

## ADVISORY COMMITTEE ON NOMINATIONS OF JUDGES

### QUESTIONNAIRE

#### A. Nomination process

1. **The Statute requires every candidate eligible for election to the Court to have established competence in criminal law and procedure, as well as the necessary relevant experience, whether as a Judge, prosecutor, advocate or in any other similar capacity. This includes experience and established competence in criminal proceedings or in relevant areas of international law, such as in international humanitarian law and the law of human rights, as well as extensive experience in a professional legal capacity which is of relevance to the judicial work of the Court.**

**Could you please describe your experience and competence in the above-specified areas? For how long, and in which capacity?**

I have amassed over thirty (30) years of professional experience in the judicial career, both nationally and internationally. I hold a Master's degree in Law earned at the University of Ouagadougou, at the end of which I undertook a brilliant university training at the French National School of Magistracy in 1984, sanctioned by a magistrate's diploma delivered by the aforesaid school. This initial university training was further developed through continuing education in the fields of international law, criminal law and criminal procedures.

At the national level, I started my magistrate's career as an Investigating Judge at Bobo Dioulasso Court of First Instance from 1985 to 1987. Then, from 1987 to 1996, I was appointed President of the Courts of Tenkodogo, Bobo Dioulasso and Koudougou. In 1996, I was appointed Principal State Prosecutor at the Ouagadougou Court of Appeal. During these years of practice, either as a Judge or as a State Prosecutor, I have dealt in the trials of assizes with cases of rape, sexual violence, and other serious crimes which fall within the scope of the Court.

At the International level, I was elected in June 2003 by the United Nations General Assembly as a judge at the International Criminal Tribunal for Rwanda (ICTR). My term of office as a judge of this International Court lasted until July 2012. In this capacity, I have dealt with a host of cases, namely: *The Prosecutor v. Michel Bagaragaza* (The Accused pleaded guilty and was convicted of conspiracy to commit genocide with a sentence of eight years); *The Prosecutor v. Callixte Kalimanzira* (The Accused was convicted of genocide and direct and public incitement to commit genocide and sentenced to thirty years); *The Prosecutor v. Édouard Karemera, Mathieu Ngirumpatse and Joseph Nzirorera* (The first two defendants were convicted of several international crimes and sentenced to life imprisonment whereas the latter deceased prior to the trial's end); *The Prosecutor v. Siméon Nchamihigo* (The Accused was convicted of genocide and crimes against humanity, namely extermination, murder and inhumane acts, and sentenced to life imprisonment); *The Prosecutor v. André Rwamakuba* (The Accused was acquitted of all the allegations against him, and the Prosecutor did not appeal. *The Prosecutor v. Athanase Seromba*. The Accused, a priest, was convicted of 'committing' genocide and crimes against humanity and sentenced to fifteen years in the First Instance Court, and then, to life imprisonment on appeal).

Furthermore, with the closure of the International Criminal Tribunal for Rwanda (ICTR) in 2011, I was elected judge of the International Residual Mechanism for Criminal

Tribunals (IRMCT) for a two-year term. This term of office is still in progress. During this term, I have dealt with several residual cases and various case files including: *The Prosecutor v. Augustin Ngirabatware*, a trial review procedure that resulted from his request for review because the court was not convinced; *The Prosecutor v. Ratko Mladic*, in which the Appeals Chamber had to examine the appeal filed by the appellant against the decision sentencing him to life imprisonment for several serious criminal offences tried by the International Criminal Tribunal for the Former Yugoslavia (ICTY).

In April 2015, I was selected by the African Union Commission (AUC) to preside over the Extraordinary African Assize Chamber in Dakar. This Special Chamber has been entrusted with the task of bringing to trial those primarily responsible for crimes and other serious violations of international law committed on the territory of Chad between 7 June 1982 and 1 December 1990. In this context, Hissein Habré was tried and sentenced on 30 May 2016 to life imprisonment for crimes against humanity, war and torture.

