ADVISORY COMMITTEE ON NOMINATIONS OF JUDGES

QUESTIONNAIRE

A. Nomination process

1. The Statute requires every candidate for election to the Court to have established competence in criminal law and procedure, and the necessary relevant experience, whether as judge, prosecutor, advocate or in other similar capacity, in criminal proceedings or established competence in relevant areas of international law such as international humanitarian law and the law of human rights, and 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 areas specified? For how long? In which capacity?

   My relevant experience and competence are as follows:

   - From 2003-2013, legal officer at the criminal chamber of the Supreme Court of Estonia: giving opinions to the appeals or interlocutory appeals; preparing the case for hearings; participating in the deliberations; drafting the judgments and decisions of the panel. The cases appealed to the Supreme Court involve all kind of offences, hence my practical experience from that period covers different offences (including murder, serious sexual crimes, organized crime, drug trafficking, fraud, bribery etc). My tasks also included giving of opinions on behalf of the Supreme Court to the proposed draft legislation on substantive criminal law and criminal procedure;
   - From 2013-2014, work at the EULEX mission in Kosovo as a legal officer at the Court of Appeals and Supreme Court of Kosovo. My primary tasks were to prepare the appealed cases for hearings; to participate in the deliberations; to draft the judgments and decisions of the panel. The cases I worked with were more serious offences: war crimes; corruption cases and other crimes committed in public office; fraud and other economic crime; organized crime;
   - From 2014-2020, judge at the Tallinn Circuit Court (court of appeals), trying all kind of criminal offences appealed from the court of first instance, including cases of murder, serious sexual offences, major fraud and economic crime cases, terrorist offences, corruption cases etc;
   - From 2017-2020, judge in roster of the Kosovo Specialist Chambers. The work involved preparation and adoption of the Rules of Procedure and Evidence, the Regulations and other internal rules for the KSC; deliberations on the judicial policies of the KSC;
   - From 2020 to present, Prosecutor General of Estonia. The work includes taking decisions on criminal policy in Estonia; management of the Prosecution Service in Estonia; oversight of the work of the prosecutors; drafting and submitting motions, indictments and appeals to Estonian Courts; representing the Prosecution Service in various committees and boards; representing the Prosecution Service in external relations;
   - From 2021 to present, Board member of the Trust Fund for Victims at the ICC, directing the work of the TFV, shaping the policies on reparations to the

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victims of the situations investigated and tried by the ICC, rendering decisions on the eligibility of victims; deciding on the programmes of the TFV in situation countries.
In addition:

- From 2003 to present, lecturer at the University of Tartu teaching substantive criminal law, criminal policy and international criminal law, supervising master's theses and the research papers of students; supervising the University of Tartu team at the IBA ICC Moot Court Competition organized by the Grotius Centre;
- Conducted guest lectures and guest courses in Czech Republic, Ukraine and Belarus on international criminal law;
- Have also abundant experience in legislative process, participated in drafting criminal law and procedure acts, legislation concerning human trafficking and assistance and rehabiltation of victims;
- Conducted judicial training and training of prosecutors on substantive criminal law;
- Conducted training of Estonian reserve officers in international criminal law;
- Author of a report (2017) commissioned by the Estonian Ministry of Justice on the participation of a private individual and civil sector in national defence, where the rights, risks and obligations of private persons and private legal entities during participation in hostilities where analysed both in the context of international humanitarian law and the Estonian Constitution;
- Author of numerous articles and research papers on international criminal law, substantive criminal law issues and criminal procedure issues.

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?

- In my capacity as the Prosecutor General, I pay particular attention to directing the policies regarding the participation of victims in criminal proceedings, their access to relief services, assistance available, etc;
- I have introduced methods of restorative justice in the work of the Prosecutor's Office; a state prosecutor specialised in juveniles and the treatment of victims has been appointed in the State Prosecutor's Office;
- I have handled numerous trials involving serious sexual crimes against women, men and children both as a legal officer and as a judge and both in Estonian courts as well as during my secondment to EULEX in Kosovo;
- In my experience from the Trust Fund for Victims, I have ample experience in handling victims of atrocity crimes;
- I have supervised several successful master's theses on serious sexual offences;
- I participate in the work of a government committee on prevention of violence in Estonia.

