

**Cour
Pénale
Internationale**



**International
Criminal
Court**

CODE OF CONDUCT FOR INTERMEDIARIES

(March 2014)

-
Section 1
Use of terms

"The Court" means the International Criminal Court.

"Statute" means the Rome Statute of the International Criminal Court that entered into force on 1 July 2002.

"Rules" means the Rules of Procedure and Evidence of the International Criminal Court, as adopted by the Assembly of States Parties at its First Session held from 3-10 September 2002.

"Code" means this Code of Conduct for Intermediaries.

"Intermediary" means an individual or organisation who, upon request of an organ or unit of the Court or Counsel, conducts one or more of the activities mentioned in Section 1 of the *Guidelines Governing the Relations between the Court and Intermediaries*.

"Functions" means the activities that an Intermediary and an organ or unit of the Court or Counsel agree shall be carried out by the Intermediary.

-
Section 2
General provisions

2.1. This Code applies to Intermediaries, either individuals or organisations, acting at the request of an organ or unit of the Court or Counsel, when carrying out their Functions under the *Guidelines Governing the Relations between the Court and Intermediaries*.

2.2. The organ or unit of the Court or Counsel that appoints an Intermediary to act at the request of the Court or Counsel shall ensure that this Code of Conduct and any amendments thereto are brought to the attention of the Intermediary.

2.3. The Rome Statute, the Rules of Procedure and Evidence, the Regulations of the Court or any order or decision of a Chamber and, when applicable, the Regulations of the Office of the Prosecutor and the Regulations of the Registry shall prevail over this Code.

Section 3
Professional conduct

3.1. An Intermediary shall observe the highest standards of integrity and conduct in discharging his/her/its Functions.

3.2. An Intermediary shall, in conducting his/her/its Functions, and as far as he/she/it is reasonably aware, adhere to the policies of and conduct practices in accordance with Court decisions, applicable law and policies and practices of the Court and Counsel, as well as any instructions from the relevant organ or unit of the

Court or Counsel. This duty includes the requirement that, while carrying out his/her/its Functions, an Intermediary shall respect the rights of persons as provided by the Statute and the Rules. Where a contract governs the relationship between an Intermediary and the Court, the Intermediary shall adhere to and conduct practices in accordance with the terms of that contract.

3.3. An Intermediary shall not participate in any activities or corrupt practices that compromise or appear to compromise his/her/its Functions. These activities may include, but are not limited to:

- a. Receiving, directly or indirectly, any gift, favour, benefit or service from any person; or
- b. Offering or giving, directly or indirectly, any gift, favour, benefit or service to any person.

3.4. An Intermediary shall not abuse or misuse his/her/its relationship with the Court while carrying out his/her/its Functions, including, but not limited to:

- a. Any deliberate conduct jeopardizing the safety, physical or psychological well-being, dignity or privacy of persons, especially women and children; or
- b. Any abusiveness, coercion or threats to any person with whom the Intermediary has dealings in the course of his/her/its Functions.

Section 4 Confidentiality

4.1. An Intermediary shall ensure that any dealings with a person with whom the Intermediary has contact in the course of his/her/its Functions respect the contacted person's confidentiality and privacy.

4.2. An Intermediary shall make every effort to ensure that any material and information gained by virtue of his/her/its position is maintained securely.

4.3. An Intermediary shall not disclose any material or information identified as classified, as defined in Regulation 23*bis* of the Regulations of the Court, unless authorised to do so.

4.4. The obligations imposed under this section shall not cease upon completion of an Intermediary's Functions.

Section 5 Security

5.1. An Intermediary shall not engage in any deliberate conduct or make any disclosure, which places or is likely to place at risk his/her/its security or the security of any other person.

5.2. An Intermediary shall ensure that in any dealings with a person with whom the Intermediary has contact in the course of his/her/its Functions, the potential for harm to the contacted person is minimised.

5.3. An Intermediary shall make every effort to conduct himself or herself in a

manner that limits the risks to any person with whom the Intermediary has contact in the course of his/her/its Functions, especially when those risks arise in connection with the Intermediary's Functions. In doing so, an Intermediary shall observe the *Guidelines on Good Practices on Risk Prevention* provided to him/her/it in accordance with the *Guidelines Governing the Relations between the Court and Intermediaries*.

5.4. The obligations imposed under this section shall not cease upon completion of an Intermediary's Functions.

Section 6 Personal conduct

6.1. While performing his/her/its Functions, an Intermediary shall treat all persons equally, without any adverse distinction founded on grounds such as race, nationality, gender, religion or belief, ethnic or social origin, status, sexual orientation, marital status, age, mental or physical disability, or health status.

6.2. An Intermediary shall act fairly, in good faith and with respect and courtesy in his/her/its dealings with (staff) members of the Court or Counsel, participants in the proceedings, intermediaries and other people with whom he/she/it interacts when carrying out his/her/its Functions.

6.3. An Intermediary shall not make commitments to victims, (potential) witnesses or the Court that he/she/it is not in a position to fulfil.

6.4. An Intermediary shall not harass, intimidate, pressure, bribe or compel any person to testify or not to testify before the Court or to engage or not to engage in any dealings with the Court or Counsel.

Section 7 Duties towards the Court

7.1. An Intermediary shall report, without undue delay, any breach or attempted breach of this Code to his/her/its focal point at the Court or Counsel.

7.2. In case of doubt regarding what behaviour to adopt, an Intermediary shall immediately refer the matter to his/her/its focal point at the Court or Counsel.

7.3. An Intermediary shall protect, manage and account for Court or Counsel resources assigned to him/her/it.

7.4. An Intermediary shall always pay particular attention to the integrity of any information received, whether collected in written, oral or any other form. An Intermediary shall ensure that any such information reflects accurately the details and views of the person as conveyed to the Intermediary, regardless of the Intermediary's views or interests.

7.5. An Intermediary shall not deceive or knowingly mislead the Court or Counsel. He/she/it shall take all necessary steps to correct any error or inaccuracy made by him/her/it as soon as possible after becoming aware of the error or inaccuracy.

7.6. An Intermediary shall not make any public statement on behalf of the Court unless expressly authorised.

7.7. An Intermediary shall immediately inform the Court if he/she/it perceives an existing or impending conflict of interest affecting his/her/its work with the Court.

7.8. An Intermediary shall immediately inform the Court of any security or other threat to the Intermediary, and/or to any other person associated with the Intermediary, in connection with the Intermediary's Functions.

Section 8

Procedure in case of breach or attempted breach

8.1. In case of breach or attempted breach of this Code, appropriate measures shall be taken by the relevant organ or unit of the Court or Counsel, and where applicable in accordance with the contract or agreement signed with the Intermediary.

8.2. Where applicable, in case of breach or attempted breach of this Code by a representative or staff member of an Intermediary that is an organisation, the organ or unit of the Court or Counsel that appointed the Intermediary shall request the organisation to take appropriate disciplinary measures and/or penal action, where warranted, against the concerned representative and/or staff member.

8.3. Nothing in the present section shall be construed to preclude possible prosecution of offences against the administration of justice committed intentionally, in particular corruptly influencing a witness, obstructing or interfering with the attendance or testimony of a witness, retaliating against a witness for giving testimony or destroying, tampering with or interfering with the collection of evidence, as defined under Article 70(1)(c) of the Rome Statute.