

# ADVISORY COMMITTEE ON NOMINATION OF JUDGES

## QUESTIONNAIRE

**RESPONDENT: HON. JUSTICE ISHAQ USMAN BELLO, CHIEF JUDGE, HIGH COURT OF THE  
FEDERAL CAPITAL TERRITORY, ABUJA NIGERIA**

### SECTION A. NOMINATION PROCESS

1. I began my career in law as a private legal practitioner with Umaru Yabo & Co Sokoto from August to October 1984. Interestingly, those useful period of four months I spent with the firm did not only consolidate the shaky foundation I arrived with shortly after my compulsory one year national youth service, but further introduced me to various aspects of substantive and procedural laws. My transition at the firm was so seamless that even after leaving them in November of that year to join Kaduna State Ministry of Justice as a State Counsel, it wasn't difficult for me to continue at the same frequency. But while at that, I still did not lose focus on my childhood dream of being a judge. And as someone that has a date with destiny, I was appointed a Magistrate in 1985.

As a lawyer, I handled criminal, civil and commercial law cases, but being a magistrate gave me the real opportunity to research and analyze these cases from the perspective of the complainant and the defendant. My exposure to the volume of cases, especially criminal cases, at the magistrate level has contributed immensely in enhancing my capacity in criminal proceedings. Though, I briefly went on secondment to Universal Bank of Nigeria Plc Kaduna, in 1987 as Head of legal recovery department, but de-seconded in 1990 and continued on the bench as Acting Chief Magistrate. In 1992, I rose to the rank of Chief Magistrate. But what is worthy of note also is the fact that as these promotions were coming, so also was my level of competence and ability increasing especially in respect of effective analysis of relevant facts as well as procedural and substantive laws relating to criminal proceedings, and writing well reasoned and balanced decisions.

In 1993, I went on another to the Board of River Basin Authority as a Secretary/legal adviser to the Board. However, in 1995 I de-seconded, and continued on the bench as Chief Magistrate in Zaria, where I remained until my appointment as Deputy Chief Registrar, Supreme Court of Nigeria the same year. Part of my administrative acumen today is traceable to the experience I garnered while in this office. In 2007, I was appointed Judge of the High Court of the Federal Capital Territory Abuja. Of course as a Judge, issues within my jurisdictional competence have increased but gladly, the stability with which to deal with criminal and civil matters before me was never an issue because the solid foundation I had as a Magistrate was enough to see through.

As a Judge, because of my flair for, and competence in criminal proceedings, I was appointed to head the Criminal Trial Division, and I took charge of the Department for 14 years of meritorious service through diligent determination of criminal cases both on appeal from Magistrate courts and the ones from the High Court. I also chaired election petition tribunal on a number of occasions. One of the immediate benefits a Judge derives from participating in election petition tribunals is team spirit, which I strongly believe is a prerequisite for Judges intending to join the ICC.

In 2015, I was appointed the Chief Judge of the Federal Capital Territory Abuja, a position I hold till date. Apart from attending to the cases in my court, as Chief Judge, I supervise the court's judicial and administrative functions, including assignment of cases; and liaising with other arms of government on policies that impact on judicial administration, as well as developing and implementing court plans and rules to regulate practice and procedure for effective justice dispensation.

2. Yes, in Nigeria, the jurisdiction of the High Court is quite unlimited. It includes but not limited to violence, discrimination, sexual assault or other similar offence inflicted on women and children. As a Judge of the High Court therefore, it is practically difficult to retire from the bench without hearing any of these cases. For someone like me that headed Criminal Trial Division for 14 years, I have lost count of the number of times I presided over such issues. In fact, at the moment, our court dockets are overwhelmed with similarly cases.

3. No, I have never been investigated for, or charged with allegation of corruption, criminal or administrative negligence, or any similar conduct including sexual harassment.

## SECTION B. PERCEPTION OF THE COURT

1. The main criticism against the ICC is that the court is inefficient, expensive and ineffective, and not many convictions have been secured since its inception. It is also alleged that the court seems to be only after African countries or countries with weak government. Some of these critics or opponents of the ICC appear to be suggesting that most ICC prosecutor initiates proceedings *proprio motu* for political reasons. But a careful perusal of the Rome Statute would reveal that quite a number of safeguards have been built into the Statute to prevent politically motivated prosecutions.

