

## Curriculum vitae – Karim Khan

LLB (Hons) (Lond), AKC (Lond), FSIArb, FCIArb, Dip. Int.Arb. (CIArb) Barrister-at-Law

What the Directories say:

*“A “superb lawyer” and “frighteningly clever master strategist,” who has represented clients in international courts across the world. As a prosecutor for the ICTY and ICTR, he has vast experience of handling complex matters such as crimes against humanity, war crimes and contempt of court disputes.”; “His ability to address and sum up the most complicated legal analysis in concise yet powerful words has become legendary.”; “A very highly rated advocate who is a real force to be reckoned with. He fights his cases hard but honourably”; “Has superior knowledge of international law and is a world-class advocate and drafter. He has the ability to cut to the heart of a legal issue and identify possible solutions with precision and speed. Karim manages large teams without any drop-off in the high level of service provided, and is a fierce advocate.” **Chambers and Partners Legal Directory (extracts, 2016-2020)***

*“He ensures he has a very deep knowledge of not just the facts of an incident but of all aspects of a case, which in this field involves politics, culture and society.” **Legal 500 (2021) “Leading Silk”, Ranked Tier 1, “International crime & Extradition***

KARIM AHMAD KHAN QC is currently serving as Assistant Secretary-General of the United Nations, having been appointed by the UN Secretary General, Antonio Guterres, as the first Special Adviser and Head of the Investigative Team to Promote Accountability for Da’esh /ISIL crimes (UNITAD) pursuant to Security Council Resolution 2379 (2017).

A Barrister for 28 years, and a Queen’s Counsel since 2011, Karim has acted in some of the largest international criminal cases for the Prosecution, Defence and for Victims. He has been involved in cases before all international or hybrid international courts, including the ICC, ICTY, ICTR, ECCC, SCSL, STL, EULEX and UN SPSC in Timor Leste (UNTAET) as well as the ICJ. He has handled complex international cases in Asia, Europe and North, East, Central and West Africa. He is a Recorder (part time judge) of the Crown Court of England & Wales and previously worked as a Senior Crown Prosecutor in London and at the Law Commission of England & Wales. Karim was the President of the International Criminal Court Bar Association (ICCBA) from June 2017 - June 2018. At the end of his tenure as President of the ICCBA, Karim was appointed the first Honorary President of the ICCBA at the ICCBA General Assembly Meeting in 2018. In July 2018 he was recognised as ‘Worldwide Ambassador of the African Bar Association’.

Qualifications: Barrister (called October 1992, Queen’s Counsel 2011); Bencher, Honorable Society of Lincoln’s Inn, London ; Recorder of the Crown Court; LLB (Hons), A.K.C., (King’s College, London); Inns of Court School of Law, London; Dip.Int.Rel (CIFE, Nice), FSIArb, FCIArb, Dip. Int. Arb (CIArb), Advanced Diploma, International Human Rights (Abo Akademi, Turku, Finland); D Phil (candidate), Wolfson College, University of Oxford; Doctorate, honoris causa, University College FAMA, Pristina, Kosovo (2012); Doctorate, honoris causa, European University, Tirana, Albania.

## 1. International & domestic Prosecution and investigative experience

### (i) *Special Adviser and Head of the United Nations Investigative Team to Promote Accountability for Da'esh /ISIL crimes (UNITAD) since July 2018*

Pursuant to a unanimous resolution of the UN Security Council (SCR 2379) in September 2017, Special Adviser Khan has led the establishment of UNITAD, ensuring the deployment of the Team from New York to Baghdad within three months of his appointment in July 2018. 5 Reports presented to the Security Council and bi-annual briefings of Security Council members conducted. Under his leadership, UNITAD has sought to take an innovative and dynamic approach to the implementation of its mandate, drawing on strong strategic partnerships developed with Iraqi authorities, survivor groups, impacted communities, non-governmental organizations and Member States.  
<https://www.unitad.un.org/content/multimedia>