**2. Do you have any experience or competence in handling litigation or inquiring or investigating into issues related to violence, discrimination, sexual assaults, or other similar conduct, inflicted on women and children? In which capacity?**

Yes, I have both experience and skills in dealing with disputes, and examining or investigating issues of violence, discrimination, sexual assault or other similar conduct towards women and children. In fact, both before national and international courts, I have come to deal with issues related to the sexual assault of women and children, for example, the case of those who perform female genital mutilation, i.e. genital cutting, circumcision and excision, in Burkina Faso especially amongst children and underage girls. Moreover, I also dealt with cases of rape or sexual violence.

Likewise, in the Hissène Habré case before the Extraordinary African Chambers, I had to examine facts and events in which rape and sexual violence were almost transformed into a war weapon. In the cases that have been tried at the International Criminal Tribunal for Rwanda (ICTR), proven cases of rape or violence or sexual assault against women have also been examined and tried. We can cite, for instance, the case of the *Prosecutor v. Callixte Kalimanzira* in which the Accused was convicted of genocide as well as of direct and public incitement to commit genocide and sentenced to thirty years of prison; *The Prosecutor v. Édouard Karemera, Mathieu Ngirumpatse and Joseph Nzirorera* in which the first two defendants were convicted of various international crimes, namely, genocide, rape, violence and sexual assault, and sentenced to life imprisonment whilst the last defendant passed away prior to the trial's end; and finally, the case of *The Prosecutor v. Siméon Nchamihigo* in which the Accused was convicted of genocide and crimes against humanity (extermination, murder, inhuman acts, and rape) and sentenced to life imprisonment.

**3. Have you ever been investigated for, or charged with, allegations of corruption, criminal or administrative negligence or any other similar misconduct, including sexual harassment? Was there a conclusive determination?**

No, I have never been charged with or investigated for allegations of corruption, criminal or administrative negligence, or any other similar misconduct, including sexual harassment. Such charges, if ever brought against me, would not have allowed me to keep on being a member of the judiciary of Burkina Faso, nor to be elected within the International Residual Mechanism for Criminal Tribunals (IRMCT), in which my term of office has been extended until the 30<sup>th</sup> of June, 2022.

## B. Perception of the Court

### 1. What would be the main criticisms you are aware of in relation to the Court's proceedings?

The main criticisms levelled against the Court's proceedings can be summed up in the following manner:

- i. The length of prosecution and trial procedures. Compared to national jurisdictions, the procedures carried out at the level of the ICC are considered to be very slow and, as a result, are budget-intensive and swallow up funds. For instance, by early 2012, it had already cost the international community more than US\$ 900 million, but had delivered only one conviction and acquittal in the 10-plus years since its inception.
- ii. *The effectiveness of victims' participation and the response to their expectations, particularly in terms of reparation.* The court is far from litigants and witnesses. They allege that the places of commission of the facts are far from the headquarters of the ICC where the criminals are tried. The victims and witnesses called to give their testimony are often outside their usual routine and their typical living environment. They are catapulted into an environment where they lose their bearings, are utterly confused and lost. This greatly influences their behaviour and their testimonies.
- iii. *The court only prosecutes African figures.* Even though African countries were in favour of the Court's establishment at the outset, some now express serious reservations as well as voice their fear as to the institution's bias. The President of the African Union, in a meeting in May 2013, thus went so far as to say that some African leaders are now convinced that the prosecutions brought by the ICC "are degenerating into a kind of racial chase". Heads of state have threatened the ICC with a massive withdrawal of African states from the ICC. Moreover, at the 23rd Summit of the African Union (AU) held in Malabo in Equatorial Guinea, the heads of state gave their approval on a Protocol for the establishment of an African Court of Justice, of Human and Peoples' Rights, and which grants immunity against the prosecution of incumbent African heads of state and senior state officials.

### 2. Do you have any suggestions on changes that could be proposed in order to improve the perception of the Court in the eyes of the international community?