It is equally imperative to note that international crimes such as genocide are induced by politic. It is needless to say that politically motivated violence has brought heavy toll on human security and economic development in some developing countries. Some of these countries, for example, most political crises are by-products of the failure of political parties to establish and respect internal democratic structure for election of candidates. This has resulted continued electoral violence leading to loss of lives and properties.

As someone rightly observed, “it is important to remember that the Court is still a “baby” institution, the first of its kind. Building upon the history of Nuremberg and the ICTY and ICTR, the ICC is dealing with complex international criminal law issues in a way that could not even have been contemplated 50 years ago. ICC trials may be slow and costly, but the mere fact that they are occurring is nevertheless a milestone and an inspiration for the international community. The ICC is a body that is slowly but surely showing that it can work, together with national and regional courts, truth and reconciliation commissions and other peace and justice processes, to create a powerful role for international criminal law”.

2. ICC is completely dependent on the support of states parties to finance its operations as the Court has no executive power or its personal police. At this critical moment in the history of the court, it is important that the States parties device strategies to increase their support for the court financially, and most importantly, in the area of effective criminal cooperation. This would take care of possible challenges that may be associated with carrying out investigations and collecting evidence relating crimes committed in other regions of the world. In such operations, the problem may not only be inadequate personnel but could transcend or bother on financial and logistics as well.

With unity of purpose among the State Parties, in my opinion, this is achievable. The level of zeal that was demonstrated by the State Parties in ratifying the Statute of the ICC is the same zeal that is required now to rally round the court to keep it moving with strength, vigor and dynamism for effective dispensation of justice.

But regardless of the criticisms against the court, the truth still remains that the court has handed down judgments on some politically motivated genocides in Africa that has actually served to some extent, as deterrence. The cases such as those of Katanga, Lubanga, Bemba, Al Mahdi, are good examples. But more is still expected particularly in developing countries. In some of these countries, election cycle hardly come and go without leaving behind sorrow, tears and blood of innocent citizens killed by sponsored political thugs.

Regrettably, majority of these tugs and their sponsors are hardly prosecuted.

3. We all understand that the ICC is a permanent judicial institution that was set up to deal with impunity for the most serious crimes of international concern as contained in the Rome Statute such as genocide, crimes against humanity, war crimes and the crime of aggression. In effect, the core mandate of the ICC lies in enforcing the Rome Statute with the view to preventing mass killing and violent crimes that affects the collective conscience of humanity. In that sense, prosecuting the perpetrators of political violence or the possibility of an ICC intervention could help to prevent future large-scale violence in the context of what is being witnessed in some of these countries.

## SECTION C. JUDGE'S INDEPENDENCE

1. A judge is a public official with legal authority to check the actions of the other tiers of government, capable of undermining human rights and truncating democratic and economic development. Invariably, this responsibility puts the judge as an important partner in nation building. In my view therefore, a judge by his calling, is expected most importantly, to maintain a professionally balanced and cordial relationship with the authorities predicated on the need to enthrone legal, social, political, cultural, religious as well as economic

justice. Any relationship a judge maintains with the national or international authorities in official capacity that is not in furtherance of the above consideration is most likely to be counterproductive.

As for my relationship with other bodies I have been involved or affiliated with if elected, I think as a trained and seasoned judge, the rule will still remain the same. The code of conduct for judicial officers of the Federal Republic of Nigeria which I adhere to strictly as a judge, will remain relevant in regulating such relationships if elected. For the records, part of this Code which I have held sacrosanct for years, mandates a Judge to avoid relationship that give rise to the appearance of favoritism or partiality toward members of the legal profession who practice regularly in the Judge's Court. By this Code, we as Judges are only allowed to *engage* in activities that do not cast aspersion on the dignity of the judicial office or otherwise interfere with the performance of judicial duties. I will maintain the instruction in this Code as well as Code of Judicial Ethics of the ICC in my relationship with others if elected to the court. If the opportunity arises, I will however share my experience working at the ICC as a way of mentorship with educational institutions and national bodies to institute international best practices. This will however be subject to any rules of confidentiality that may apply to my work at the ICC.

2. I strongly believe that a Judge of the ICC judge can participate in a trial involving a national from his country. Though, I understand that Judges who sit on the ICC are citizens of independent states and are elected based on their nationality. However, as a practicing judge, my conviction is based on the fact that Judges whether at national or international level including the ICC, always take the judicial oath of office to strive to be independent and to discharge their statutory duties impartially without fear or favour. In my view therefore, a judge of the ICC having adequate judicial temperament, and who is true to his oath of office and code of conduct, should not have challenges participating in such matters.

