



Thank you for your submission.

INCIDENT NAME

Request for the recusal of the Prosecutor in Vzla I due to conflict of interest & ethical violations

INVESTIGATION

Venezuela I

START DATE OF INCIDENT

9/6/2024

END DATE OF INCIDENT

9/8/2024

CONTACT NAME

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LANGUAGE

English

LOCATION OF INCIDENT

The Hague South Holland Netherlands

Factual Summary**Factual Summary: Formal Request for the Recusal of the Prosecutor in Venezuela I Due to Conflict of Interest**

1. Introduction and Context: The Arcadia Foundation, a non-governmental organization, submitted a formal request for the recusal of the Prosecutor of the International Criminal Court (ICC), Karim Asad Ahmad Khan, in the case *The Prosecutor v. Nicolás Maduro Moros* (Venezuela I). This request is based on a conflict of interest arising from the familial relationship between the Prosecutor and a key defense attorney for Nicolás Maduro, Venkateswari Alagendra, who is Khan's sister-in-law.

The Foundation emphasizes the importance of maintaining the highest standards of impartiality in the ICC, particularly in cases involving alleged crimes against humanity, such as those involving Nicolás Maduro. The conflict of interest undermines the trust in the integrity of the Court's proceedings.

2. Legal and Ethical Grounds: The request for recusal is grounded in several legal and ethical standards:

- Rome Statute Violation:** Article 42(5) of the Rome Statute mandates that the Prosecutor must not engage in any activity that could interfere with their duties or compromise public confidence in their independence. The familial connection between Khan and Alagendra raises serious concerns of bias, violating this requirement. The request also invokes Article 41(2), which allows for the removal of an ICC official if legitimate doubts about their impartiality exist.
- Ethical Breach:** The Prosecutor is expected to adhere to high professional standards, including the disclosure of potential conflicts of interest as soon as they arise. The Arcadia Foundation asserts that Khan's failure to disclose this relationship earlier constitutes a breach of ethical obligations, further undermining the proceedings' fairness.

3. Precedents and International Standards: The document refers to previous judicial precedents within international legal frameworks, including the ICC and the International Criminal Tribunal for the former Yugoslavia (ICTY). It cites the cases of *The*

Prosecutor v. Ngudjolo Chui and *The Prosecutor v. Anto Furundžija*, both of which underscored the importance of actual and perceived impartiality in maintaining the integrity of judicial proceedings.

4. The Impact of the Conflict: The Arcadia Foundation highlights the damage that the conflict of interest has already caused to the Court's credibility, citing coverage by major media outlets like *The Washington Post*. The familial relationship between the Prosecutor and a defense attorney representing the accused in such a high-profile case threatens public trust in the fairness of the ICC's processes.

5. Request for Action: The Arcadia Foundation makes four specific requests:

1. The immediate recusal of Prosecutor Karim Khan from the Venezuela I case.
2. The appointment of an independent Prosecutor to handle the case.
3. An internal investigation into the Prosecutor's failure to disclose the conflict of interest.
4. A public statement from the Court addressing the conflict and outlining steps to restore the integrity of the proceedings.

6. Conclusion: The Foundation emphasizes the urgent need for action to protect the rights of the victims and maintain the ICC's credibility. The document calls on the Court to swiftly remove the Prosecutor to preserve the fairness and impartiality of the proceedings in Venezuela I.

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Evidence List

FILE NAME	EXTENSION	SIZE
Arcadia Foundation - Formal Request for the Recusal of the Prosecutor in Venezuela I on Grounds of Conflict of Interest and Breach of Ethical Obligations.pdf	pdf	249.13 KB