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?

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No.

B. Perception of the Court

1. What is your vision of the International Criminal Court and its dual nature as a court and an international organization? How do you see the main differences between the ICC and the two *ad hoc* Tribunals for the former Yugoslavia and for Rwanda?

    - The ICC is the first permanent and independent international criminal court established by a treaty, the Rome Statute, with an objective to make the ICC truly universal by universal ratification of its Statute. The ICC is an indispensable instrument of the international community to combat impunity and promote a rules-based international order. The ICC's primary mission is to prosecute perpetrators of the most serious crimes of concern to the international community as a whole. Whereas both the ICTY and ICTR where established by the UN Security Council and were only created to deal with specific situations (respectively the conflicts that took place during the breakup of the former Yugoslavia and the genocide in Rwanda in 1994). Hence these specific *ad hoc* tribunals (and all other *ad hoc* tribunals) have had a limited mandate and jurisdiction. On the other hand, the ICTY and ICTR, having been created by the UN Security Council while acting under Chapter VII of the UN Charter, had a binding nature to all member states of the UN, whereas the ICC's binding nature applies to current 123 States Parties, although it reserves a particular role to the Security Council that has a mandate to refer situations to the ICC.
    - However, the ICC as a creation of an international community and having a legal form of an international organization, the ICC is not fully detached from its creators – the States Parties - that play an important role for the work of the court. The ICC system is based on the principle of complementarity with national jurisdictions. In addition the Rome Statute lays down specific provisions for states on forms of international cooperation and judicial assistance. As the ICC is a criminal court, the States Parties have to honour its procedural autonomy and not to interfere in its investigations or trials. This should, in principle, also mean that the States Parties should guarantee that the ICC is able to perform its tasks adequately – by insuring the necessary budget, cooperation, diplomatic support and, if needed, also protection.

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

I am aware of the following criticism in relation to the ICC's proceedings:

- Overall efficiency of the ICC's proceedings, including the excessive length of proceedings. This concerns both the pre-trial phase as well as the trial phase;
- The inconsistencies in its jurisprudence. Quality of judgements, excessive number of dissents and concurring opinions;
- Too strong concentration on the cases from African states, at least at the beginning;
- Rather lengthy judgments and too long time taken to deliver the judgments;

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- Lack of good working atmosphere in the Court;
- Only a small number of cases actually been brought to completion;
- Inconsistent practice in victim participation;
- Failure to bring justice to the bulk of the victims of investigated situations;
- The OTP's selection of situations and cases;
- Problems in state cooperation;
- ICC's approach in respect for national sovereignty.

3. 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?

- The ICC needs good working atmosphere in the Court, in addition to efficient leadership. This is the key to overcome the ICC's many challenges;
- It is important to have open communication with the stakeholders and enhanced cooperation with the State Parties;
- It is important to get the case strategies right, so that the indictments would actually lead to convictions;
- Collegiality among judges should improve and the Court should build up a consistent case-law. The cooperation within the Court should improve as well as there is a need for more dialogue within the ICC;
- Case management needs to improve;
- Both victim participation and a speedy compensation to situation victims is essential;
- The accountability of the judiciary has to be properly addressed.

4. 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?

- As positive examples, the Al Mahdi case and the Ongwen case could be mentioned:
    - Al Mahdi is an example of a judgment that has been well received by the international community. The case was about intentionally directing attacks against cultural and religious heritage and their destruction. It is important that the ICC for the first time also underlined the importance of international protection of such values;
    - In Ongwen case, the ICC came to an important conclusion that a former victim could transform into a perpetrator and explained in detail the elements of a defence of mental disease. The case is also a milestone in the prosecution of sexual and gender-based crimes as international crimes. In the judgment, the distinctive elements of the crime of forced marriage and forced pregnancy are analysed.
- As negative examples, the judgment in the Gbagbo and Blé Goudé case and the appeals judgment of the Bemba main case could be mentioned:
    - Gbagbo and Blé Goudé case is a sad example of poor case logic, but also of deficient collegiality and professionalism within the chambers, that has had a negative effect on the credibility of the ICC.