After all, judges of domestic court sit, and where justice demands, convict fellow citizens including top government officials irrespective of any emotional, psychological or political pressure. It therefore does not make any difference if it happens at the ICC. To my mind, the ability of a judge to analytically interpret the law and facts, and arrive at a balanced and impartial decision on the guilt of the defendant (whether his national or not), is what should be the preoccupation of the judges at the ICC.

3. The jurisprudence or decisions I consider appropriate to be given premium during proceeding at the ICC is that of international courts. Human right decisions of national court could be influence by political pressure, bias, or other consideration. Though, international bodies, as intergovernmental institutions responsible for strengthening, promotion and protection of human rights around the world, may not really be thorough and well reasoned based on deep analysis of facts as well as procedural and substantive because the officers handing down such decisions may not be Judges. In addition, despite the existence of international human rights bodies, the world is still battling with human rights abuses.

From this background, it is a lot safer to rely on the jurisprudence of international courts as they have limited chances of giving judgments based on political, social, cultural, economic pressure or mob action. In addition, there is no gain saying that offences under the jurisdictional competence of the ICC are created under the relevant international laws (the Rome Statute), in fact, even the ICC itself is created by international law. It therefore makes perfect judicial sense for the court to rely on the decision of any sister international court with similarly jurisdiction for guidance.

4. Although independent, the Judge is however bound by the precedent of the Appeal Chambers. This is highly necessary in order to enhance consistency in the system and to avoid jurisprudential chaos, except if there are distinguishing factors to warrant departure. Usually, the Appeals Chamber hears appeals from both the Pre-Trial and Trial chambers. The Pre-Trial Chamber determines the effectiveness and independence of the ICC prosecutor, who must also sought for authorization from the Pre-Trial Chamber before initiating an investigation. If the Pre-Trial Chamber after review is of the opinion that there is a "reasonable basis to proceed with an investigation" and the case "appears to fall within the jurisdiction of the Court," a case is considered admissible. And at this stage, if a suspect voluntarily surrendered to the Court, the Pre-Trial Chamber will simply hold a hearing to confirm to charges hearing in accordance with Article 61 of the Rome Statute.

If the charges are confirmed, the case will be heard by the Trial Chamber, and if convicted, the defendant may still appeal to the Appeals Chamber. However, the decisions of the Trial Chamber may be appealed basically on the grounds of procedural error, error of fact or law or, for a convicted individual, any other grounds that

affected the fairness or reliability of the decision. And for sentencing decision, it may be appealed on the basis of disproportionality. The decision of the Appeal Chamber is final unless it orders for retrial before the Trial Chamber. So as mentioned earlier, technically, an independent judge is bound by the precedent laid by the Appeal Chamber unless and until it reviewed itself in that respect.

5. Yes, it is important for the judges of the court to be allowed to implement innovative procedural practices because in appropriate circumstance, they form the backbone of practice and procedures in the conduct of the court's business. Such procedural practices provide immediate intervention as stop gap measures to facilitate proceedings. As Judges, we appreciate the fact that positive laws are designed to address certain societal ills. However, such human arrangements are sometimes inevitably fraught with inadequacies due to man's limitation to foresee all emerging challenges.

It therefore becomes imperative in such situations to allow judges to implement innovative procedural practices in their quest or desire to make the judicial process better with the view to meeting the demands of justice as the need arise. Most often, the inadequacies in the substantive and procedural law may not be well understood by the litigant; all they expect is that their case in court would be determined with efficiency and speed. But this is not always the case. Sometimes, cases are delayed due to absence of innovative procedural practice direction to complement the gaps in the laws.

In Abuja, Nigeria, when faced with similar situation, the High Court under my leadership developed a Practice Direction for the implementation of the Administration of Criminal Justice Act (ACJA) 2015, among several others. Under this, we now have rules pertaining to fees, costs or compensations to be paid under the Act, forms to be used for the processes and procedure of the courts; accounts to be rendered of monies received by any person under the Act, and regulation for management of non-custodial sentencing provided under the Act.

