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?

I have extensive experience and legal expertise spanning more than twenty-seven years in the fields of international humanitarian law, human rights law, criminal law and judicial practice. The experience I have gained and the diverse skills I have developed are of crucial importance to the successful conduct of judicial activities at the Court. Some key aspects are as follows:

1) In-depth legal knowledge of international humanitarian law (since 1997): As an academic, I have acquired a solid understanding of the theory and practice of international humanitarian law on a number of complex issues directly related to the Court's jurisdiction, namely international crimes, the protection of the environment in times of armed conflict, the responsibility of non-state actors in (non-)international armed conflicts, the international responsibility of states and the protection of victims under international law. My in-depth knowledge of these areas enables me to analyse accurately the complex legal issues that arise before the Court. My research has also focused on the remedies that are available to victims and the challenges they face in the judicial system. These areas have been at the heart of my teaching. In addition, I regularly take part in international scientific meetings on topics directly related to international law relating to peace and security. In this respect, I have helped raise awareness and promote better protection of the rights of vulnerable people under international law.

2) *Professional and practical experience*: As a lawyer practising from 1996 to 2006, I have had the opportunity to work on practical cases such as abuse of power, domestic violence, sexual abuse of minors and child abduction. I have also pleaded and handled complex criminal cases involving organised crime, such as money laundering, corruption, fraud, terrorism and human trafficking. In all these cases, I was confronted with the challenges and issues related to the safeguards of justice, such as cases of violations of the rights of the defence, access to a fair trial and judicial independence. This practical experience has enabled me to develop specific skills in factual analysis, legal research and drafting briefs, as well as a deep understanding of victims' needs and rights.

3) *Knowledge of international jurisdictions:* I have a good knowledge of the procedures and practices of international and regional jurisdictions. This includes familiarity with the rules of evidence, procedural standards and jurisprudential principles that underlie the work of criminal and human rights courts.

4) *Understanding of human rights, justice and security issues*: My expertise in human rights underscores the importance of justice guarantees in respecting fundamental rights and preserving the rule of law, particularly in conflict and post-conflict

situations. Owing to my experience in peace-making processes, I am able to bring an informed perspective and cultural sensitivity to efforts in view of securing the rights of minorities and vulnerable people to truth and to fair and just reparations. I am familiar with the relevant legal instruments, such as international conventions, declarations and guiding principles, which enables me to analyse issues relating to the fight against impunity or the independence of the judiciary in a more thorough manner.

5) *Dissemination of knowledge and best practices in the security and defence sector (since 2006):* As an international expert in the relevant areas of security governance and democratic reforms of security and defence institutions, I have regularly contributed to supporting programmes and projects aimed at strengthening accountability, preventing and combating torture and ill-treatment in judicial settings, including prisons, security and military settings. Moreover, I have contributed to the development and dissemination of good practices in strengthening transparency, participation, accountability and integrity. I am also actively involved in disseminating knowledge about justice guarantees. I regularly take part in international and national conferences, publish articles and contribute to training initiatives in order to raise awareness of these crucial issues among legal actors and political decision-makers.

These highlights and key features of my professional career demonstrate my ability to make a significant contribution to the Court's judicial work, bringing forth solid expertise, relevant practical experience and sensitivity to the legal and human issues at stake.

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 do have both experience and skills in handling litigation, enquiries and investigations into issues of violence, discrimination, sexual assault and similar behaviour against women and children. Here are a few examples of my background in this field:

1) *Legal profession*: As a lawyer, I advocated the rights and interests of women victims of domestic violence, providing legal support and expertise to the many non-governmental organisations dedicated to protecting women's rights. I have also been appointed to represent and defend individuals accused of sexual violence against minors. This experience gave me a practical understanding of criminal procedure and the requirements of a fair trial.
2) *Enquiries and Examinations*: I have been involved in enquiries and examinations into cases of violence, discrimination and sexual assault. I have worked in collaboration with specialised bodies, government institutions and rights organisations to establish the facts, assess situations and formulate recommendations with a view to combating such behaviour and ensuring adequate protection for victims.
3) *Training and Advocacy*: As a university lecturer, I have taught courses on women's and children's rights, gender equality and gender-based violence. I have paid particular attention to the plight of girls who are victims of sexual slavery during armed conflicts. I have actively participated in missions to evaluate legal frameworks aimed at preventing and combating sexual violence in law enforcement environments, and have proposed measures to protect and reintegrate victims in order to offer them the necessary support. In the professional realm, I have contributed to the implementation of mechanisms guaranteeing the protection of victims of sexual, moral and psychological harassment.
4) *International Collaborations and Expertise*: I have taken part in international collaborations and missions aimed at strengthening the protection of women and children against violence and discrimination. I have worked with international

organisations, NGOs and other stakeholders with a view to developing standards and policies, sharing best practices and strengthening monitoring mechanisms and channels for complaints and appeals against discrimination and assaults based on gender and/or sex.

As an expert and trainer specialising in international humanitarian law and human rights, the following are a few concrete examples:

1) I have worked with around twenty Libyan civil society NGOs in view to strengthening their skills in monitoring and reporting mechanisms (MRMs), as part of their participation in a future fact-finding mission to Libya.
2) I have contributed to the development of guides and manuals on the prevention and treatment of violence against women in the police and prison services in Tunisia and several other countries in the Arab region.