#### *Key achievements*

- Initial budget of \$20,000,000 secured through effective engagement with Member States (\$30,000,000 including trust fund contributions);
- Led establishment of institutional framework, staffing structure, standard operating procedures and initial investigative strategy of the Team, securing buy-in from all key stakeholders;
- Establishment of six dedicated Field Investigation Units addressing crimes committed by ISIL against a wide range of communities in Iraq;
- Establishment of specialized thematic units including the Gender Crimes and Children's Unit (GCCU) and Witness Protection and Support Unit (WPSU), ensuring the work of the Team in these fields builds on international standards;
- Establishment of Financial Tracking unit through voluntary contributions;
- Collection of evidence previously unavailable to domestic authorities seeking to prosecute ISIL, including call data records, digital evidence extracted from ISIL electronic devices, and 3-D laser scans of crime scenes across Iraq;
- Successful provision of direct support to ongoing domestic proceedings, including facilitation of testimony before national courts via videolinks from UNITAD premises in Baghdad;
- Provision of support to national authorities in the excavation of mass grave sites in Sinjar, securing key sources of forensic evidence;
- Conclusion of MoUs and other legal frameworks with Member States, NGOs, international organizations, survivors groups and academic institutions.
- Innovative responses to COVID-19, harnessing of technology and commencement of remote interviews where necessary.

*Building a partnership between the Investigative Team, national actors and the international community:* cooperation with the Iraqi authorities is a key feature of UNITAD. It is borne from a realization that effective in-country investigations require the talents and expertise of national lawyers, investigators, interpreters and analysts to be fully harnessed. To this end, Karim prioritized the effective engagement of the Government of Iraq, Iraqi judiciary and the authorities of the Kurdistan Regional Government, securing their support for UNITAD's

work. In parallel, Karim has sought to continually engage with all Security Council members and other member states in order to outline progress made in mandate implementation.

*Staffing and Management:* leads a team of 154 lawyers, investigators, analysts, clinical psychologists, information management experts, political advisers and support staff. Starting from scratch, UNITAD has achieved gender balance amongst its substantive and support staff, including at the highest levels of staffing. Regard has been had to geographic diversity, with staff from Africa, Latin America, North America, Europe, the Caribbean and Asia recruited to the Team.

*Engagement with communities, civil society actors and religious leaders:* prioritized the establishment of strong bonds with impacted communities, religious leaders and survivor groups. This approach is reflected in the successful facilitation by Karim and then together with the Special Adviser on the Prevention of Genocide Mr. Adama Dieng, of the adoption of the landmark Interfaith Statement on the Victims and Survivors of ISIL, which was endorsed by all major faiths in Iraq. Reflecting the priority given to its engagement with all stakeholders, Karim also led the establishment of the UNITAD-NGO Dialogue Forum, as a platform for the engagement of non-governmental organizations in the work of the Team.

*Budget Administration:* As Head of the Team, Karim has successfully defended budgets before the ACABQ and 5th Committee. He is responsible for a budget of approximately \$30 million per year comprising contributions from the United Nations regular budget and a dedicated Trust Fund established pursuant to UN Security Council resolution 2379 (2017). In relation to the latter, Karim has managed to secure significant extrabudgetary contributions, as well as seconded national experts, from States including Australia, Germany, Jordan, the Netherlands, Qatar, Saudi Arabia, Sweden, Denmark, the United Kingdom of Great Britain and Northern Ireland, and the United States of America.

*Harnessing technology and innovation in mandate delivery:* Harnessing technology in an integrated way has been a particular focus of UNITAD, born from an understanding that the massive data sets encountered in investigations must be handled with modern tools in order to ensure timely processing and analysis. In-house software has been designed where needed, as well as using proprietary and specialist software and tools. A key focus has been to ensure that innovative approaches are integrated into the overarching evidence management systems.