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- In Bemba Appeal judgment, the majority of the panel departed from prior appellate practice at the Court and the *ad hoc* Tribunals not giving the trial chamber the margin of deference in evaluating the evidence, but giving a *de novo* review of the facts. In the judgment and accompanying separate opinion, several controversial conclusions where drawn that have seriously undermined the credibility of the ICC. Both Bemba case and Gbagbo and Blé Goudé case also show the difficulties in determining superior responsibility for non-military political leaders.

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?

    - The judge acts independently and in that role I would have no relationship with the authorities of Estonia. Even more, it is important to maintain also the perception of independence and therefore avoid any conflicting contacts with the authorities of any state or international organization.
    - Contacts with any organization that have dealings with the ICC have to be avoided. Otherwise, I do not see a problem of delivering a lecture at a university or similar institution, a court or a NGO, if invited, provided that it is made clear that the views expressed are my own and not those of the ICC and that the confidentiality principles are adhered to. I also see my role as participating in awareness raising of the ICC and its important work in my home country and beyond.

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

    - In itself, the origin of a witness, suspect, a victim or even a counsel is not a reason to recuse a judge (see Rule 34 of the ICC RPE). Judge renders decisions based on evidence and arguments presented during proceedings. However, it is likely that in a situation, where the proceedings before the court relate to the judge's country of origin, the judge could be perceived as having bias and through that the credibility of the proceedings could be undermined.

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?

    - The ICC has to take its decision based on its own primary law as stipulated in Art 21 of the Rome Statute. But according to the same article, it is not excluded to consider the case-law of other courts and tribunals, whether international or national. This will depend of the specific circumstances and the value they may provide given the question under discussion. Existing case-law from

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other courts and tribunals may prove useful in order to understand the meaning of legal concepts that have to be applied in a given situation and to maintain consistency in the case-law. This is especially important in situations where the case-law of the ICC has still not developed. Hence, the jurisprudence of other international courts or tribunals, as well as national courts or tribunals, if applicable, or so-called soft law instruments may serve as guidance for the panel. The same is true for the findings of human rights bodies, as according to Art 21(3), the application and interpretation of law pursuant to this article must be consistent with internationally recognized human rights and without discrimination. Those findings could serve as reference to the ICC and although not directly legally binding, they can be used as assistance for interpretation of rules or principles that the Court is applying.

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?

   - The *stare decisis* are not directly binding if not rendered in the same case. Hence there is always room for dispute, when that seems appropriate from the legal point of view. This should be clear already from Art 21(2) of the Rome Statute, where it is stipulated that the Court may apply principles and rules of law as interpreted in its previous decisions. However, even when deviating from precedents proper respect and common sense has to be maintained – the proceedings at the ICC is not a place where to start expressing one's own radical legal theories. After all, it is very important to maintain coherence and consistency of the case-law and all deviations from precedents have to be well argued.

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.

   - According to Art 51(3) of the Rome Statute, this should be excluded as it is stated there that in urgent cases where the Rules do not provide for a specific situation before the Court, the judges may, by a two-thirds majority, draw up provisional Rules to be applied until adopted, amended or rejected at the next ordinary or special session of the ASP. However, this approach is both cumbersome and does not take into account the exigencies of life. These kind of innovations might be needed to solve issues that hamper the smooth handling of a case, but that do not have terminating effects on the proceedings. Hence, the innovation used by the trial chamber in the Gbagbo and Blé Goudé case – to decide to terminate the proceedings based on a "no case to answer" motion by the defence, is doubtful. For the future, it would be sensible to leave the amendment of RPE to the Chambers instead of deciding this by the ASP.

6. How do you envisage working with a hybrid criminal procedure, different from the one you experienced in your national functions? How do you envisage your working relationship with other Judges from different backgrounds and from different legal systems?

