



## TERMS OF REFERENCE – Financial Investigator Expert

### 1. Operational Context

The Rome Statute assigns the Office of the Prosecutor (“OTP”) an important role in relation to financial investigations. Such specialised investigative activities are required, in first instance, to obtain evidence in relation to the commission of crimes under the ICC jurisdiction and the establishment of individual criminal responsibility. The Office is also to conduct asset tracing activities towards the identification, tracing and the freezing or seizure of proceeds, property, assets and instrumentalities of crimes. The forfeiture of those assets will ensure the payment of penalties, victim’s reparations and will cover expenses with legal aid.

Considering the environment in which the OTP operates, financial investigations can be particularly challenging. Relevant transactions and assets are spread across the globe and for most activities the Office is dependent on international cooperation. Investigations cross over many different jurisdictions and the relevant States are not necessarily cooperative with the Office. It adds to the challenge the fact that in some situations the persons of interest to the investigation might have de jure or de facto positions of influence or some form of control over the State apparatus where the relevant information seats or is accessed through. Finally, the OTP financial investigations cover a wide variety of financial realities: from the sophisticated international financial markets to the rudimentary economic realities of impoverish regions affected by armed conflict.

It is therefore imperative that the Office has sufficient resource capacity and expertise to be capable, simultaneously to the progressing of the other components of the investigation, to initiate and progress financial investigative activities. Currently, the Office has very limited capacity and expertise to conduct financial investigations and the existing capacity is often diverted to support other areas of the investigation, in virtue of an overall lack of investigative resources.

### 2. Tasks

Working the under the general supervision of the Head of the Investigation Division and the direct supervision of the Investigations Coordinator, the Expert is expected to:

- Provide legal, technical and investigative advice in relation to financial investigation procedures and techniques and in relation to the Office’s financial investigations and asset tracing activities;
- Support the integrated team(s)<sup>1</sup> in their financial and asset tracing investigative activities, and in particular:

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<sup>1</sup> Each integrated team combines different competences and skills, including investigators, analysts and lawyers, who under the overall leadership of a Senior Trial Lawyer, conduct and are responsible for the investigation and

- Develop and implement a financial investigation strategy and plan;
- Support the collection, screening and handling of information and evidence in accordance with standard operating procedures;
- Draft requests for assistance to national authorities under the ICC international judicial cooperation framework;
- Review and analyse gathered materials;
- Actively contribute to the identification of leads and lines of inquiry to further financial investigations;
- Contacting and liaising with specialists, in particular banking and financial authorities in other countries and expert witnesses;
- Provide expert advice on how to use existing international and other networks on financial investigations;

Drafting memoranda and briefs related to his/her findings or advice.

### **3. Qualifications and Skills**

- Expert knowledge of financial investigation techniques and procedures;
- Significant professional experience in conducting financial investigations and/or asset tracing activities;
- Excellent ability to organize complex and voluminous amounts of information and evidence;
- Excellent research, analytical and problem-solving skills, including familiarity with analysis techniques.
- Ability to comply with high-level confidentiality requirements;
- Excellent ability to communicate effectively;
- Ability to work under stressful conditions;
- Ability to demonstrate a high degree of flexibility and adaptability;

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the prosecution of the different cases. The investigative component of the integrated team is managed by an investigation Team Leader, the primary responsible for the definition of a strategy and the planning of investigative activities, including in relation to financial investigations.

- Ability to work effectively in a multi-cultural and multi-disciplinary environment;
- Ability to work in a non-discriminatory manner, with respect for diversity;
- High professional and personal integrity standards.

#### **4. Knowledge of Languages**

The expert should be proficient at least in one of the working languages of the Court, English or French. Working knowledge of the other is considered a strong asset. Knowledge of another official language of the Court (Arabic, Chinese, Russian and Spanish) is considered an asset.