In my opinion, the modifications which will serve to improve the perception of the Court consist of:

- i. Providing a better structure to the transparency mechanism of referral to the Court, alongside a heightened control of the Prosecutor's decision by the judges, in particular by the Pre-trial Chamber.
- ii. Delineating the issue of immunities in a better way in view of thwarting further politicization of procedures.
- iii. Improving the organizing of the pre-trial stages of pending cases in the role of the Court, for a regular review of the chambers (a pre-trial conference convened at least once each quarter for each detainee).
- iv. Carrying out the process of holding hearings outside the seat of the court into effect in order to raise awareness of court procedures and allow effective participation of both witnesses and victims.

### 3. Which are, in your view, the most important decisions issued by the Court in the past years, that have had an important impact in relation to its perception *vis-à-vis* the States Parties and the public? Could you give and explain at least one positive and one negative example?

- i. The ruling on the conflict of standards in relation to the immunity of incumbent heads of state. A better analysis of the conventional norms and the pre-existing customary norms

- is needed in order to convince a larger audience. In any case, a revision of the relevant texts to clarify the issue is necessary.
- ii. The Afghanistan decision was mostly astounding, and we're waiting for the appeal. For now, the perception that American pressure has yielded its results is nefarious to the perception of the Court's independence and impartiality.
  - iii. On the positive side, all the closed cases have been have had a positive effect. I am thinking, particularly, of the judgment in the Mali's Al Mahdi case and cultural heritage.

### C. Judge's independence

#### 1. What in your view should be the relationship between a Judge and the authorities of his or her country of origin? Similarly, how do you envisage your future relationship with bodies such as universities, courts or non-governmental organizations with which you have been involved or to which you have been affiliated, if elected to the ICC?

Once elected as a judge to the ICC, you are independent and no longer answerable to your country's authorities. This independence entails that the judge can no longer entertain a relationship with his country's authorities nor respond to their requests. All judges are elected as full-time members of the Court and are available to perform their full-time duties as soon as their term of office begins. Judges required to exercise their functions full time at the seat of the Court must not engage in any other activity of a professional nature. This will allow the judge to make decisions with complete independence, transparency and impartiality.

On the other hand, with regard to the courts and tribunals, or non-governmental organizations with which the judge has collaborated or has been affiliated, he must be able to cooperate with the latter in terms of guidance, experience sharing, and provision of explanations on decisions rendered, like, for instance, through lectures. However, these structures must not constitute pressure groups which can sway the judge's independence. The judge must also conscientiously warrant that his affiliation to any institution does not impact his impartiality. The judge must remain autonomous, independent and impartial in the face of any pressure or subordination attempt.

#### 2. In your view, can a Judge participate in a trial involving a national from his or her country of origin? Why?

In principle, the Court's Statute and Rules determine the cases in which the judge cannot participate. The grounds for disqualification of a judge are, *inter alia*, as follows:

- a. The existence of a personal interest in the case, including a spousal, parental or other close family, personal or professional relationship, or a subordinate relationship, with any of the parties;
- b. Involvement, in his or her private capacity, in any legal proceedings initiated prior to his or her involvement in the case, or initiated by him or her subsequently, in which the person being investigated or prosecuted was or is an opposing party;
- c. Performance of functions, prior to taking office at the Court, during which he or she could be expected to have formed an opinion on the case in question, on the parties or on their legal representatives that, objectively, could adversely affect the required impartiality of the person concerned;
- d. Expression of opinions, through the communication media, in writing or in public actions, which, objectively, could adversely affect the required impartiality of the person concerned.

In general, a judge cannot participate in the settlement of any case in which his impartiality could reasonably be called into question for any reason. Taking all these provisions into

account, the judge must refrain from participating in trials which could reasonably call into question his impartiality.

Indeed, there is the case of a link between the judge and the case, when the trial involves a national of the judge's country of origin. The link that is established between the judge and the national is nationality. This nationality can be a reason to cast reasonable doubts about the judge's impartiality.

