 2021, outlining comments and suggestions for the Due Diligence Process for Candidates for Deputy Prosecutor. While the Independent Oversight Mechanism (IOM) was consulted, the process was ultimately determined and decided by the Bureau of the Assembly of States Parties, in consultation with the Prosecutor, and is therefore now set.

Not only was the proposal developed within a limited timeframe, as you have rightly noted, the entire timeline to conduct this process is also quite limited, which had to be factored in. As this is a first, I have committed to the Presidency of the Assembly to provide some observations, at the end of this current process, in order to inform any possible future similar endeavours. Should the Assembly wish to extend the due diligence process in some form to the selection of other elected officials of the Court, it will be for the relevant stakeholders and selection bodies to decide on which consultations are necessary. As usual, the IOM will stand ready to engage, assist in developing and participate in this process, as requested.

I have taken good note of the suggestions in your letter, and to the extent that they are within the IOM's powers to implement, will be carefully considered. I can already assure you that the IOM will follow the same victim-centered process we do in our own internal investigations into sensitive allegations that may be linked to traumatic or painful events, including understanding the difficulty of providing documentation in some instances, informing any victim of the investigation process and confidentiality considerations in detail, and ensuring their informed consent has been obtained before proceeding.

Sincerely,



Saklaine Hedaraly

Copies:

President Silvia Fernandez de Gurmendi, The Assembly of States Parties, International Criminal Court

The Prosecutor Karim Khan, International Criminal Court