As part of my work with the DCAF – Geneva Centre for Security Sector Governance, I contributed to the development and implementation of national strategies and action plans in line with UN Security Council Resolution 1325, which aims to promote women's participation in conflict prevention and resolution. I also worked closely with the prison services on the development of a working methodology for information and assessment visits to prison conditions. This work included visiting and assessing conditions of detention in specialised centres for women and juvenile delinquents.

I was able to build up considerable expertise in the political and security contexts of the North Africa and Middle East region. This has enabled me to play an active role in missions designed to support and evaluate the process of strengthening judicial and law enforcement institutions in countries such as Iraq, Yemen and Libya.

During these missions, I carried out various tasks, inclusive of:

1) Drawing up detailed reports on the conditions of detention of women and girls who are victims of sexual violence perpetrated by armed groups. These reports highlighted human rights violations and made recommendations intended to improve the situation of the victims.
2) Assessment of the effectiveness of mechanisms for redress and care for victims of sexual violence in accordance with the principles and rules of international law. This assessment identified existing loopholes and proposed measures aimed at the strengthening of protection and support mechanisms for victims.

My experience in these different fields has enabled me to put into practice the principles and rules governing international law and to make a concrete contribution to the protection of the rights of women and girls in complex contexts often marred by armed conflict.

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 investigated for, or charged with, allegations of corruption, criminal or administrative negligence, or any other similar misconduct, including sexual harassment.

B. Perception of the Court

1. What is your perception of the International Criminal Court and its dual nature as a tribunal and an international organisation? What do you perceive to be the main

differences between the ICC and the two ad hoc Tribunals for former Yugoslavia and Rwanda?

a) The International Criminal Court (ICC) is an instrumental institution in the fight against impunity and the promotion of international peace and security. It constitutes a quintessential part of the global architecture of peace. It was conceived to be an independent and impartial international tribunal responsible for judging the perpetrators of the most serious and heinous crimes of relevance to the international community as a whole.

Its dual nature as a court and an international organisation is fundamental to its functioning. As a court, the ICC's mission is to prosecute and try individuals responsible for genocide, crimes against humanity, war crimes and aggression. Within the context of this specific role, it must guarantee fair proceedings, respect the rights of the defence and ensure justice for victims.

As an international organisation, the ICC must safeguard the proper functioning of the court. This includes managing the organisation's operations and promoting cooperation with member states and other international actors and stakeholders.

It is crucial to integrate in a harmonious manner the inherent duality of the ICC across its different spheres of governance, including its judicial and prosecutorial activities, the administration of justice and the administration of the international organisation. This ensures respect for the principle of separation of powers and mutually reinforces the judicial functions and operations of the organisation (see *Final Report of the Review of the International Criminal Court and the Rome Statute System by Independent Experts, 30 September 2020*). From this perspective, it is vital to preserve the independence and impartiality of the Court, while strengthening the effective and transparent governance of the organisation.

Because of its unique position as the only permanent and independent international criminal court, the Court must ensure a balance between justice for victims and the rights of the defendants. It is a respected and highly reputable institution that must uphold the confidence of all stakeholders in order to ensure the efficient and fair administration of justice.

b) The existence of the two ad hoc Tribunals for the former Yugoslavia and Rwanda marked a significant milestone in the process of emancipating international criminal justice from national jurisdictions. Over and above their institutional differences with the Court, they strengthened the historic impetus for the creation of the ICC, i.e. a permanent treaty-based court with a global reach and a single body of law. However, there are differences between the ICC and the two ad hoc tribunals, namely the International Criminal Tribunal for the former Yugoslavia (ICTY) and the International Criminal Tribunal for Rwanda (ICTR), which are mainly as follows:

1) *Mandate*: The ICC has a permanent mandate and jurisdiction to try the most egregious international crimes, namely genocide, crimes against humanity, war crimes and crimes of aggression. Its jurisdiction extends to crimes committed after the entry into force of the Rome Statute in 2002. In contrast, the ad hoc tribunals had temporary and limited mandates to judge crimes committed during specific periods: the ICTY for crimes committed in the former Yugoslavia between 1991 and 2001, and the ICTR for crimes committed in Rwanda in 1994.
2) *Structure*: The ICC is a permanent institution made up of 18 judges elected by the States Parties to the Rome Statute. It has its own judicial bodies. In contrast, the ad hoc tribunals were temporary institutions created within the framework of the United Nations by the Security Council and made up of ad hoc judges appointed by UN member states.

3) *Constitutive Act*: The ICC is created by an international treaty signed and accepted by the States Parties, i.e. the Rome Statute, whereas the ad hoc tribunals were created by the United Nations Security Council under Chapter VII of the UN Charter.
4) *Geographic Jurisdiction*: The ICC has jurisdiction primarily over crimes committed on the territory of any State Party to the Rome Statute, as well as crimes committed by nationals of those States Parties. The ad hoc tribunals had specific jurisdiction over crimes committed in the specific geographical regions of the former Yugoslavia and Rwanda.
5) *Duration and Operation*: The ICC operates indefinitely, whereas the ad hoc tribunals had time-limited mandates. The ICTY ceased its activities in 2017 and the ICTR completed its mandate in 2015.
6) *Method of Exercise of Jurisdiction*: The ICC may exercise its jurisdiction over individuals for the most serious crimes of international relevance. It is subsidiary to national criminal jurisdictions. The ICTY, ICTR and national courts have concurrent jurisdiction to prosecute the alleged perpetrators of serious violations of international humanitarian law committed in the former Yugoslavia or Rwanda. However, both the ICTY and the ICTR have primacy over the national courts of all States.
7) *Methods of Referral*: Referrals to the ICC may mainly be made by a State signatory to the Rome Treaty, or by the UN Security Council. It may also be referred by the Prosecutor on his or her own initiative (*proprio moto*) in the event he or she deems that the opening of an investigation is imperative. In this case, the Pre-Trial Chamber begins the investigation and quickly decides whether the prosecution of the presumed guilty party is legitimate and should be investigated. Conversely, referrals to the ICTY and ICTR are originally made by the Security Council, and only the prosecutor of the international criminal tribunal can conduct investigations and refer cases to the Tribunal.