(ii) ***Prosecution Lawyer, Office of the Prosecution, United Nations International Criminal Tribunals for the Former Yugoslavia (ICTY) and Rwanda (ICTR)***

From 1997-2000 Karim was a Legal Advisor in the Office of the Prosecutor in the United Nations International Criminal Tribunals for the Former Yugoslavia (ICTY) and Rwanda (ICTR). He worked on cases such as Delalic et al (ICTY) as a member of the trial team working to Senior Trial Attorney Eric Ostberg and subsequently Grant Niemann. Karim

attended court, drafted various filings, including co-drafting the Prosecution's response to the defence no-case to answer filing at the end of the prosecution case. Karim regularly participated in the weekly legal adviser's meetings which discussed various policy and legal issues that fell for consideration in the still early days of the Tribunal's work. He also participated in various indictment reviews. In 1998, Karim was appointed one of two other lawyers based in the Hague advising and assisting the Chief Prosecutor of the ICTY & ICTR on legal issues and acting as a link between teams in Kigali, Arusha and The Hague. Working directly with Chief of Prosecutions, Mohamed Chande Othman and (the now late) Bernard Muna, Karim conducted missions to Arusha and Kigali, advised on various pre trial, and trial matters. He also worked, as legal adviser and then appeals counsel, on various landmark appeals cases including Akayesu, Kayeshemi & Ruzindana, Kambanda, Serushago (ICTR). Performance appraisals were certified "outstanding" by Chief Prosecutor Louise Arbour and Chief Prosecutor Carla del Ponte respectively.

- (iii) **2010-present: member of Temple Garden Chambers, Temple, London & Lange Voorhuit 82, Den Haag.** TGC is a leading set recognized for its expertise in international criminal law, extradition and public inquiries. (Upon UN appointment in 2018 all private practice ceased).
- (iv) **2000-2010: member of 2 Hare Court, Temple, London.** Karim prosecuted the full spectrum of criminal cases at the Bar, and was included on the "Old Bailey list" to prosecute the most serious offences at the Central Criminal Court. Included on the Attorney-General's panel of prosecution advocates. Prosecuted cases of sexual violence and offences against the person. Also acted for the Home Secretary and for applicants in numerous immigration and refugee law cases.
- (v) **1992-1996: Crown Prosecutor & Senior Crown Prosecutor, CPS, (Tower Bridge, City and Old street branch,) London.** Regularly appeared as a prosecution advocate in court. Advocacy mentor to junior staff. Reviewing lawyer of full gamut of criminal cases, murder (homicide), rape and other offences against the person. Also experienced in handling youth cases.

## **2. Select experience in representing victims in court and conducting investigations**

- (i) ***Extraordinary Chambers of the Courts of Cambodia ECCC (Cambodia), Lead Counsel for Civil Parties (Victims)***

In 2009, Karim Khan was instructed as pro bono lead counsel to the largest group of civil parties (victims) in the first case before the Extraordinary Courts of the Chambers of Cambodia (Prosecutor v Kaing Geuk Eav, alias Duch). Duch was successfully prosecuted and Karim went on to also act as lead counsel for the victims in the subsequent appeal upholding that conviction. Karim assembled and led an international team that worked entirely pro bono. He was able to secure funding for the team's national co-counsel. The representation featured in the documentary "Brother Number One":

<https://ondemand.nzfilm.co.nz/#!/browse/film/14/brother-number-one?trailer> & [www.youtube.com/watch?v=3911fBwYxIQ](http://www.youtube.com/watch?v=3911fBwYxIQ)

**(ii) *Lead Victims Counsel, Albanian Victims***

Until 2016, Karim also led a team, instructed by an Albanian ethnic minority, in relation to possible remedies under the ECHR and other international instruments for alleged violations relating to life and property.

**(iii) *Lead International Victims Counsel, Kenya***

Lead Counsel until July 2018 to the more than 116,000 victim claimants from the Kipsigis and Talai communities seeking redress for alleged human rights committed during the colonial period. Karim led a large multi-disciplinary team of about 40 professional staff including international and Kenyan lawyers, investigators, historians, analysts, psychosocial and mental health experts.