Before the International Criminal Tribunal for Rwanda (ICTR), Judge Vaz's impartiality was challenged on the grounds that she was living with a member of the prosecution. The Appeals Chamber found that a reasonable apprehension of bias could be established against the Chamber as a whole by virtue of its decision dismissing the challenge for apprehension of bias.

**3. Which jurisprudence/decisions do you consider necessary, useful and appropriate to be considered during proceedings at the ICC? From national courts? From international courts? From Human Rights bodies?**

For the sake of respecting the jurisprudence's principle of unity, I believe it is crucial, worthwhile and appropriate to take into account the decisions of international courts and tribunals during proceedings at the ICC.

**4. In your view, what should be the approach of an independent Judge when faced with precedents established by the Appeals Chamber of the Court?**

This doctrine of precedent entails that the higher courts' judgments establish jurisprudence, and that the general principles of law established through this jurisprudence are binding case-law rules for all the lower courts. Although less important in countries of civil law tradition, the higher courts' judgments establish case law and are respected by the lower courts pending they comply with constant case law.

It goes without saying that a judge, however independent, must be able to refer to the precedents of the Court's Appeals Chamber to validate or back up his decisions. The Appeals Chamber's precedents are decisions delivered by independent judges in other trials and carrying probative value.

**5. Do you consider that a Judge or a Chamber of the Court, in order to ensure efficiency, should be allowed to implement innovative procedural practices? If yes, please give examples.**

Absolutely. For example, with the current experience of the pandemic, such flexibility would have allowed Judges or Chambers to adjust their functioning to the new medical recommendations for public health. Moreover, at the first opportunity, one must remember to have the texts include these solutions which can be used over time.

**6. Are you used to working as part of a team? How do you envisage your working relationship with other Judges from different backgrounds and from different legal systems? How would you deal with a disagreement in relation to a certain aspect of a decision? What are your views in relation to writing separate concurring and dissenting opinions?**

Yes, I have worked with judges from different backgrounds within the realms of the International Criminal Tribunal for Rwanda (ICTR), the International Residual Mechanism for Criminal Tribunals (IRMCT) and the Extraordinary African Chambers (CAE). The working environment at the ICTR allowed me to extend my legal culture beyond the Romano-Germanic legal system

of Burkina Faso, owing to the multicultural identities of the legal actors in proceedings before this Tribunal. My specialization was greatly enhanced with an immersion in international criminal law and international criminal procedure, not to mention that this allowed me to develop a better comparative approach of the different legal systems in the cases in which I was involved and in function of the other judges with whom I sat.

Disagreements between judges are frequent in the conduct of cases or the drafting of judgments. In the event of disagreement, in accordance with judicial practice, a discussion can be carried out between the judges in order to rally their positions. If the disagreement persists, then it is laudable that the judge disagreeing with the majority of judges should render a dissenting decision.

Writing a dissenting decision is constructive because it allows the dissenting judge to express his or her position and motivation. Just because there is a majority position does not mean that this position is true and valid. Expressing the dissenting position can also shed light on many legal aspects.

**7. In which situations, in your view, should a Judge of the Court recuse himself or herself from a case?**

A judge cannot participate in the settlement of any case in which his or her impartiality could reasonably be called into question for any reason whatsoever. The judge must recuse himself or herself from a case if he, inter alia, intervened previously, in any capacity whatsoever, in this case before the Court or in a related criminal case at the national level in which the person being investigated or prosecuted was involved.

A judge must also recuse himself or herself from a case for the following reasons:

The existence of a personal interest in the case, including a spousal, parental or other close family, personal or professional relationship, or a subordinate relationship, with any of the parties;

Involvement, in his or her private capacity, in any legal proceedings initiated prior to his or her involvement in the case, or initiated by him or her subsequently, in which the person being investigated or prosecuted was or is an opposing party;

Performance of functions, prior to taking office at the Court, during which he or she could be expected to have formed an opinion on the case in question, on the parties or on their legal representatives that, objectively, could adversely affect the required impartiality of the person concerned;

Expression of opinions, through the communication media, in writing or in public actions, which, objectively, could adversely affect the required impartiality of the person concerned.