Last but not least, the ICC has introduced a new model for victim participation in the proceedings, which goes beyond requests for reparations. Under the Rome Statute, victims have the right to present their observations and arguments before the Court. An innovative feature of this participation is that victims are not only allowed to provide information to the prosecutor, but can also elaborate on the information presented by the prosecutor during the proceedings. Moreover, victims may, where appropriate, benefit from some form of reparation, which may include restitution, compensation and rehabilitation.

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

First and foremost, it is worth noting that the criticisms of the Court's proceedings, while relevant, also represent views discussed in the context of the ICC and the exercise of its jurisdiction in situation countries. Nevertheless, the main criticisms of the Court's proceedings revolve around the following issues:

1) *Selectivity and Discrimination*: The ICC is at times accused of bias in its choice of cases to prosecute, by focusing mainly on a particular region and neglecting other parts of the world. Certain cases or situations have not been dealt with appropriately, raising problems relating to the examination of evidence and control of the quality and origin of documents submitted. This has raised concerns about the fairness and impartiality of the Court. It also raises questions about the criteria used by the Court's organs to decide which cases to pursue and which situations to prioritise in its preliminary investigations.

2) *Efficiency and Procedural Slowness*: The duration of proceedings at the ICC is often criticised for being long and complex, leading to delays in the conduct of cases and in the delivery of justice. The cumbersome nature of the proceedings and the time taken to close cases are also criticised. Both the defence and the victims themselves expect the Court's proceedings to be of a greater deterrent nature, to be more dissuasive and swift. This can undermine the Court's credibility and its ability to secure tangible results.
3) *Lack of Decisiveness of the Procedures for Bringing the Court's Jurisdiction into Effect:* In many instances, the three referral options provided for in the Statute have not functioned as intended, raising concerns about their effectiveness and revealing ambiguities and misuse. In addition, problems with the operation of complementarity have altered the potential relationship between States and the Court.
4) *State Cooperation*: There is a perception that the Court is unable to execute arrest warrants, collect evidence and transfer defendants due to the lack of cooperation, or refusal to cooperate in execution, by member states, which has had an impact on the ICC's ability to carry out its investigations and proceedings.
5) *Independence and Legitimacy*: A number of people call into question the independence of the ICC, claiming that it can be politically swayed by external pressures. This raises concerns about the Court's legitimacy and authority to enforce international criminal law.
6) *Reparation for Victims*: Although the ICC pays particular attention to victims' rights, some critics feel that reparation mechanisms and support measures for victims are not sufficiently implemented or do not adequately meet their needs.
7) *Victim Participation*: The complexity of the proceedings is an obstacle for victims to participate actively and effectively in the proceedings, particularly during the trial phase. Despite advances in victim participation, victims often find it difficult to understand procedures, which remain long, intricate and complex. Some may feel that the recourse to the Court does not meet their expectations in terms of finding the truth and obtaining reparation. Other affected communities do not understand the language of the Court and find it distant from their personal concerns and socio-economic realities.
8) *Respect for the Rights of the Defence*: The contested custodial measures, which keep the accused in detention pending a decision on their guilt, are deemed to be contrary to the rights of the accused person to a fair trial and to the presumption of innocence.
9) *Preponderance of Oral Proceedings*: The current procedure is more of an oral nature, which may lead to a different perception of the role of judges in examining evidence and conducting the trial due to their belonging to different legal systems. Harmonisation of working methods is needed in order to ensure a consistent approach.
10) *Complexity of the Procedural Regime with Respect to the Crimes of Aggression*: The difficulties associated with the activation of the crime of aggression raise questions about its implementation. The operational implementation of this specific form of violation of international law raises important questions that need to be resolved, particularly in the light of recent events.

Some of these criticisms go beyond the institutional, material, legal or professional aspects and hinge on contextual and political issues. The obstacles and impasses faced by the organs of the Court and the parties take on a political dimension when they call into question the independence of the ICC, the functioning of complementarity and the role of the Court in the fight against mass crimes.

The Court should be in a position to meet the expectations of litigants within a reasonable timeframe and at a lower cost than at present. These fears, which are often expressed against a backdrop of procedural issues, need to be addressed and assuaged.

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?

