



Presidential Directive – Directive de la Présidence

Ref : ICC/PRESG/2014/002

Date: 13 May 2014

ICC Anti-Fraud Policy

The President, in consultation with the Prosecutor, for the purposes of exercising their respective oversight responsibilities and in accordance with Section 2 of ICC/PRESG/2003/1 promulgates the following:

Section 1

Statement of principle

- 1.1 The International Criminal Court (ICC) has a zero tolerance attitude towards fraud and needs to maintain the highest standards of prevention, detection and remediation. All its elected officials and staff members, as well as others serving at the ICC, such as counsel, consultants, interns, contractors and vendors, share a responsibility for ensuring strong, robust and effective fraud control. The ICC's zero tolerance policy regarding fraud applies to all activities and operations of the ICC and all persons and entities affiliated with the ICC regardless of location.
- 1.2 This Presidential Directive states the obligations for raising awareness, prevention, reporting and remediation of fraud. It furthermore demonstrates commitment that all cases of fraud will be handled and, where appropriate, investigated in a professional, prompt and confidential manner.

Section 2

Definition of fraud

2.1 Fraud is any act or omission, including any misrepresentation that knowingly misleads, or attempts to mislead, a party in order to obtain any financial or other benefit, to cause a loss or to avoid any obligation.

Section 3

Fraud prevention and raising awareness

3.1 The ICC is committed to protecting all resources, information and evidence entrusted to it from fraud.

3.2 In particular, the ICC:

- (a) Requires the highest standards of ethical behavior from all persons and entities affiliated with the ICC;
- (b) Maintains an affirmative responsibility on elected officials and staff members as well as others serving at the ICC to report any case of suspected or detected fraud, including patterns of anomalies that could indicate that fraud has occurred;
- (c) Respects good standards of risk management so as to ensure that control and monitoring mechanisms are in place to prevent fraud, assess possible occurrences and address them in a consistent manner;
- (d) Actively promotes awareness of ethics and the ICC legal framework and its zero tolerance towards fraud, for example, through the provision of training; and through other policies relevant for combatting fraud including the issuance of administrative instructions and standard operating procedures.

Section 4

Reporting fraud

4.1 All elected officials, staff members and other persons serving at the ICC share a responsibility to report concerns about any suspected or detected fraud, including giving notice of patterns of anomalies that could indicate fraud may have occurred or is occurring in relation to the ICC.

- 4.2 Any person who is found having knowledge of a suspected or detected fraud and having failed in the responsibility to report as stipulated in subsection 4.1, may be subject to disciplinary or administrative action, as applicable.
- 4.3 Any person reporting fraud must do so in good faith and have reasonable grounds for believing the information disclosed indicates fraud or a pattern of anomalies that could indicate that fraud has occurred.
- 4.4 Persons who, in good faith, report any suspected or detected fraud or pattern of anomalies that could indicate that fraud has occurred or cooperate with a duly authorized fraud-related investigation or audit shall be protected in accordance with the applicable legal framework.
- 4.5 Reporting of suspected or detected fraud or a pattern of anomalies that could indicate that fraud has occurred will be kept confidential to the fullest extent possible, consistent with the need to conduct a thorough investigation and subject to the requirements of the ICC's legal framework and, where relevant, that of any relevant State.

Section 5

Fraud remediation

- 5.1 The ICC is committed to the professional, prompt and confidential investigation of any suspected fraud, and the full respect of due process in that context.
- 5.2 If reported fraud is found to be substantiated, the ICC will take appropriate action against those who have committed it, through its internal disciplinary or administrative procedures and/or by referring the case to domestic jurisdictions, as the case may be.
- 5.3 The ICC shall take prompt action to seek recovery of its assets or other items of value or concern lost due to fraud, as well as to seek damages and other remedies deemed appropriate.

5.4 Fraud as defined in this document may also constitute a criminal offence before domestic courts and may lead to a waiver of any applicable immunity for the concerned individual by the ICC.

Section 6

Final provisions

6.1 This Presidential Directive shall be translated into relevant administrative issuances so as to ensure a comprehensive system combatting fraud, in particular policies regarding whistleblowers and their protection and a financial disclosure program. In the meantime, the present Presidential Directive shall apply as of the date of its entry into force pursuant to Section 6.3.

6.2 Advice regarding reporting fraud or regarding protection in relation thereto can be sought from the Human Resources Section, the Independent Oversight Mechanism or the Staff Union Council, in addition to any other individuals or offices who will be responsible for receiving reports from whistleblowers in general.

6.3 This Presidential Directive shall enter into force on 13 May 2014.


Sang-Hyun Song
President