

**Cour
Pénale
Internationale**

**International
Criminal
Court**



Le Greffe

The Registry

Administrative Instruction

Ref: ICC/AI/2008/005

Date: 10 September 2008

CODE OF CONDUCT FOR INVESTIGATORS

The Registrar in consultation with the President and the Prosecutor, and pursuant to rule 17(2)(a)(v) of the Rules of Procedure and Evidence, promulgates the following:

Section 1

Use of terms

“The Court” means the International Criminal Court.

“Statute” means the Rome Statute of the International Criminal Court which entered into force on July 1, 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.

“investigator” means a person conducting investigative activities for the Court, for the Defence, or for all intergovernmental and non-governmental organizations acting at the request of the Court.

“beneficiaries” means witnesses, victims who appear before the Court and others who are at risk on account of testimony given by such witnesses.

“VWU” means the Victims and Witnesses Unit.

“VPRS” means the Victims Participation and Reparations Section.

“DSS” means the Defence Support Section.

“OTP” means the Office of the Prosecutor

“Code” means this Code of conduct for investigators.

Section 2

General provisions

2.1. This Code of conduct is promulgated pursuant to rule 17(2) (a) (v) of the Rules of Procedure and Evidence, in relation to the protection of all witnesses, victims who appear before the Court, and others who are at risk on account of testimony given by such witnesses.

2.2. This Code of conduct applies to investigators of the Court and the Defence and to investigators of all intergovernmental and non-governmental organisations acting at the request of the Court, when carrying out their official functions with respect to all witnesses, victims who appear before the Court and others who are at risk on account of testimony given by such witness, in accordance with their particular needs and circumstances.

2.3 The Office of the Prosecutor, the Defence, the Victims and Witnesses Unit (VWU) on behalf of a chamber, when appropriate, and the Organ which appoints an intergovernmental or non-governmental organisation acting at the request of the Court, shall ensure that this Code of conduct and any amendments thereto are brought to the attention of the investigators.

Section 3

Interpretation

3.1. 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 4

Professional conduct

4.1. An investigator shall observe the highest standards of integrity and conduct in discharging his or her duties.

4.2. An investigator shall, in the conduct of an investigation, comply with the Statute and the Rules, the Regulations of the Court, and when applicable the Regulations of the Office of the Prosecutor, the Regulations of the Registry and, as the case may be, all relevant policies of the Court, and all relevant orders or decisions of a Chamber.

4.3. An investigator shall respect the rights of persons as provided by the Statute and the Rules.

4.4. An investigator shall not discriminate against any individual or group of individuals.

4.5. An investigator shall not participate in any illegal activities or corrupt practices. This includes, but is not limited to:

- a. receiving, directly or indirectly, any gift, favour, benefit or service that compromises or appears to compromise the integrity of his or her investigation; or
- b. offering or giving, directly or indirectly, any gift, favour, benefit or service to any person that compromises or appears to compromise the integrity of his or her investigation.

4.6. An investigator shall not engage in any other employment or occupation that compromises or appears to compromise the integrity of his or her investigation.

4.7. An investigator shall not have any dealings with any person that compromises or appears to compromise the integrity of his or her investigation.

4.8. An investigator shall not abuse or misuse his or her authority and shall not engage in any conduct that is likely to bring the Court into disrepute. This includes, but is not limited to:

- a. any deliberate conduct resulting in physical, sexual or psychological harm or suffering to members of any locality, especially women and children, in which investigation is being conducted;
- b. any abusiveness, coercion or threats to any person with whom the investigator has dealings in the course of the investigation;
- c. any sexual relationship with a beneficiary or a person engaged by an investigator in relation to a situation under investigation;
- d. using narcotics, alcohol or any illegal substance that may render him or her unfit for duty.

Section 5

Confidentiality

5.1. An investigator shall make every effort to ensure that any material and information gained by virtue of his or her position is maintained securely.

5.2. An investigator shall not disclose any privileged material or information, or any material or information deemed confidential by the Court, unless authorized to do so.

5.3 The obligation imposed under paragraph 5.2 above shall not cease upon the separation of services of an investigator from the International Criminal Court.

Section 6

Security

6.1. An investigator shall not engage in any deliberate conduct, or make any disclosure, which places or is likely to place the security of any person at risk.

6.2. An investigator shall ensure that any dealings with beneficiaries respect their confidentiality and privacy and minimise the potential for harm.

6.3. An investigator shall make every effort to conduct himself or herself in a manner that limits risks to beneficiaries.

Section 7

Dealings with beneficiaries

7.1 An investigator shall accurately identify himself or herself and disclose in his or her dealings with beneficiaries or potential beneficiaries his or her connection to the case or investigation.

7.2. An investigator shall treat all persons equally, with respect and courtesy, 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.

7.3. An investigator shall not harass, intimidate or pressure beneficiaries to testify before the Court or to have any dealings with the Court.

7.4. An investigator shall inform each beneficiary of his or her rights under the Statute and the Rules and of the existence, functions and availability of the VWU, VPRS and DSS and, when appropriate, shall facilitate contact between the beneficiary and this unit and sections.

7.5. An investigator shall not misrepresent the authority or ability of the Court to provide services to beneficiaries.

Section 8

Duties towards the Court

8.1. An investigator shall, without undue delay, report any breach or attempted breach of this Code to a person in a position to investigate the breach.

8.2. In case of doubt regarding what behaviour to adopt, an investigator shall immediately refer the matter to his or her supervisor.

8.3. An investigator shall protect, manage and account for Court resources assigned to him or her.

8.4. An investigator shall always pay particular attention to the integrity of evidence whether collected in written, oral or any other form.

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

8.6. An investigator shall not make any public statement on behalf of the Court unless duly authorised.

Section 9

Relations with others

9.1. An investigator shall act fairly, in good faith and courteously in his or her dealings with staff members of the Court, participants in the proceedings or other investigators.

Section 10

Disciplinary procedure

10.1 In case of breach or attempted breach of this Code, appropriate disciplinary measures shall be taken by:

- a. the Office of the Prosecutor with respect to OTP investigators in accordance with Article X of the Staff Regulations; Chapter X of the Staff Rules; and any administrative issuance issued thereunder.

- b. the Disciplinary Board, with respect to Defence investigators, in accordance with the procedures spelled out in the Code of Professional Conduct for counsel (Resolution ICC-ASP/4/Res.1)
- c. the relevant Chamber with respect to investigators appointed by the Chamber, in accordance with relevant procedures spelled out in the Code of Professional Conduct for counsel (Resolution ICC-ASP/4/Res.1)

10.2. In case of breach or attempted breach of this Code by a representative of an intergovernmental or non-governmental organization acting at the request of the Court, the Organ which appointed such organization shall request the organization to take appropriate disciplinary measures or penal action, if necessary, against the concerned representative.

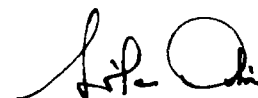
Section 11 Amendment procedure

11.1 The VWU may recommend amendments to this Code in consultation with the Office of the Prosecutor.

11.2 Proposals for amendments may be forwarded to the VWU in writing by the Office of the Prosecutor, any Defence counsel or any intergovernmental or non-governmental organisations acting at the request of the Court.

Section 12 Entry into force

12.1 This Administrative Instruction shall enter into force on 10 September 2008.



Silvana Arbia
Registrar