To improve the Court's functioning, which would enhance its perception in the eyes of the international community, the following measures could possibly be taken into account:

1) *Improving the efficiency of the procedure*: Rebalancing procedural practices, authorising more rapid procedures in cases of non-execution of an arrest warrant, facilitating the appointment of a single judge to supervise the various stages of the procedure, establishing maximum time limits and strengthening coordination between the Court's judicial bodies.
2) *Strengthening cooperation with States Parties*: Increasing the role of the Court's organs in cooperating with States Parties, focusing on those where the accused person(s) or evidence is located; considering the decentralisation of a number of the ICC's operations, thus enabling it to strengthen its presence and cooperation with Member States and local stakeholders in different regions of the world.
3) *Strengthening the decision-making powers of the Assembly of States Parties (ASP)*: In the event of a lack of cooperation by States, while respecting the separation of judicial and executive powers.
4) *Warranting fair and equitable reparation for victims*: Improving the system for identifying victims, speeding up reparation procedures and strengthening mechanisms for tracing the assets of accused persons.
5) *Strengthening the rules of professional ethics*: Preserving the statutory independence and moral authority of judges against any interference, as well as strengthening the ICC's transparency, information and communication mechanisms.
6) *Consolidating the legitimacy of the Court*: Disseminating and promoting the ICC's standards of justice and accountability, integrating these standards into national legal systems and adopting a more balanced policy in terms of prosecutions and operational priorities.

These measures aim to improve the effectiveness, transparency and credibility of the ICC in the fight against impunity and to promote public confidence in international criminal justice.

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?

Perceptions of the decisions of the International Criminal Court (ICC) vary according to the parties, the issues and the interests at stake. A decision is assessed on the basis of its consistency with previous decisions, using elements of law and fact to judge its soundness and its contribution to the development of the Court's jurisprudence.

A positive example is the decision in the Bemba case, where the ICC interpreted the provisions of the Statute in a dynamic way, thereby consolidating the Court's primary law.

A negative example is the acquittal of *Laurent Gbagbo* and *Charles Blé Goudé*, which sparked criticism and called into question the effectiveness and impartiality of the ICC.

From another standpoint, the perceptions of victims, defendants, States and NGOs with respect to certain decisions of the Court may differ depending on their expectations, their interests and the issues they wish to see addressed. For example, the acquittal of Jean-Pierre Bemba was lauded by some, while others criticised it. The reparation decisions in the Katanga case also elicited divergent reactions from victims because of the financial impact and the different categories of harm.

Decisions to open investigations continue to be controversial, in particular the decision not to authorise the investigation in Afghanistan. This decision was seen as not serving the interests of justice and prompted criticism of the ICC's effectiveness and coherence. However, reactions were appeased following the Appeals Chamber's decision on the same case in 2020.

In summary, reactions to ICC decisions reflect the conflicting expectations and interests of the different parties involved, confirming the importance of the fundamental principles of the Rome Statute in preserving the impartiality, effectiveness and independence of the Court. This is particularly evident in the contradictory and different reactions to the arrest warrants issued for heads of state or government.

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 relationship between a judge and the authorities of his or her home country must be characterized by independence and impartiality. An ICC judge must perform his or her duties objectively, without being prejudiced or influenced by political, national or personal considerations. They represent and serve humanity as a whole. Consequently, it is imperative that he or she act with complete independence from his or her country of origin, but also from other countries, in order to ensure the impartial administration of justice in accordance with the provisions of the Statute, the Rules of Court and the principles of international law.

With respect to my own vision of future relations with institutions such as universities, courts and tribunals, as well as non-governmental organisations with which I have collaborated or been affiliated, I consider it important to maintain strong professional links while preserving my independence and impartiality as an ICC judge. I will carry on with my contribution to the dissemination of knowledge and practice of international law, participating in academic discussions and legal events in accordance with the ICC's rules of ethics and professional conduct. However, I will always take care to avoid conflicts of interest and to take the necessary steps to ensure that my external relationships do not in any manner whatsoever affect my impartiality and my ability to render fair judgments in accordance with international law.

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

In principle, a judge may participate in a trial involving a national of his or her home country at the Court. The Court tries the most serious crimes of interest and relevance to the international community as a whole. As an ICC judge, I am obliged to act impartially and to take decisions based solely on the law and the facts of each case in application of the provisions of the Rome Statute. The participation of a judge in a trial involving a national of his or her home country is possible because ICC judges are selected for their

legal expertise, independence and integrity. They are required to respect the fundamental principles of impartiality and objectivity in the exercise of their functions, irrespective of the country of origin of the persons involved in the cases they judge.

However, in exceptional circumstances, such as a potential personal conflict of interest or the presence of bias, it may be appropriate for a judge to recuse himself or herself from the case in question (Rule 34 of the Rules of Procedure and Evidence). The decision of whether to recuse oneself or not is taken by the judge himself or herself, in accordance with the applicable procedural and ethical rules and standards.

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

It is important to emphasise that the Court operates in accordance with its own legal rules, forming a single system that governs all proceedings before it. Article 21 of the Rome Statute, which establishes the law applicable by the Court, makes no distinction between procedural and substantive law. While respecting the sources listed in this article and the criteria for their consideration by the Court, the Court has the possibility of using other sources of law when the Court's internal texts do not mention the specific issue or are unclear. Encouraging this practice is therefore relevant to the practice of the ICC. This practice has been noted in the Court's case law, which in many of its decisions refers to the International Court of Justice to determine the concept of occupied territory, to the Human Rights Courts in terms of fair trial and to treaty bodies. Non-binding legal instruments may also be taken into consideration, such as the fundamental principles and guidelines on the right to a remedy and reparation for victims of gross violations of international human rights law and serious violations of international humanitarian law.