Another of such practice direction particular, on civil matters, was also developed as supplementary protocol to the Civil Procedure Rules specifically to regulate the referral of cases to Alternative Dispute Resolution (ADR). With this Practice Direction, all cases filed in the High Court are screened, and if determined to be suitability for ADR, they are referred to the Uwais Dispute Resolution Center (UDRC) for the parties to explore the possibility of settlement in good faith through any of the "Doors" available. This innovation is predicated on our conviction that ADR in the modern era is the way to go because in all societies today, there is a quest to deal with and manage conflicts in a speedy and friendly manner that do not become strenuous on the relationship between the parties and destructive to the economy.

As I said earlier, procedural practices provide immediate stop gap measures to facilitate proceedings. It was for same reason that the Chambers Practice Manual of the ICC, 2017 was developed. Introduction to the first edition of the Manual released in September 2015 reflects this fact. It shows that the manual is a product of discussions held among the Judges of the Pre-Trial Division with a view to identifying solutions to challenges faced in the first years of the Court and build on the experience acquired so far.

The good news is that it has since been an internationally recognized practice that once a law whether substantive or procedural, has not made comprehensive provisions toward realization its cardinal objectives, before any legislative intervention is introduced (which could take time), the relevant judicial authority can step in to provide remedy through the instrumentality of innovative practice direction. As a Judge, I support this practice because it help in reconciling procedural inconsistency, preventing jurisprudential chaos, encouraging uniformity and by extension predictability, which is one of the very important hallmarks of the doctrine of judicial precedent. Most importantly, just like law, practice directions are living documents, but unlike law, they are very easy to update to meet the requirement or challenges of a fast changing legal environment.

So for me, it is not only important but necessary for the judges of the court to be allowed to implement innovative procedural practice directions especially if it will effectively serve the interest of justice better than the present result they are getting.

6. Yes, my work in the justice section for over 35 years has built in me a team spirit, with the capacity and flexibility to relate and work with people from different background. It should be remembered that Nigeria is a multi-ethnic society with different geographical conditions. The country also has three different legal systems, with the common law being one of the predominant. While in private practice, I have handled briefs together with other lawyers from different cultural and social background, on various aspects of laws spanning

through the three legal systems operating in the country. As a judge, I have also sat on appeals with other brother Judges from different parts of the country, on varied aspects of laws. I equally had the privilege of serving on several occasion as election petition tribunal judge where team work is key, and in many of such occasions, I chaired the tribunal. I took time to enumerate this in order to drive home the point that if elected, I can perfectly work with judges from other background.

In my opinion and going by my experience, I will encourage separate concurrent and dissenting opinion, after which the draft should be circulated for harmonization.

7. A judge of the court can rescue himself or herself from a case if his or her impartiality may genuinely and reasonably be questioned. This could arise in couple of circumstances such as where the Judge has a personal bias or prejudice concerning a party in dispute; the defendant is or was a legal practitioner or co-employee with whom the Judge previously practiced or worked; where the judge or his or her relations have personal interests that could be affected by the outcome of the case. In any of this scenario, a Judge can voluntarily recue himself from the case as it is possible that his participation can create a negative impression that may strongly implicate or undermine the interests of justice, by eroding national and international trust and confidence in the outcome of that case. This may in turn engender negative perception toward the court.

#### **D. WORKLOAD OF THE COURT**

1. Yes, I'm prepared and available to serve at the commencement and for the duration of my term if elected, and if called to work at the court full-time. My desire has always been to work at the court on full-time basis if given the chance, so my level of preparedness which even predate the date of my application, is still at 100%.
2. Yes, I agree that in the event I'm not called immediately to work full-time at the court, I'm still prepared to do so only as of the moment when I'm requested to do so, I Know that this may mean a delay of several months or a year from the commencement of my term as a Judge, nonetheless, I'm prepared to wait.
3. Yes, I'm prepared to work as a Judge of the ICC. I'm fully aware that working as a Judge at the ICC frequently involves many hours a day including into the evenings and over some weekend. I also understand that holidays can only be taken at fixed periods during the year when for instance, there is no hearing, but I'm still prepared for that. This will come with no extra cost to me because I'm accustomed to this lifestyle for years. In addition to that, my present responsibility as a Judge and head of court has built the necessary flexibility in me to fit perfectly into this form of irregular work schedule. So I'm ready.
4. I will write my judgments personally, and delegate research to assistants or interns. This has been my tradition for years. For me, I believe that a Judge that presided over a case should have been able to observe a number of things in addition to the evidence presented (especially in a system where there is no trial by jury), to enable him master the legal and factual basis of the case. And with this, it would not be difficult for the Judge to write a thoroughly reasoned and thoughtful decision.
5. In my opinion, decisions in cases that are less technical or complicated, with few witnesses should be issued by a single Judge in order to expedite proceeding. Most importantly, considering the caseload at the ICC and the rising demand for justice, this may be a good strategy or approach that could relatively reduced the workload of the court.
6. With the nature of the demands of my office as the Chief Judge, working under pressure has become also a daily routine, which I do perfectly including into weekends sometimes. With such flexibility, it would therefore not be difficult for me to adjust and fit into any work demands at the ICC if given the opportunity.
7. Yes, I'm in good health. But more than that, I'm able and prepared to work under pressure as I said earlier, irrespective of the court's heavy workload. I have been on leave from my professional responsibilities, but it wasn't related to exhaustion, incapacity or sickness. In Nigeria, there is a dedicated time of the year that is set aside for Judges' vacation, but even with that, as the head of court, I hardly utilize it as I'm always in the office attending to numerous administrative concerns.