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- I have background in international criminal law and have international experience. I would see working in an international environment with judges coming from different legal systems and having different national experience and background as an asset that will enrich discussions and deliberations among judges when forming the case-law of the ICC. I hope to contribute to this work with my national and international experience.
- I have already prior experience of working in a multinational environment during my secondment to EULEX Kosovo, where I also gathered experience applying two different Kosovar Codes of Criminal Procedure and several Penal Codes (depending on the time of commission of offences), as well as norms of the 1949 Geneva Conventions. I also have gathered experience of work in a multinational environment from Kosovo Specialist Chambers (participated in designing and drafting the Rules of Procedure and Evidence) and from the period of the Estonian Presidency of the European Council in 2017. I have always found it important to compare the law to similar norms from different legal systems in order to try to find guidance and to interpret the applicable norms. Therefore, working with legal texts from different legal systems of the world is a common method for me.
- Working in multinational environment and with people representing different schools of legal thinking and argumentation, is similarly known to me. It is important to be open to listen to different approaches and to discuss. It appears quite often that the differences are not insurmountable and there are strong commonalities between seemingly strange concepts. Anyhow, differences in understandings have to be discussed with respect, calmly, but methodically, in order to try to achieve consensus.

7. Are you used to working as part of a team? 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?

- I have been working in teams throughout my career and done so in different roles – as a junior member of the team in the capacity of a legal officer, as a team-leader in the capacity of a presiding judge or also in a supervisory role as the Prosecutor General. The key is to have respect to other members of the team, maintain collegiality, positive attitude and good energy. In case of disagreements, it is vital to keep calm and to start discussing the differences methodically (see also my answer to C.6).
- Separate opinions and dissents should be rather an exception and instead more energy has to be put into trying to reach consensus. Too many dissents and separate opinions have seriously harmed the credibility of the ICC and this lesson has to be taken seriously. The judiciary has to make efforts to reach consensus and to be open to listening to different arguments. Dissenting opinions are justified in a situation where a judge is earnestly convinced that the majority has made a major error – either in interpreting the law, the evidence or when assessing the facts.

D. Workload of the Court

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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.

2. 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.

3. The Court has two working languages. What is your opinion about this matter? How could multilingual challenges be better addressed by International Criminal Court judges?

   - In an international court or organization multiple official or working languages is rather a rule than exception. As the ICC serves intrest of the international community as a whole, respect of linguistic diversity and multiculturalism forms an integral part of its organisation.
   - I have personal experience in working in a multilingual environment at the Eulex Kosovo. There all work took place in Albanian and English, often also translation into Serbian was necessary.
   - Previous examples of bilingual courts, as the ICTY and ICTR, have also proven to operate well in those cirmumstances.
   - There is no doubt that two working langugages together with a fact that many dealings with the Court have to be translated from and to yet more languages, sometimes even over a relay language, complicate the work and this challenge needs to be properly addressed.
   - In terms of the ICC, it would be an asset when the judges would have at least some command of both working languages of the Court – this would ease up free and unmediated communication between the judges and enhance mutual understanding. Therefore, as a principle, the judges, who do not have a sufficient command of the other working language of the Court, should make efforts to improve their skills in that respect, here also the assistance of the ICC would be appreciated. I am definitely willing to continue my studies of French.
   - One of the issues that is created by the fact that the Court is working bilingually, is the question of authoritative texts, because inevitably there could emerge differences between the English and French texts of decisions. This issue is not addressed in the Rome Statute or the Rules of Procedure and evidence. However in the case-law the issue has been solved in a manner that one of the texts has been ascertained as authoritative.
   - Another issue that arises because of the two working languages used simultaneously concerns the rights of the accused – when can a decision be deemed as provided to the accused. In Lubanga case the Court noted that rule 144(2)(b) of the Rules of Procedure and evidence required Art 74 decisions determining the criminal responsibility of the accused be provided to the accused in a language he fully understands as soon as possible, should this be necessary to meet requirements of fairness.

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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?

- A judge should be the one who issues the final text of the decision. It is acceptable to delegate to legal officers to analyse some specific issues, to look up relevant case-law and literature, but also to draft parts of the decision.
- I am used to work in teams, where often also tasks are divided and parts of drafting are assigned to different members of the team. This has value in several respects – it speeds up the work, it increses the level of depth that is possible to dedicate to analysis of the issues. However, it is important, that there is always someone who coordinates the work and has the master version of the text. This someone should be the presiding judge /or the single judge as the case might be. He or she bears the main responsibility of the final outcome and should also be the one to issue the final text of any given decision. It is also important that the work is divided in a manner where the judge him- or herself also takes a fair share of the writing of parts of the decision, not only the compilation of the work done by the others. This is necessary because of the need to have ownership of the final text and the coherence of the outcome.
- When it comes to interns, then mostly their role, when it comes to drafting, should be limited to research assignments into concrete issues.