Hence, the judges retain a discretionary power to apply sources other than the Court's legal texts, which entails the possibility of taking into account the practice and case law of international and / or hybrid courts and tribunals. It is interesting to see that the Court has referred to the practice of other hybrid courts by reference to Article 21(1)(b) in relation to the issuing of arrest warrants. However, the procedural rules and case-law of other courts are not automatically applicable to the ICC without detailed analysis (*Prosecutor v. Lubanga, ICC T. Ch., Decision on practices used to prepare and familiarise witnesses to testify at trial, 30 November 2007, para. 44*).

The practices followed in national legal systems can serve as an aid to interpretation when the Court's domestic legal sources are applied and insofar as they are not in conflict with the law of the Court. There is therefore a legal complementarity between the international law applied by the Court and the national laws of the States Parties. This can only encourage the emergence of a shared practice in all stages of the proceedings.

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?

An independent judge's approach to the precedents of the Appeals Chamber should take precedents as an important source of guidance and reference. Indeed, whilst the Rome Statute provides in Article 21(2) that a judge has the discretion of whether to follow previous decisions of the Court or not, including those of the Appeals Chamber, it remains nonetheless true that the decisions of the Appeals Chamber represent an authoritative source of interpretation of the provisions of the Rome Statute and applicable principles of international law, pursuant to Article 38 of the ICJ Statute and the rules of interpretation as codified by the 1969 Vienna Convention on the Law of Treaties.

It is important to devote particular attention to those precedents and to treat them as a solid foundation for guiding one's own judicial decisions, insofar as they ensure the consistency and harmonisation of the Court's legal practice and jurisprudence. For example, when the Pre-Trial or Trial Chamber judge re-examines the case on the basis of a reference from the Appeals Chamber, his or her interpretation should not deviate from that of the appeal judges. However, it is possible to find examples in the ICC practice where Chambers have departed from previous decisions. An independent judge must be able to retain his or her freedom of appreciation and interpretation, taking into account the specific circumstances of each case and ensuring that the fundamental rights of the defendant and the general principles of law are respected.

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.**

Insofar as the texts of the Court allow, a judge is entitled to seek a fair balance between the speed of proceedings and their effectiveness. One of the aspects to be considered with a view to improving the management of the pre-trial phase of the proceedings is the time limits for the presentation of evidence and the confirmation of charges.

In order to prevent proceedings from being lengthy and trials from becoming interminable, to the detriment of the presumption of innocence, it would be useful to consider the following good practices:

- To set precise deadlines after the accused person has been re-tried so that all the evidence available to the Office of the Prosecutor is revealed from a certain date. From this date, the Document containing the charges (DCC) should also be filed within a fixed period, prior to examining whether there is sufficient evidence to confirm the charges.
- To ensure that there is sufficient evidence at the preliminary stage of the proceedings to prove the seriousness of the case, which would avoid this phase being used to collect and build up evidence against the prosecution.
- To play a proactive role as a judge and set the pace of the proceedings by setting deadlines for exchanges in the course of the proceedings and by taking responsibility itself for directing and organising the proceedings, insofar as this is not prohibited by the Statute and the Rules.
- To ensure that final decisions on guilt and reparations are made as soon as the trial is completed, especially if the accused person or persons are in custody following the execution of an arrest warrant.
- To exercise stricter control over the arrest warrant, by checking that the prosecution teams are ready for trial.

Other proposals should be explored, such as the use of information technology, the use of electronic evidence and the exploration of modern techniques for gathering and analysing evidence.

However, the adoption of innovative practices must be done carefully and transparently, taking into account the views of the parties and ensuring that appropriate remedies are available. Above all, they must be implemented in a way that safeguards the rights of the accused, guarantees a fair trial and respects the procedural standards and safeguards set out in the Rome Statute and the principles of international law.

6. How do you envision your work in the context of a hybrid criminal procedure, which differs from the one you are familiar with in your national functions? How do you envisage your working relationship with other Judges from different backgrounds and from different legal systems?

Working in the context of hybrid criminal proceedings is a stimulating but complex challenge. I am aware that it requires adaptation to the particularities of the Court's hybrid system and an openness to working with judges from different backgrounds and legal systems.

Diversity of perspective and experience is a valuable asset, which a judge can use to benefit from good practices and lessons learned from national and international legal systems. This requires a comparative analysis of the similarities and differences between these various systems, in order to adapt working methods and incorporate relevant elements into the decision-making process. This approach will help the judge to make a balanced and impartial decision.

In this respect, it is necessary to foster a harmonious working relationship and be prepared to listen attentively to the points of view of other judges. Collegiality expects judges to be able to exchange ideas and learn from each other's experiences. The working relationship I want to develop with my colleagues is one that values collaboration, mutual respect and a willingness to reach consensus whenever possible. For example, effective communication is a key element that judges must prioritise when dealing with mixed legal systems or a multinational and multilingual context. This means creating a culture of mutual respect and equality between judges.

Whilst being aware of their differences, judges must maintain a firm commitment to the fundamental principles of international criminal justice. It is around this common foundation that I shall endeavour to demonstrate my commitment through exchange, joint reflection and the search for points of agreement during deliberations and in decisions, while ensuring respect for fundamental rights and the principles of justice.

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?