#### **E. DEONTOLOGY**

1. An independent Judge is a judicial officer whose decisions or judgments are not influenced by any external pressure, be political, financial, social or mob action, but rather, they are dictated by the demand for justice and fairness. An independent Judge always seeks to maintain the integrity of the judiciary and respect for the rule of law and constitutionalism. He conducts himself at all times in a manner that promotes public confidence and impartiality of the Judiciary. An independent judge operates more effectively in system where judicial independence is recognized and upheld both within the justice sector and by the other arms of government.

I strongly believe that explains why Article 3 of the Code of Judicial Ethics of the ICC mandates all Judges of the court to uphold the independence of their office and the authority of the Court, including conducting themselves accordingly in carrying out their judicial functions. The significance of judicial independence and the need to prevent anything that could undermine it was duly recognized by relevant legal texts of the United Nations.

In fact, the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders held at Milan from 26 August to 6 September 1985 and endorsed by General Assembly resolutions 40/32 of 29 November 1985 and 40/146 of 13 December 1985, adopted certain Basic Principles that specifically deals with the Independence of the Judiciary. Thankfully, this legal instrument further reinforces the above relevant provisions of the ICC Code of Judicial Ethics. Specifically, it also recognized that the judiciary shall decide matters before them impartially, on the basis of facts and in accordance with the law, without any restrictions, improper influences, inducements, pressures, threats or interferences, direct or indirect, from any quarter or for any reason. This instrument also extended the meaning of independence of the judiciary to include having jurisdiction over issues of a judicial nature without any inappropriate or unwarranted interference with the process.

Most often, assault on the independence of the judiciary comes from other arms of government or department within the country or organization. The instrument therefore places a duty on all governmental and other institutions to respect and observe the independence of the judiciary. Another strategy adopted by the instrument to prevent countries or institutions from toying with independence of the judiciary, is the requirement that it should be accorded due respect by enshrining it in the Constitution of the country or the laws regulating the institution so as to safeguard its integrity.

So basically from my understanding, an independent judge is a judicial officer whose judgments are not dictated by any external pressure, but are informed by thoughtful and deep analysis of facts and law, in a judicial setting where the independence of judiciary is strictly maintained in accordance with the relevant institutional and international laws.

2. To define conflict of interest in the context of a judicial officer, for me, I think the phrase simply means what it says, namely, putting oneself in any situation that makes it difficult to efficiently do justice to both or either of the parties to the case. Conflict of interest often leaves a bad impression on the victim of such unprofessional conduct, which by implication create significant damage to the reputation of a Judge and the integrity of the court.

In Nigeria, the Code of Conduct for Judges emphatically frowns at any act capable of encouraging conflict of interest within the judiciary. It is for the same reason that Article 3 of the Code of Judicial Ethics of the ICC did not only require Judges to refrain from engaging in any activity which is likely to interfere with their judicial functions, but also link the erosion of confidence in their independence as one of the effects of doing so.

3. No, considerations on the basis of race, colour, gender, religion, ethnicity, or other irrelevant cause contrary to fundamental human rights should not be taken into account when accessing a candidate's suitability to be a judge at ICC. This is particularly unnecessary considering that the court is viewed as a "world court", established for the purpose of protecting humanity and enhancing human rights. But more than that, it would be contradictory for a court that premised the basis of its operations on impartially and integrity as boldly captured in Article 4 and 5 of its Code of Judicial Ethics, to allow or operate such discriminatory policy.

