



To: **Court Management Section
International Criminal Court**

Date: **November 8, 2024**

Subject: **Additional Clarifications on Document Submission and Procedural Concerns Related to Recusal Request and Ethical Review**

Dear Court Management Section,

Thank you once again for your continued attention and assistance in the processing of the Arcadia Foundation's documents. Following our communication dated November 7, 2024, we hereby submit a formal written submission to clarify and underscore critical aspects of our procedural concerns and submissions to ensure that the Appeals Chamber fully understands all pertinent elements surrounding this case.

1. Expectation of Responses from Relevant Offices

In response to your question regarding our expectations for responses from the Office of the Prosecutor and the Office of the Independent Counsel for Ethical Affairs, we wish to confirm that, in accordance with the ICC's standards of transparency and accountability, we do indeed expect formal responses from both offices. These responses are crucial, not only as confirmations of receipt but also as substantive responses that address the grave ethical and procedural issues raised in each document. The concerns involved in this matter are of profound significance, and it is essential that each office acknowledges receipt and provides responses reflective of the gravity of the ethical issues highlighted.

2. Importance of Reviewing Additional Documents in Conjunction with the Recusal Request

We emphasize that the additional documents submitted, titled "Arcadia Foundation - Urgent Request for Preventive Measures Regarding Ongoing Crimes in Venezuela" and the associated confirmation, are intrinsically linked to our primary recusal request. The Prosecutor's failure to act proprio motu—despite ample evidence of ongoing crimes against humanity in Venezuela—combined with his familial connection to Ms. Venkateswari Alagenda, counsel for the Venezuelan regime, raises substantial questions regarding impartiality. We strongly believe that examining these documents together is critical for illustrating the potential conflict of interest that may be impacting the Prosecutor's decision-making, particularly regarding his lack of preventive measures. This combined review supports our claim that there exists an appearance of compromised impartiality, which necessitates both the Prosecutor's recusal and an ethical review.

3. Procedural Omission by the Office of the Prosecutor

We wish to clarify that our formal recusal request was initially submitted on September 8, 2024, via the ICC's official portal in the section designated for complaints directed to the Office of the Prosecutor—not on November 4, 2024, as referenced. Given the ethical responsibility and seriousness of the allegations involved, it was incumbent

upon the Office of the Prosecutor to forward this request to the relevant oversight authority or, at minimum, inform us of the correct procedure for its redirection. This lack of action represents a procedural oversight and a lapse in ethical duty. We respectfully request that this matter be reviewed by the Appeals Chamber as part of a broader assessment of the ICC's ethical and procedural standards.

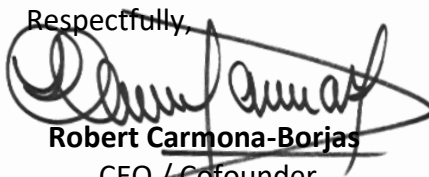
4. Procedural Omission by the Registry

Additionally, on September 10, 2024, Arcadia Foundation submitted a formal complaint via email directly to the Registry, detailing ethical transgressions relating to conflicts of interest and potential violations of the ICC's Code of Conduct. ICC regulations stipulate that it is the Registry's responsibility to process such complaints by forwarding them to the Office of the Independent Counsel for Ethical Affairs. This procedural step was not taken, nor were we informed of any procedural deficiencies in our submission. We consider this another serious lapse in procedural integrity and respectfully request that the Appeals Chamber also review this omission, given its implications for the ICC's adherence to established ethical standards and procedural protocols.

In providing these clarifications, we hope to support the Appeals Chamber in understanding the complete context and significance of each document and procedural concern raised. The Arcadia Foundation remains steadfastly committed to ensuring that these issues are addressed in a manner that promotes transparency and adherence to the highest ethical standards within the ICC.

Thank you once again for your assistance in this matter. Please feel free to contact us should further information be required.

Respectfully,



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