Yes, I am used to working as part of a team, collaborating with people from different cultural and professional backgrounds. I firmly believe in the value of collaboration in reaching informed judicial decisions. Where there are disagreements within the team about a particular aspect of a decision or procedure, it is essential to encourage an open and constructive dialogue, in a spirit of mutual respect and collaboration.

To address these disagreements, I encourage careful listening and an understanding of the nuances of the different legal systems of the judges involved. I endeavour to take into account only those objective factors that promote a fair and equitable decision, without imposing my own view of the facts, the issues or the law. I exercise my powers independently, impartially and fairly.

In this process, I ensure compliance with key principles and rules, such as accepting the right of judges to express differing opinions, focusing on the evidence and facts, and agreeing on objective and concrete criteria for making decisions that are fair and accepted by all. I also engage in legal dialogue with my peers and may use facilitation methods to structure the discussion and improve decision-making.

As far as writing separate concurring and dissenting opinions is concerned, I see this as a useful practice for understanding the decision-making process and the underlying arguments. Separate or dissenting opinions are expressly mentioned in Article 83(4) of the Rome Statute. They allow judges to structure their individual reasoning and protect

them against the retrospective rationalisation of decisions. In addition, they can help reinforce the public perception of fairness and strengthen the legitimacy of the Court.

However, it is important to preserve the integrity and legitimacy of the institution and the judges when drafting such opinions. Separate opinions must be used responsibly, ensuring that the coherence of reasoning, the unity of the Court and its authority are maintained. This practice should be regulated to avoid undue delay resulting from differing opinions.

To sum up, I value teamwork and the search for consensus based on objective criteria, and I regard the drafting of separate concurring and dissenting opinions as a means of ensuring transparency and enriching the Court's case law.

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?

I confirm my availability and willingness to perform my duties at the International Criminal Court in a sincere and continuous manner. I am fully committed to international justice and ready to contribute to the fight against impunity for international crimes. I am ready to fulfil the responsibilities of the post of judge and undertake to respect the principles and rules of the ICC. I will be available for the full term of office.

2. Working 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?

I am fully aware of the responsibility and the challenging work of a judge at the ICC, and I am prepared to accept these conditions and take them on in their entirety. In my current professional experience, I am used to working long days, even during university or judicial leave.

In addition, my professional career has enabled me to work in high-pressure environments, to manage expectations and to communicate appropriately in situations of crises. I am ready to adapt to this demanding schedule and to devote myself fully to the mission of the ICC, ensuring effective and fair justice.

3. The Court has two working languages. What is your opinion on this? How could the judges of the International Criminal Court better respond to the challenges of a multicultural environment?

Proficiency in the Court's two working languages, English and French, is a fundamental requirement for judges, enabling them to participate fully in judicial activities and to communicate effectively with all concerned parties. Linguistic duality is an inherent feature of the Court's system, aimed at ensuring a balanced geographical and cultural representation of the different legal systems around the world. I believe that it is of paramount importance to strengthen and generalise this linguistic duality at all levels of the Court's judicial bodies.

In order to rise to the challenges of a multicultural environment, judges must be sensitive to the cultural and legal diversity present within the institution. They must strive to understand the different legal cultures which are represented and be able to engage in dialogue with their peers, recognising the value and relevance of each culture and legal system to the work of the Court. This requires an open attitude and deep respect for

different legal traditions, while maintaining a strong commitment to the fundamental principles of the Rome Statute.

From this perspective, ICC judges can encourage intercultural dialogue and the sharing of experiences within the College of Judges. They can also encourage close collaboration with other international judicial bodies, national institutions, universities and other relevant partners, exchanging good practices and learning from different experiences. For example, they can organise joint meetings in seminars or working groups to exchange good practices and lessons learned from different judicial experiences. In this way, they can discuss the interpretation and application of international criminal justice standards in different legal contexts. This approach will promote better mutual understanding and greater respect for the cultural and legal diversities present at the Court.

Proficiency in two or more of the Court's official languages is a major asset for judges in the performance of their duties. It enables them to acquire an in-depth knowledge of legal contexts and to promote an inclusive and plural legal dialogue. This multiple linguistic competence also facilitates exchanges and communication within the College of Judges, as well as with the Court's other stakeholders. Moreover, it contributes to the accession of other countries and societies, characterised by diverse cultures and languages, to the universal system of the Rome Statute. In this way, it strengthens the legitimacy and effectiveness of the Court in a multicultural environment.

By consolidating linguistic duality and promoting intercultural dialogue, the International Criminal Court can create a respectful and inclusive working environment, conducive to a multi-faceted legal dialogue and mutual understanding. This will ensure that the challenges posed by cultural and legal diversity are addressed more effectively within the Court, thereby strengthening its role as an international institution of justice.

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?

I believe that the drafting of decisions is an essential responsibility of the judge, requiring particular attention to ensure the necessary clarity, consistency and legal precision. Although the work of a judge at the ICC is demanding, with complex cases and deadlines to meet, it may be necessary to delegate certain drafting tasks to competent assistants or trainees. Their contribution to documentary research, the drafting of decision outlines and stimulating exchanges all contribute to the quality of the judgments handed down.

The presence of trainees and assistants from different regions and legal cultures has its advantages, particularly with regard to the drafting of pleadings and decisions in the Court's two working languages. A judge must surround himself with an efficient and dedicated team, where knowledge and experience are pooled to improve the quality of decisions.