<https://www.youtube.com/watch?v=XhlQKOsTSMg>

**(iv) *Lead Victims Counsel, Sierra Leone***

Lead Counsel (pro-bono) from 2016 for victims of historic rape and the children born of rape (now adults) by a Xaverian Priest in Sierra Leone. Compensation awarded to clients by the Church in 2018. Lead Counsel (pro bono) until July 2018, for victims of torture, sexual abuse and summary execution during the conflict in 1998-1999. Active investigations conducted in Sierra Leone. The case was submitted to the Supreme Court of Sierra Leone and was featured in a documentary by Al Jazeera, "Peacekillers":

<https://www.aljazeera.com/programmes/peopleandpower/2018/09/peacekillers180913060801441.html>

**(v) *International counsel, Military Tribunal, Yaounde, Cameroon***

Pro bono counsel representing human rights defender and former UN human rights officer and SCSL Trial Chamber legal officer, Dr. Felix Agbor-Bala Nkongho. Dr Felix Bala faced various charges carrying the death penalty on account of his activity advocating for victims of human rights breaches in Cameroon. Working with former ICTR Deputy Prosecutor, the late Bernard Muna, Karim successfully sought and was granted rights of audience and made several oral submissions before the military tribunal in Yaounde. This helped lead to the release of Dr Bala and the dropping of the capital charges against him by the President of Cameroon. (2017)

### **3. Select experience in Defending case in court and conducting investigations**

**(i) *UN Special Panel for Serious Crimes, East Timor (SPSC), Lead Counsel***

In 2001 instructed as lead defence counsel for Cancio Lopes De Carvalho, Mahidi Militia Commander before the Special Panels for serious crimes in East Timor.

**(ii) *ICTY, Counsel and Lead Counsel***

In 2003 he was appointed defence counsel in the ICTY case of Prosecutor v Limaj, the first KLA cases before the ICTY (Limaj acquitted on all counts Nov 2005, Prosecution appeal dismissed.) Appointed by the Registrar of the ICTY as Independent counsel to the Former Chief of the Bosnia armed forces in the case of Prosecutor v Sefer Halilovic. (Halilovic Appeal to President of ICTY allowed). Karim also acted as Defence counsel at trial in Prosecutor v Prlic et al (for accused Bruno Stojic) (Bosnian Croat) in the ICTY. In May 2008, he was also instructed to represent the Minister of Culture of Kosova

(Prosecutor v Haraqija) charged with criminal contempt before the ICTY. (Acquitted on all counts on appeal). Also acted for former ICTY spokesperson Florence Hartmann in ICTY contempt case. Also acted as duty counsel for former Chief of General Staff of Serbia in case Prosecutor v Momlilo Perisic.

**(iii) *Special Court for Sierra Leone (SCSL), Counsel and Lead Counsel***

Defence counsel in the Case of Prosecutor v Alex Brima before the Special Court of Sierra Leone. Between April 2006 – June 2007 was Lead Defence counsel in Prosecutor v Charles Ghankay Taylor (Former President of Liberia) before the SCSL. Led investigations in Sierra Leone, Liberia whilst team also based in the Hague.

**(iv) *International Criminal Court (ICC), Lead Counsel***

In November 2008, Karim Khan was appointed co-lead counsel in one of the first cases before the International Criminal Court, Prosecutor v Jean Pierre Bemba Gombo (Former Vice-President of the Democratic Republic of Congo for crimes allegedly committed in the Central African Republic.) (Article 25 charges not confirmed by ICC PTC, instead confirmation of charges under Article 28 of the Rome Statute).

Between 2008-10 was lead counsel representing Darfuri rebel leader, Bahar Idriss Abu Garda, the first ICC suspect to voluntarily surrender to the jurisdiction of the Court and the first time that a case was dismissed at the confirmation stage. (After a contested confirmation hearing, all charges were not confirmed by PTC and Prosecution application for leave to appeal, dismissed.

In March 2010 instructed for two additional Dafuri rebel leaders, Abdullah Banda and Saleh Jerbo. Worked with the OTP, Registry and others to ensure the voluntary appearance of these two suspects before the court in June 2010. This was the first case in the ICC where confirmation was not contested by the defence and case fast tracked to the trial stage.

In January 2011, instructed as lead counsel to represent Ambassador Francis Muthaura, Cabinet Secretary & Head of the Public Service of Kenya. After active investigations in Kenya and extensive litigation, all charges were withdrawn by the Prosecution in March 2013, before trial commenced. This was the first time the Prosecutor of the ICC has withdrawn charges in a case that had been confirmed.