Another important reason why the above discriminatory consideration should not apply in the nomination of Judges for the ICC is that a careful look at the States Parties to the ICC would reveal that the membership

come from diverse background with different legal, religious, cultural, racial, and political setting. This in effect means that the ICC is truly for everyone.

4. No, I have never been the subject of any disciplinary, administrative, criminal, or civil proceedings in which my professional or ethical standing has been called to question. But more than that, I also don't wish to find myself wanting in this respective or any other capacity that would tarnish the image of the judiciary or my reputation as a husband and father.
5. No, I have never been disciplined by any Bar Association, University, Faculty, or similar entity of which I have been a member. As I mentioned earlier, it is my sincere desire to retire from the service with this records intact. In fact, if anything, I'm hopeful to add to it. I have remained focus on my career over the years, and it won't be a good idea to let down my guards at a time that many are looking up to me.
6. I have mentioned elsewhere in this response that within the ICC and under the Rome Statute, there are mechanisms that have been developed specifically to assist the victims of war crimes, genocide and crimes against humanity as relate to granting such victims the right to participate in proceedings and to claim reparations. This has made the entire job a lot easier. If elected therefore, my duty will basically be to give effect to this legal framework, including but not limited to affording such victims the right to fair hearing in any action for reparation.

Once the unit responsible for receiving applications from victims to participate in proceedings and to receive reparations, has finished it job and assisted the victims in organizing legal representation in court, my duty as the Judge will be to activate the necessary protection regime to afford them all the right they are entitled to. Gladly too, the system is not quite different from what obtains in the Nigerian domestic courts especially as it relates to compensation of victims of crime. I'm sure the ICC will find my experience in this respect very useful.

8. A judge is expected to adopt an approach that balances the rights of an accused person side by side those of the victims of the crime. One of the ways to achieve this is for the Judge to accord to every person who is legally interested in the case, or his lawyer full right to be heard as provided under the relevant provisions of the ICC Statutes. In addition to affording them the opportunity to be heard, the Judge is also expected to be patient and courteous to accused persons, victims, litigants, as well as the witnesses. He must also resist the temptation to decent into the arena by initiating any communication that is favourable to one side or less than all the parties who have a legal interest in the case before him.

The above position is in *pari materia*, with Article 8 Code of Judicial Ethics of the ICC which requires judges to maintain order, and act in accordance with commonly accepted decorum, remain patient and courteous towards all participants and members of the public in the course of judicial proceedings. And in order to effectively balance the rights of an accused person and that of the victim of the crime, the section mandates Judges to exercise vigilance in controlling the manner of questioning of witnesses or victims in accordance with the Rules and give special attention to the right of participants to the proceedings to equal protection and benefit of the law. This reflects the provision of Article 21 of the court's enabling statute which requires that the Court's application of law must be consistent with internationally recognized human rights. In effect, fairness of the proceedings is the foundation of the ICC's work and Judges of the court are expected to guarantee and nurture it with care.

It is equally important to note that outside the court room, there are other approaches or strategies for victim assistance, particularly to provide support for victims of war crimes, genocide and crimes against humanity. The ICC Registry administers three bodies that provide these kinds of assistance. For example, the Victims' Participation and Reparation unit receives applications from victims to participate in proceedings and to receive reparations. It also assists the victims in organizing legal representation, as well as notifying the victims of case developments. There is also the Victims and Witnesses unit which is basically responsible for providing logistic, protective, and psychological support to witnesses and victims who are billed to appear before the Court.

As a judicial officer who rose through the ranks to become the Chief Judge of the FCT, such approaches aimed at protecting the rights of the accused and the victim of crime in court, are not new to me. They are thing we do as part of our work, including but not limited to guarding against conduct or comments that are

discriminatory or degrading. So coming to ICC, one will only continue with what has been the norm or code of practice over the years.