However, the judge must exercise close supervision to ensure the quality of the work. The judge will ensure that the trainees or assistants fully understand the legal issues and nuances of the case, by providing them with clear guidelines. The judge will review and validate the final decisions before they are published.

Ultimately, the responsibility for the final decision and its content rests with the judge. He must therefore exercise his duty diligently and ensure that the rendered decisions reflect his conviction, his thorough understanding of the law and the relevant facts, as well as his independence.

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

In a bid to ensure the proper administration of justice and the speed and efficiency of proceedings, it is possible to appoint a single judge for certain functions where a majority decision of the Pre-Trial Chamber is not required. Here are some examples of decisions that can be taken by a single judge to facilitate or speed up proceedings:

1) *Unsealing of Documents*: A single judge may be appointed to consider and make decisions on the unsealing of documents, i.e. the lifting of the confidentiality of certain elements of evidence. This makes it easier for the parties to gain access to the evidence and to prepare for trial more quickly.

2) *Decisions on Procedural Motions*: A single judge can take decisions on procedural motions, such as applications for postponement of hearings, modification of time limits or simplified procedures. By taking these decisions efficiently, the single judge can help to speed up the progress of the case.

3) *Victim-related Issues*: A single judge may be responsible for dealing with specific victim-related issues, such as applications for victim participation or admission. By making these decisions independently, the single judge can reduce delays and enable victims to have their concerns addressed quickly.

4) *Disclosure*: To expedite proceedings, a single judge may be appointed to oversee all stages of disclosure prior to the confirmation of charges. He or she can take the necessary decisions to facilitate this crucial stage of trial preparation, thereby avoiding the delays associated with deliberations in the Pre-Trial Chamber.

However, it is important to stress that the appointment of a single judge must be carried out in compliance with the rules and procedures of the International Criminal Court, while upholding the rights of the parties and respecting the fundamental principles of justice at all times.

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?

As a judge, I am fully aware that working at the ICC can entail a variety of pressures from States, government authorities, national or international organisations, the media or the general public. I myself experienced such pressure in my previous role as DCAF's Head of Mission *ad interim* in Tunisia, where I had to respond to media requests after the terrorist attacks that struck the country between 2011 and 2013.

As a representative of an international organisation, I had to maintain strict neutrality and refrain from any comments that could be misinterpreted, particularly on politically sensitive issues. I have had to demonstrate independence, professionalism and neutrality, providing informed analysis on the principles of security sector governance and the application of counter-terrorism measures with due respect for human rights, while respecting the rules and principles of my organisation and avoiding any external influence.

I am therefore fully aware that working at the ICC involves higher levels of pressure because of its international scope and the importance of the judicial issues at stake. I am also prepared to face these pressures and to carry out my duties with impartiality, objectivity and integrity, free from internal and external influences, in order to ensure that decisions taken at the Court are based on facts and law, and not on external pressures.

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?

Yes, I'm in good health and able to work under pressure, as I'm used to managing heavy workloads. I have always been able to cope with time pressure and contextual demands in my various professional responsibilities. As a lawyer, I have had to meet tight deadlines and work hard to move cases forward. As a teacher-researcher, I had to manage the demands of thesis and dissertation juries, as well as those of teaching and publications. As an expert in international law, I have had to deal with constant emergencies. Despite these numerous duties and obligations, I have managed to preserve my physical and mental health.

I have never taken leave from my professional duties because of exhaustion or inability to work. I have always been able to manage my responsibilities effectively and maintain my professional commitment without recourse to sick leave.

E. Deontology

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

An independent judge is one who fully exercises his functions and prerogatives impartially, without being subject to external influences or pressures. He is free to decide on the basis of the law and the facts presented before him, without being influenced by political, economic or personal considerations.

An independent judge must be aware of the importance of his office and his responsibility to justice. He or she must respect professional ethics and standards, act with integrity and refrain from any activity incompatible with his or her judicial duties. A judge's independence is essential to preserve confidence in the judicial system and ensure that cases are judged impartially and in accordance with the law.

In short, an independent judge is one who makes decisions impartially, free from external pressure, preserving the integrity of the judicial process and acting in accordance with the principles of justice and fairness.

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

The principle of impartiality is of paramount importance for a judge, and this means that he or she must not be in a situation of conflict of interest. A conflict of interest arises when a judge has personal, financial or professional interests that could influence or appear to influence the objective, impartial and honest exercise of judicial functions.

To circumvent any risk of conflict of interest, judges must disclose all personal, financial or professional interests that could come into play in a given case. This makes it possible to identify situations where a judge might have a direct or indirect connection with a party, issue or interest at stake in the case, which could compromise his or her impartiality.

Allow me to give you a few concrete examples of potential conflicts of interest for a judge of the Court:

1) *Financial Interests*: If a judge holds shares or financial interests in a company directly related to the case before the ICC. Disclosure of any financial interest influencing the judge's opinion is therefore essential to uphold the judge's impartiality.

2) *Family or Personal Relationships*: If a judge has close family, friendly or professional relationships with a party involved in a case. It is important that judges disclose these relationships to avoid any doubt about their impartiality.
3) *Professional Affiliations and Memberships*: If a judge is a member of an organisation or association that has a direct interest in the outcome of a case before the ICC. It is essential to disclose any professional affiliations that could influence the judge's judgment.

By identifying and disclosing the types of potential conflicts of interest, transparency is ensured and appropriate measures can be taken to guarantee the impartiality of the judge and public confidence in the judicial process of the ICC.