If the judge has a close relationship – whether personal or professional – with one of the parties, his or her impartiality may be reasonably called into question. Before the International Criminal Tribunal for Rwanda (ICTR), Judge VAZ's impartiality was challenged on the grounds that she was living with a member of the prosecution. The Appeals Chamber found that a reasonable apprehension of bias could be established against the chamber as a whole on the basis of its decision dismissing the bias challenge raised.

**D. Workload of the Court**

**1. Are you prepared and available to serve at the commencement and for the duration of your term, if elected and if called to work at the Court full-time?**

Yes, I will be available and willing to assume my duties from the outset or starting from any other period I am asked to, and for the entire period of my term of office.

**2. In the event you are not called immediately to work full-time at the Court, are you prepared to do so only as of the moment when you are requested to do so, knowing**

**that this may mean a delay of several months or a year or more from the commencement of your term as judge?**

Absolutely. I have no problem with a delay of several months or a year, or even more, as long as it is the same term of office that I will serve when I am elected to the Court.

**3. Work as a Judge of the ICC frequently involves many hours a day, including into the evenings and over some weekends. Holidays can only be taken at fixed periods during the year when, for instance, there are no hearings. Are you prepared for that?**

Yes, I am ready for such a situation since I have acquired the experience at the ICTR. In the latter jurisdiction, in order to have all the serenity, calm and availability, the judges and part of the assistant staff were forced to relocate the deliberations to another country (Sweden) or to a place outside the jurisdiction at a judge's elected domicile.

**4. What is your approach to writing decisions? Will you undertake this work yourself? To what extent would you delegate drafting to assistants or interns?**

The approach to drafting decisions is as follows. First, deliberation occur between the judges. This deliberation consists of a discussion between the judges about the facts and the decision to be taken. Each judge gives his opinion on the case until a specific direction is clear and determined. Usually, the drafting of the decision is left to the direction of a judge who supervises a team of lawyers. However, in urgent cases, the judge must be able to write the decision which will then be submitted to the approval of the other judges. Knowing that the judges have several files and tasks entrusted to them, they, in the event of unavailability, may entrust the research or even the drafting of the judgment to assistants, but, in this case, the judges remain solely responsible for its good execution.

**5. Which are, in your view, the decisions that could and should be issued by a Single Judge in order to expedite proceedings?**

The functions of the Pre-Trial Chamber are exercised either by three judges of the Pre-Trial Section or by a Single Judge of that Section in accordance with the Rome Statute and the ICC's Rules of Procedure and Evidence.

Only one judge of the Pre-Trial Chamber may exercise the functions provided for in the Statute, unless the Rules of Procedure and Evidence provide otherwise or the Pre-Trial Chamber decides otherwise by a majority of its judges.

The designated judge shall make the appropriate decisions on those questions on which decision by the full Chamber is not expressly provided for in the Statute or the Rules. In matters of preparation for the trial, the Single Judge may hold pre-trial meetings and issue orders and writs. The judge may, at any time, on his own initiative or, as necessary, at the behest of a party, request the Trial Chamber to rule on specific questions.

The designated judge shall make the appropriate decisions on those questions on which decision by the full Chamber is not expressly provided for in the Statute or the Rules.

The judge appointed by a Trial Chamber to prepare for the trial shall, in consultation with the Trial Chamber, take all necessary preparatory measures to facilitate the fair and expeditious conduct of the proceedings.

**6. Are you used to working under pressure from States, governmental authorities, national or international organizations, the media or the wider public? Can you provide an example?**

Yes, I am used to working under pressure from states, government authorities, national or international organizations, public opinion, etc. In my capacity as Attorney General, I have worked under pressure on numerous occasions. For instance, during the assassination of Ouédraogo David and François Compaoré, the driver and the younger brother respectively, of the President of Burkina Faso, and the assassination of journalist Norbert Zongo, I worked under pressure from the public and from the judicial and administrative authorities, national and international media and CSOs.