Instructed as lead counsel for William Ruto, Deputy President of Kenya. Full in depth investigations conducted in Kenya including forensic evidence, cell site evidence, documentary, testimonial and OS investigations conducted. This case ended in 2016 with a successful “no case to answer” submission by the Defence.

In 2016 (until June 2018) appointed as lead counsel for Dr. Saif Al- Islam Gadafi strictly limited to the issue of an admissibility challenge to the jurisdiction of the ICC based upon an assertion of double jeopardy / ne bis in idem.

**(v) *Special Tribunal for Lebanon (STL), Lead Counsel Lead***

Defence counsel to Al Jadeed TV and Ms. Karma Khayat in relation to charges of contempt of court before the Special Tribunal for Lebanon (STL). Active investigations conducted in Lebanon. This case represents the first time that a corporation has been

charged before an international criminal or hybrid court. The company Al-Jadeed and Ms Khayat were acquitted on all counts in 2016. Prosecution appeals dismissed.

**(vi) *Libyan Criminal Case, Lead International Counsel***

International counsel until July 2018 to represent the former Prime Minister of Libya, Dr. Baghdadi Al-Mahmoudi who was charged before the courts of Libya until his release was ordered in 2019.

**(vii) *EULEX Kosovo, Lead International Counsel***

Between 2010 and 2012, lead counsel for Fatmir Limaj (former Deputy Prime Minister of Kosovo) in relation to charges of war crimes allegedly committed in Kosovo in 1999 before the EULEX (hybrid) court system in Kosovo. Led investigations, field missions to Kosovo, experts instructed. At the end of this trial, Fatmir Limaj was acquitted on all counts on 2 April 2012. The Supreme Court of Kosovo ordered a re-trial before a new Trial Chamber and Karim also acted as lead counsel in that case which again ended in a full acquittal on all charges. Also acted as lead counsel for Limaj in EULEX corruption case. Client acquitted on all charges.

#### **4. Select other international work**

***President of the International Criminal Court Bar Association (ICCBA) (2017-2018)***

Of particular note, during his Presidency of the ICCBA, Karim participated in the GQUAL mock debates and signed the GQUAL Action Plan on behalf of the ICCBA. The working group on harassment was also established. Regional and national focal points were appointed from both state and non-state parties. At his own expense, Karim visited several under-represented countries like Singapore, Fiji and Timor Leste to create awareness about the work of the ICC and the ICCBA.

**Legal Committee member & Legal Adviser to the Secretary General, Asian Hockey Federation (AHF) 2010-2014** member of the legal committee and Legal Adviser to the Asian Hockey Federation, a continental federation under the FIH.

**Counsel & advocate, International Court of Justices:** Until June 2018, Karim was part of a team that included Professors Payam Akhavan, Vaughan Lowe QC, Mathias Forteau, Alan Boyle, & Philipa Webb, instructed in the Maritime delimitation in the Indian Ocean (Kenya v Somalia). Oral arguments made in the Peace Palace.

#### **5. Select lectures & Public Events**

Karim has been a speaker on ICL and lectured extensively throughout the world including at the Universities of Tsinghua, China; Florence, Sarajevo, Utrecht; Stanford; Northwestern; King's College, London; Oxford; Sandhurst Military Academy; the Joint Service Command and Staff College, UK (2001-2010), National Police Training Centre, Bramshill and in Phnom Penh, Cambodia (workshop for the Judges of the ECCC) and Beirut, Lebanon Speaker at Bar Leaders conference, IBA (2012) and the IBA's ten year ICC anniversary event at the Peace Palace; the ICTR 20th Anniversary Conference in

Arusha (2014); the IBA's Annual conference in Tokyo (2014), the 'Global Human Rights Summit', Tokyo, (2015); IBA's annual international criminal law conference, the Hague (2015) and 2016 (Hague). 2017, WSD Handa Annual Lecture, Stanford Centre for Justice and Human Rights, Stanford University, California "Islam and Human Rights"; Delivered Franz-Hermann Bruner memorial lecture on "Integrity in investigations" at the 19th Conference for International Investigators (CII), Songo, South Korea (2018); 2018 PAAMA Peace conference, key note address, "Islam and Human Rights" 2018 (London); 2nd AMA Peace Conference keynote address, Banjul, The Gambia, "Islamic law, Justice and Human Rights"; (2019).

