



Cour
Pénale
Internationale

International
Criminal
Court



Office of the Prosecutor

The Office of the Prosecutor is one of the four organs of the International Criminal Court (ICC). It is headed by the Prosecutor, Karim A. A. Khan QC, who was elected by the Assembly of States Parties. The Prosecutor has full authority over the management and administration of the Office, including its staff, facilities and other resources. The Prosecutor took office on 16 June 2021 and succeeds Ms Fatou Bensouda, who was the Court's second Prosecutor.

The mandate of the Office is to receive and analyse referrals and communications in order to determine whether there is a reasonable basis to investigate; to conduct investigations into genocide, crimes against humanity and war crimes; and to conduct prosecutions before the Court of persons responsible for such crimes.

By conducting preliminary examinations, investigations and prosecutions, the Office contributes to the overall objective of the Court – to help end impunity for the perpetrators of the most serious crimes of concern to the international community as a whole, and thus to contribute to the prevention of such crimes.

As a consequence of its mandate, the Office of the Prosecutor comprises three divisions:

- **The Investigation Division** is responsible for the conduct of investigations (such as collecting and examining evidence, questioning persons being investigated as well as victims and witnesses). In this respect, the Statute requires the Office to extend the investigation to cover both incriminating and exonerating facts in order to establish the truth.
- **The Prosecution Division** has a role in the investigative process, and will have principal responsibility for the litigation of proceedings before the various Chambers of the Court.
- **The Jurisdiction, Complementarity and Cooperation Division** analyses referrals and communications, with support from the Investigation Division, assess admissibility, helps secure the cooperation needed for the activities of the Office and is responsible for all external relations aspects of the Office.

The Prosecutor may independently start an investigation upon referral of a situation by a State Party, or the Security Council acting to address a threat to international peace

and security. In addition, the Prosecutor, under his *proprio motu* powers, may start an investigation on the territory or against nationals of a State Party, subject to confirmation by a Pre-Trial Chamber of the Court.

It is the policy of the Office of the Prosecutor that investigations focus on those individuals who bear the greatest criminal responsibility for crimes committed in a situation under investigation. The Preamble of the Rome Statute recognises that the Court itself is but a last resort for bringing justice to the victims of genocide, war crimes, and crimes against humanity. Thus, the Rome Statute assigns the Court and the Office of the Prosecutor a role that is complementary to national systems.

The Rome Statute also provides that the Office of the Prosecutor shall act independently. Consequently, a member of the Office of the Prosecutor must not seek or act on instructions from any external source, such as States, international organisations, NGOs or individuals.



Karim A. A. Khan QC, Prosecutor

On 12 February 2021, Mr Karim A. A. Khan QC was elected as Prosecutor of the International Criminal Court (ICC) at the nineteenth session of the Assembly of States Parties to the Rome Statute in New York. Mr Khan was sworn in on 16 June 2021. Karim was an Assistant Secretary-General of the United Nations and served as the first Special Adviser and Head of the United Nations Investigative Team to promote accountability for crimes committed by Da'esh/ISIL in Iraq (UNITAD) between 2018 to 2021. UNITAD was established pursuant to Security Council resolution 2379 (2017), to promote accountability efforts for genocide, crimes against humanity and war crimes committed by Da'esh/ISIL. Karim is a barrister and Queen's Counsel with more than 25 years of professional experience as an international criminal law and human rights lawyer. He has extensive experience as a prosecutor, victim's counsel and defence lawyer in domestic and international criminal tribunals, including, but not limited to, the International Criminal Court, International Criminal Tribunal for Rwanda, International Tribunal for the Former Yugoslavia, the Extraordinary Chambers in the Courts of Cambodia, the Special Tribunal for Lebanon and the Special Court for Sierra Leone. He has also represented victims of human rights violations in Africa and Asia. Karim is a Bencher of Lincoln's Inn and was appointed a Recorder of the Crown Court in 2018. He was elected as the second President of the ICC Bar Association in July 2017 and is a worldwide Ambassador of the African Bar Association. He has published a number of leading texts on international criminal law and is the co-author of 'Archbold International Criminal Courts', now in US 5th edition. The holder of a Bachelor of Laws degree with Honours from King's College, University of London, in addition to various other degrees and qualifications.



James Stewart, Deputy Prosecutor

On 16 November 2012, Mr James Kirkpatrick Stewart of Canada was elected Deputy Prosecutor of the ICC by the Assembly of States Parties. Prior to joining the Office of the Prosecutor (OTP) of the ICC, Mr Stewart worked as General Counsel in the Crown Law Office within the Ministry of the Attorney General, in Toronto. Before this, he served as Senior Trial Attorney in the OTP at the ICTR; as Chief of Prosecutions in the OTP at the International Criminal Tribunal for the former Yugoslavia (ICTY); and as Senior Appeals Counsel and then Chief of the Appeals and Legal Advisory Division in the OTP at the ICTR. Mr Stewart also served with the Office of the Ombudsman as a legal officer for two years. He joined the Downtown Toronto Crown Attorney's Office as an Assistant Crown Attorney in 1979, handling criminal trials at all levels of court. Since 1985, Stewart has served in the Crown Law Office – Criminal, where his practice expanded to include appeals before the Court of Appeal for Ontario and the Supreme Court of Canada. On leaves of absence from his office, he worked at the UN international criminal tribunals. Mr Stewart is bilingual in English and French. Educated at Bishop's College School in Lennoxville, Québec, he attended Queen's University, in Kingston, Ontario (B.A., 1967), and Université Laval, in Sainte-Foy, Québec (M. ès A., 1971). In 1975, he graduated from the Faculty of Law at the University of Toronto, articulated for prominent criminal defence lawyer, Robert J. Carter, Q.C., in 1975-6, and was called to the Ontario Bar in 1977.