Likewise, in the cases of the ICTR and the Extraordinary African Chambers in Dakar, I worked under pressure from NGOs and victims' associations, as well as from national and international media.

**7. Are you in good health and able and prepared to work under pressure, given the Court's heavy workload? Have you ever been on leave from your professional duties due to exhaustion or any other work-related incapacity? If yes, for how long?**

I am in good health and willing to work under pressure. Since 2004, I have fulfilled my functions as a judge in international jurisdictions (ICTR, IRMCT, EAC) with a heavy workload, without this being deleterious to me.

I have never taken any leave from my professional duties due to exhaustion or for any other work-related incapacity.

**E. Deontology**

**1. What is your definition and understanding of an independent Judge?**

In the ICC's Statute on the Independence of the Judges, judges exercise their functions with complete independence. Judges shall not engage in any activity which is likely to interfere with their judicial functions or to affect confidence in their independence. Judges required to serve on a full-time basis at the seat of the Court shall not engage in any other occupation of a professional nature. Any question regarding the application of paragraphs 2 and 3 shall be decided by an absolute majority of the judges. Where any such question concerns an individual judge, that judge shall not take part in the decision.

By and large, the judge seized of a case shall entertain no legal relationship with one of the parties to the dispute, and shall not deal with the State in which the court is located at arm's length, so that the judge does not suffer any pressure neither from the parties nor from the State. The judge shall not depend on other powers, on the legislature or on the executive power, in order to ensure his independence.

Judges are independent, both in relation to the legislative power and the executive power. They only obey the Law and cannot escape it, even on the grounds of fairness. They are also independent from one another in their jurisdictional functions. Their decisions can be overturned, quashed or overturned by higher courts, but the latter cannot compel them to judge in a manner different from their own discretion.

The independence of the judge is only of value if it allows the judge to apply the law equally for all. Independence is not granted to judges in their own interests, but is guaranteed to them in the interests of litigants. Judges are independent, but they are not free to do what they want. Judges assume the responsibility for speaking the word of the law. They shall not invent rules

according to their personal opinions or by making their personal points of view prevail. This is where the principle of independence becomes intimately intertwined with the principle of impartiality. Impartiality means the absence of prejudices that must characterize the judge. In this sense, independence rather concerns the judge's relations with other powers and constitutes a necessary, but not a sufficient, condition for his impartiality in his or her relations with litigants. In order to guarantee the impartiality of magistrates, the law provides for the inability to judge, for example in the event of a family relationship between several magistrates of the same jurisdiction, or between a magistrate and a lawyer or a party. There is also a disqualification procedure allowing the parties to challenge the apprehension of bias of a judge. If independence consists of protecting the magistrate from outside interference, impartiality relates to the heart of hearts and soul of the magistrate, and to all the pressures that can adversely sway his judgment. To preserve justice from these multiple pressures, ethical and deontological rules must necessarily guide and channel the magistrate's conduct and behaviour. Independence and impartiality are the two fundamental principles on which any judicial system is based.

## **2. In your view, what would constitute a conflict of interest for a Judge?**

A conflict of interest can be defined as a situation where one person or several people, an institution or several institutions are at the centre of a decision-making process where their objectivity and neutrality can be called into question. A conflict of interest, hence, arises when a person is bound to perform a function of general interest and whose personal interests are at odds with the mission entrusted to him or her by his or her administration or his corporation. Even if there is no evidence of a prejudice, a conflict of interest can create an appearance of indelicacy likely to undermine the confidence of employees or citizens in the ability of the implicated person to assume his or her responsibility or responsibilities. The acceptance by a person responsible for decision-making functions of "gifts" of more than a symbolic value or of bribes offered by persons about whom the person responsible is called (in the exercise of his or her functions) to take decisions or to exercise judgment.