Trainer and panelist at Philippines Judicial Academy (PHILJA) (Attended by Chief Justice of Philippines and Judiciary of Supreme Court (19 – 23 January 2016 and November 2016. Trainer and Course director, "Best Practices in Human Rights Investigations", Philippines Commission of Human Rights, Manila, 21- 23 February 2018. He acted as Trainer, Constitutional Court of Indonesia, Jakarta, 26-27 February 2018, on international criminal law, investigations and evidence. Conducted training for Commissioners of the Indonesian Human Rights Commission on best practices in collection of evidence and interviewing victims and witnesses of gross human rights violations. From 2016-2018 appointed as Trainer on international criminal law, prosecutions and investigations by the Prosecutor General of Timor-Leste (East Timor), Dr. Jose Xiemenes. Conducted training for Judges, Prosecutors and Senior Police Officers in Dili.

## **6. Appointments & Awards**

Criminal Lawyer of the Year 2017 (UK), Society of Asian Lawyers (SAL); Visiting Professor, International law and Human Rights, Fourah Bay College, University of Sierra Leone; Senior Research Fellow, King's College, London (1999-2002); Honorary Lecturer, School of Law, University of Utrecht (2010-2011 and 2012-2013); Former Director, the Peace and Justice Initiative; member of the CBA's working group on the ICC Act 2001; member of the Foreign & Commonwealth Office, Pro Bono Human Rights Panel; included on Attorney-General's panel of Prosecution Advocates (2001-2004). Awarded the 1999 John D & Catherine MacArthur Foundation Fellowship on International Peace and Security; Alexander Maxwell Law Scholarship Trust Award 2001. 2008, elected an individual member of the International Legal Assistance Consortium (ILAC); past member Disciplinary Council of the Association of Defence Counsel of the ICTY (ADC) (2007 to 10). Past Chair, Amicus Committee, (ADC). Member of the ICTY Disciplinary Board (along with ICTY judiciary) (2009 – 13). In 2010, Karim was also elected to the Disciplinary Appeals Board of the ICC (along with ICC judiciary 2012-2015).

## **7. Select Publications**

- Contributing author: "Integrity & independence in the delivery of accountability" in CILRAP & Nuremberg Principles Academy publication "On integrity in international criminal justice". Eds. Professors Bergsmo & Diettrich, TOAEP (forthcoming);



- Co-Author, of Archbold International Criminal Courts (Sweet & Maxwell, 1st ed 2003; 2nd ed 2005, 3rd ed 2009 4th edition (2013) 5th edition (2018);
- Co-Editor and contributing author: Principles of Evidence in International Criminal Law, (Oxford University Press) (2010)
- Contributor to Human Rights Practice (Sweet & Maxwell. 2002 to 2016);
- Contributing Author to A Commentary to the Rome Statute on the ICC (BadenBaden) 2000; 2nd ed 2008; 3rd edition (2016)
- Co-Editor of the International Criminal Law Reports (ICLR) (Cameron May) (2006 to 2014);
- Co-Author, An unbreakable thread? The presumption of innocence in international law in “Promoting Accountability under international law for gross human rights violations in Africa, Essays in honour of Prosecutor Hassan Jallow”, (Brill I Nijhoff, 2015)
- Co-Author, “Sitting on Evidence? Systemic Failings in the ICC disclosure regime – time for reform” in Law and Practice of the International Criminal Court, (OUP, 2015)
- Co-Author, Defensive Practices: Representing Clients Before the International Criminal Court, 76 Law and Contemporary Problems 191-233 (2014);
- Co-Author, The Presumption of Innocence at International and Hybrid Criminal Tribunals and Courts, Sri Lankan Law College Journal (2014);
- Author, Oxford Transitional Justice Research -Working Papers Series, paper on victim participation before the ECCC (2010).