## **SECTION F. ADDITIONAL INFORMATION**

1. I'm fluent in English Language. In Nigeria, English is the official for written communication or any correspondence in schools. So basically, from my primary school to Doctorate Degree, I received instructions and gave official reply in English Language. English is also the official language of the court. So while in private practice as a lawyer, I prepared my briefs and presented them in English Language during hearing. Of course as a Judge of many years in practice, writing opinions and judgments is basically our major preoccupation. If elected therefore, with my experience I will participate in the court hearings and write articulate judgments in English language with neither fear nor trepidation.
2. No, I have no other nationality apart from Nigeria. I have equally never requested another nationality.
3. Yes, I'm quite familiar with the conditions of service for the Judges of the ICC especially as adopted by the Assembly of States Parties at its 5th plenary meeting, on 12 September 2003. I'm particularly aware that the annual remuneration of full-time judges is €180,000 net. I also understand that when the judges take up residence in the host country, they will be entitled to assistance for the education of dependants, in accordance with terms and conditions similar to those applicable to the United Nations; as well as a trip from his or her declared home to the seat of the Court. There will also be an assignment grant to cover relocation expenses, in accordance with terms and conditions identical to those applicable to the United Nations, including a round trip every second calendar year after the year of appointment from the seat of the Court to his or her declared home.

A provision is similarly made for a trip upon termination of appointment from the seat of the Court to his or her declared home, or to any other place, provided that the cost of the trip is not greater than the cost of the trip to his or her declared home, which was established at the time of appointment. This is in addition to reimbursement by the Court for the travel expenses of the spouse and/or dependent children of the judge for trips undertaken in conjunction with the above where the spouse and/or dependent children reside with the judge at the seat of the Court. I also understand that full-term Judges of the court are entitled to a non-contributory pension benefit similar to that applicable to judges of the International Court of Justice, as well as a retirement pension equal to half the annual salary, at the time of retirement. I equally know that Judges are to make provisions for their own health insurance.

Though it is not expressly stated, but I'm sure compliance to the ICC Code of Judicial Ethics is another important condition of service, especially Article 7 which makes it mandatory for the Judges of the court to act diligently in the exercise of their duties and to devote their professional activities to those duties, including taking reasonable steps to maintain and enhance the knowledge, skills and personal qualities necessary for judicial office, with the view to delivering their decisions or rulings or other duties properly and expeditiously without undue delay.

The essence of this long narrative is to clearly communicate the fact that I'm not operating from the position of ignorance, but I'm well acquainted or familiar with the condition of service of the court I consciously intend to join. I therefore do not hesitate to accept the conditions of service, and ultimately, the opportunity to come on board.

4. Yes, I will. I'm an ardent believer in transparency and the rule of law. If elected, I will gladly participate in the financial disclosure programme organized by the ICC. This programme is not new to me. As judges in domestic courts, we subject ourselves to it pursuant to the provisions of relevant laws and Code of Conduct for Judicial officers. For the good of the system, judicial integrity and the need to fight corruption within and outside the judiciary, I will participate in the programme, as enumerated under Part II, Section 4, 5, and 6 of the Financial Disclosure Programme of the Court. I will readily disclose personal income or profits and liabilities as well as those of my relatives as required by the sections.

After all, a Judge of the court who intends or is desirous of conducting himself with integrity and probity with the view to enhancing public confidence in the court as enjoined by Article 5 of the Code of Judicial Ethics of the ICC, will not see anything wrong in participating in financial disclosure programme of the ICC.



5. When I became a lawyer, one of my dreams was to end up one day as a Judge of the ICC. This dream was fueled by my passion for justice, the reason behind which at some point, I had to abandon a well paying job in the banking sector to come back to the bench. That decision appeared somewhat irrational at the time, but I convinced myself that it was the best thing to do if I must keep this passion alive. While grooming myself for this position on the bench, I enrolled for Masters Degree programme, and conducted research particularly on Individual Criminal Responsibility under the Rome Statute, so as to have a more cosmopolitan grasp of the founding legal framework of the ICC and the operational structure of the court. With this, together with my illustrious career on the bench from magistracy to being the Chief Judge, and most importantly, 14 years experience as the head of Criminal Trial Division, I can confidently say that I possess the relevant judicial temperament to serve as a Judge of the ICC if given the opportunity.

#### **SECTION G. DISCLOSURE TO PUBLIC**

1. No, I have no problem if my answers as contained in this questionnaire are made public. After all, I'm a public servant. Besides, my nomination as a candidate to the ICC was done publicly by the President of the Federal Republic of Nigeria. And if elected, I would be an international judicial officer with the mandate of prosecuting crimes that are inimical to the well being of humanity, thereby enhancing human rights and international justice in a manner that is consistent with the national democratic world. In that sense, it will not be out of place if the general public or the international community gets to see the responses of the person intending to be the defender of their rights.