There are different types of conflicts of interest:

- The **real** or actual conflict, that is to say that the agent has a private interest which can influence his professional obligations. In this case, the facts are unquestionably true.
- The **apparent** conflict, i.e. a suspicion of conflict of interest. The risk does not really exist, but doubts linger. To dispel them, a careful investigation must be carried out.
- The **potential** conflict, where a real conflict doesn't exist yet because there is no direct link between the agent's interests and his or her function. However, in the event of a change or an evolution of his or her functions, a conflict could arise.

In the end, a judge's conflict of interest might arise when there is a conflict between the judge's mission to rule the law in a given case and his private interests. This conflict might potentially influence his or her choices and the exercise of his or her functions. Hence, the independence and impartiality, with which the judge must accomplish his judging mission, might be called into question because of his personal interests.

## **3. Should considerations relating to race, colour, gender or religion be taken into account when assessing a candidate's suitability to be a judge at the ICC? Why?**

Considerations of race, colour, sex, or religion should not be taken into account in assessing a candidate's suitability to be a judge at the ICC because all races, colours, sexes or religions stand equal. As an institution of justice, the ICC must defend and protect the fundamental rights which fall under Article 1 of the Universal Declaration of Human Rights which is that: "All human beings are born free and equal in dignity and rights".

- 4. Have you ever been the subject of disciplinary, administrative, criminal or civil proceedings in which your professional or ethical standing has been called into question? If yes, please provide details, including the outcome.**

No, I have never been the subject of any prosecution.

- 5. Have you ever been disciplined or censured by any bar association, university faculty or similar entity of which you may have been a member? If yes, please provide details, including the outcome.**

No, I have never been the subject of any prosecution.

- 6. What measures and decisions would you take, if elected, to ensure the effective participation by victims in the proceedings?**

To ensure the effective participation of victims in the proceedings, it is necessary to ensure adequate support for victims at the various stages of the prosecution and of the trial and the protection of these victims. It is also necessary to relocate the trials to the towns near the places of the commission of the facts.

- 7. In reaching a decision, how would you approach the need to balance the rights of an accused person and the rights of victims, which are both protected by the ICC's legal texts?**

To ensure a good and fair balance between the rights of the accused and those of victims, a thorough consultation and a profound discussion between judges should be carried out, whilst taking into account the different legal cultures. For my part, the rights of victims and those of the accused are not in conflict. Doubt will always benefit the accused, while victims' right to the truth can only be exercised within the well-established framework of criminal justice. As for the right to reparation, it does not depend on the determination of responsibilities, but on the causal link between the victim's suffering and the crime.

#### **F. Additional information**

- 1. Are you fluent in one of the working languages of the Court? Can you speak fluently in public hearings and meetings, and write your own decisions in one of the languages of the Court?**

Yes. I have a perfect command of French which is the official language in Burkina Faso. I took all my courses in French as a first language. In addition, I am able to work in English which has been my 2nd language from the 6th grade to high school. Since I was elected a judge to the ICTR, I have always worked in English with other fellow judges who unfortunately do not understand French.

- 2. Do you have any other nationality, other than the one indicated in your nomination, or have you ever requested another nationality?**

No. I only have the Burkina Faso nationality (pu Burkinabe).

- 3. Have you familiarized yourself with the conditions of service (which include the remuneration and the pensions' scheme) for the Judges of the Court? Are you aware of, and do you accept, the Terms and Conditions of work?**

Yes, I am indeed familiar with the service conditions (which include remuneration and the pensions' scheme) of the ICC Judges. I do accept the Terms and Conditions of work.

**4. If elected, are you willing to participate in a financial disclosure program organized by the ICC?**

Yes, I do; there's no problem whatsoever.

**5. Is there any other information which should be brought to the attention of the Committee and which might call into question your eligibility for judicial office?**

None whatsoever.

**G. Disclosure to the public**

**1. You have the option to make your answers to this questionnaire public. What is your preference in this regard?**

My answers to this questionnaire may be made public.

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