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

- It is settled by Art 57 of the Rome Statute, which Pre-Trial issues have to be decided in the panel of judges: orders or rulings of the Pre-Trial Chamber issued regarding authorization of an investigation, preliminary rulings regarding admissibility, challenges to the jurisdiction of the Court or the admissibility of a case, duties and powers of the Prosecutor with respect to investigations, confirmation of the charges before trial and protection of national security information must be concurred in by a majority of its judges. When it comes to other matters, a single judge can exercise Pre-Trial Chamber's functions unless otherwise provided for in the Rules of Procedure and Evidence or by a majority of the Pre-Trial Chamber. According to the Rules of Procedure and Evidence the following functions have been left for the full Chamber: the review of a decision of the Prosecutor not to proceed with an investigation under Art 53 of the Statute; the decision of the Pre-Trial Chamber to take measures on its own initiative in respect to a unique investigative opportunity under Art 56(3). However, even if the Pre-Trial Chamber has appointed a single judge, it retains the right to reserve complex or significant matters for consideration by a full bench.
- Generally, decisions that may be taken by a single judge are decisions on those matters, which have not been exclusively reserved for the judges acting in panel under the Statute or the Rules of Procedure and Evidence. Having this general rule in mind, a single judge may take decisions that would ensure proper management and efficiency of the proceedings.
- The Trial Chambers, according to Rule 132bis, may designate one or more of its members for the purposes of ensuring the preparation of the trial, in order to facilitate the fair and expeditious conduct of the trial proceedings.

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- As examples of such decision the following could be mentioned: identification of minor issues that can be dealt without the need of formal written submissions, decisions on conditions of detention, matters related to offences against the administration of justice, other such issues that do not pertain to the essence of the case.
- Anyhow, even when acting alone, the single judge should keep the other judges of the panel briefed and to consult them.
- Otherwise there is not much room for decisions being taken by a single judge according to the Rome Statute and the Rules of Procedure and Evidence currently.

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?

   - The work of an appellate judge in Estonia is under strong public scrutiny, especially when sensitive issues like murder, serious sexual crimes or corruption crimes are tried. For example, in my portfolio is an acquittal of a police special unit official, who was charged in murdering his drinking buddy with service weapon. As a presiding judge, I had to give numerous interviews on the acquittal and to withstand negative emotions of the general public.
   - The position of Prosecutor General in Estonia is specifically open to scrutiny by politicians, media, defence counsels and general public alike. I am quite used to work under pressure on a daily basis. So far this has been successful and has given me a profound practice against verbal threats, insults and attempts of manipulation. Typical examples of accusations involve lack of supervision within the prosecution service and the allegedly politically motivated criminal investigations conducted against politicians or their sponsors. It is important to be in a dialogue with the public and explain the specifities of my work.

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 heath and have never been on leave from professional duties because of any work-related incapacity.

E. Deontology

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

   - From one perspective the independence of a judge is the mental positioning of the judge of him- or herself, from the other, of course, it is the external perception of a judge maintaining such an attitude. In order for a judge to be independent, he or she has to refrain from any activities which are likely to interfere with their judicial functions or affect confidence in their independence. This means making choices, where one keeps in mind that the

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relations of a judge with certain persons or entities, appearance of a judge in certain places or situations might put him- or herself in a position where it is difficult to make unbiased and independent decisions or where the decisions of the judge are not seen as such.
- In the performance of justice, a judge has to be guided only by the facts of the case, the applicable law and his or her own conscience. Thus a judge also has to keep his or her independence from the fellow judges, as well as from them who appear before the court. A judge has to be able to distance him- or herself from emotions that he or she might have towards any persons involved in the judicial process.
- It is important for a judge to knowingly deal with any biases that he or she might feel, also to analyse oneself for the unconscious biases in order to be able to get liberated from those as well.

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

- A conflict of interest might appear from personal, business or any other relations of the judge that compromises his or her impartiality. A conflict of interest can also appear in a situation where the judge is somehow dependent on an external actor. The issue has been addressed in Art 41(2) of the Rome Statute and Rule 34 of the Rules of Procedure and Evidence. Impartiality of the judge is a basic principle of any rule of law abiding judiciary system. According to the Bangalore Principles, the examples of conflicting interests are the situations where the judge:
(a) has actual bias or prejudice concerning a party or personal knowledge of disputed evidentiary facts concerning the proceedings;
(b) previously served as a lawyer or was a material witness in the matter in controversy; or
(c) the judge, or a member of the judge's family, has an economic interest in the outcome of the matter in controversy.
- However, there could also be other instances, where the impartiality is questionable. A conflict arises when a judge holds an interest of any kind that compromises his or her impartiality. A conflict may also arise when this appears so for an objective bystander.

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?

- The Rome Statute sets the basic criteria for a judge of the ICC. At this point reference should be made to Art 36(3)(a) and Art 36(8)(a) of the Statute. There are minimum voting requirement for the ASP as concerns inter alia geopraphical groups and gender that they have to apply when voting. However, the criteria of race, colour and religion in itself are not relevant criteria and to make a selection based on these criteria would constitute discrimination in itself. On the other hand, it is a statutory obligation to guarantee equitable geographic representation, which implicitly contributes to diversity in colour, religion and race as well. According to Art 36(8)(a)(iii) a fair representation of both male and female judges has to be guaranteed.
- Diversity and inclusion are of course desirable, but this can be achieved through the geographic equity and through fair number of both male and

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female judges. This helps to ensure that the ICC is seen to be representative, which is vital for the reputation of the Court.

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.

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

   - Victim participation has been undermined by case-by-case approach that has been lacking certainty and coherence and that has delayed the proceedings;
   - It is important to guarantee that victim representation is adequate and that it covers all victims in the case. In particular steps have to be taken that the voice of the most vulnerable victims, such as children and women, is heard. Hence, victims should be empowered, not intimidated during the process, they have to be encouraged and assisted in order for them to be able and ready to give evidence. It is true that there is always tension between the further endorsement of victim participation and the speediness of the proceedings, but the balance might not be just right yet;
   - There should be a common approach concerning victims throughout the Court;
   - The relationship with the TFV has to be improved. It is not possible to have the level of control that the Chambers have desired, more freedom and flexibility has to be given to the TFV;
   - The judiciary must not forget that the overall circle of situation victims is much broader than the circle of victims embraced by the indictment. These victims must not be neglected and therefore the role of the TFV is very important in setting up early reparation programs that embrace all situation victims and that is not limited to the victims eventually embraced in the reparation order issued by the trial chamber;
   - For this reason, it is one of the key elements to ensure the credibility and reputation of the ICC that the TFV is strengthened and its activities have a wide support from all other bodies of the Court and the States Parties;
   - The application process has to be made more economical and less bureaucratic, again, there is a need to demand less direct control by the judges and to be ready to accept victims based on collective applications, to demand less information in the application forms.

6. 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?

   - The question is not unique to the ICC, but raises in domestic courts as well, especially when the participation of vulnerable victims, like the victims of sexual abuse, the children or sometimes also the elderly are involved.
   - The issue of finding the right balance is a complex one. The starting point should be that although victims need care and some might need protection, the

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victim participation cannot come at the cost of defence rights – due process and fair trial has to be guaranteed and the rights of the accused as stipulated in Art 66 and 67 of the Rome Statute have to be honoured. It is essential that the defendant has the right of confrontation, even when it might be only allowed through intermediatory measures taken for the protection of vulnerable victims.

- One of the means to improve the level of participation of victims in the ICC proceedings is to have a more systemic and less bureaucratic approach to guaranteeing their participation in the proceedings, as described in my response to question E.5.

F. Additional information

1. Are you fluent in at least 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 working languages of the Court?

   Yes, I am fluent in English both orally and in writing.

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

   No.

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.

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

   Yes.

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?

   No.

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?

   I have no objection to making my answers public.

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