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?

No, a candidate's suitability to be a judge at the ICC should not be assessed on the basis of race, colour, gender or religion. These factors are inappropriate and contrary to the principles of equality and non-discrimination. The assessment of a candidate's suitability must be based solely on relevant criteria such as competence, probity, integrity and independence. Respect for these principles is essential to ensure equality of opportunity and fairness in the selection of ICC judges.

The judicial function must be perceived as non-discriminatory, allowing universal adherence to all cultures and legal systems.

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 disciplinary, administrative, criminal or civil proceedings calling into question my professional or ethical reputation. No such action has been taken against me.

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

Once elected, I undertake to take the necessary measures and decisions in order to safeguard the specific rights of victims, including their right to participate actively, their general right to participate and their right to reparations. I will ensure that the interests of victims are taken into account by guaranteeing them the right of observation, the right of reply and the right of effective participation. The following are examples:

1) *Adapted Methods of Participation*: I would adapt the modalities of participation according to the specific stage of the proceedings, allowing victims to express themselves and participate in an appropriate manner.
2) *Essential Protection Mechanisms for Victims*: I would ensure that victims benefit from the basic protections, taking special measures to make the trial less intimidating, particularly in cases involving minors.
3) *Respect for Victims' Rights*: I would be vigilant about requests to deliberately prolong and extend proceedings or to offend/intimidate victims, guaranteeing their dignity and rights.
4) *Access to Justice*: I will ensure that victims without legal assistance can participate adequately in all stages of the proceedings.

5) *Legal Representation and Appointment of a Representative*: I would adopt a flexible approach to common legal representation and the appointment of a specific legal representative, taking into account the needs and preferences of victims in accordance with Rule 91(4).

6) *Systematic Approach*: I would contribute to the harmonisation of the rules of identification and the conditions of participation of victims in the different phases of the proceedings, thus making the process more understandable and accessible for victims and their dependents.

7) *Assessment of Penalties and Reparations*: I would take into account the full impact of the crime on the victim when assessing sentences and deciding on reparations, measuring the impact of the decisions made on victims' right to fair and just reparation.

8) *Access to Information*: I would ensure that victims have adequate access to relevant information about proceedings, judicial decisions and their rights. I will ensure that judicial decisions are explained to victims in a clear and intelligible manner.

In taking these measures and decisions, I would seek to promote a more inclusive, informed and fair justice system.

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?

In order to ensure the necessary balance between the rights of the accused persons and those of the victims, both of which are guaranteed by the Statute, the Rules of Procedure and Evidence and the Regulations, I will adopt an approach that respects the fundamental principles of justice. Here are some examples of the approach I would take:

1) *Respect for the Rights of Defence of the Accused Persons*: I would ensure that the accused person enjoys all the procedural rights provided for in the ICC's legal texts, such as the right to a fair trial, the right to be informed of the charges against him or her, the right to present evidence and to cross-examine witnesses against him or her, etc.

2) *Protection of Victims' Rights*: I will ensure that victims' rights are respected, in particular their right to participate actively in the proceedings, their right to be heard and to respond to the charges, their right to reparations, and so forth.

3) *Careful Analysis of Evidence and Arguments*: I would conduct a thorough analysis of the evidence presented by the parties, assessing its relevance and reliability, in order to reach an informed and fair decision.

4) *Consideration of Competing Interests*: I would consider the competing interests, assessing the impact of decisions on the rights of the accused persons and victims, and on the integrity of the judicial process.

5) *Collaboration with Stakeholders*: I would promote constructive collaboration with defence lawyers, victims' representatives and other involved parties, in order to resolve any disputes and achieve a balance between the rights of the accused persons and those of the victims.

The objective of this balanced approach would be to ensure a fair and equitable trial, respecting the rights of the accused persons while ensuring the protection and participation of victims, in accordance with the legal texts of the ICC and internationally recognised human rights.

Finally, the interest in having speedy trials and the limitation of costs and expenses must not impede the participation of victims as witnesses in the proceedings, nor the rights of the accused persons to adversarial proceedings and the proper administration of justice. The question of balancing interests should be considered in a broader context when considering aspects of guilt, sentence and reparation.

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?

I have a perfect command of the ICC's two working languages. I am fluent in French and English, not only in my teaching, but also in my publications, research and oral and written communications. I am fully capable of drafting decisions, conducting hearings and participating in high-level interviews in both languages. In addition to English and French, I am also fluent in Arabic, my mother tongue.

This linguistic pluralism is a considerable asset for the ICC. It gives me a distinct advantage in carrying out my duties as a judge.

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

No, I have no other nationality apart from my Tunisian nationality, which is indicated in my application. Nor have I initiated any procedure to acquire any other nationality.

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 have read all the conditions of service, work and employment of judges at the Court and I accept them.

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

I am willing to participate in a financial transparency programme organised by the ICC if elected. I strongly believe that such programmes are instrumental in promoting the confidence and credibility of the Court amongst the public and States Parties. By participating in such a programme, I would be committed to providing accurate and complete information about my own financial resources, as well as any relevant financial relationships with third parties.

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 the judicial office?

I have communicated all useful and necessary information to the committee. I have no other information that might call into question my eligibility for judicial office. I will be pleased to provide any further information.

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?

Yes, I am in favour of making my answers to this questionnaire public. I believe in transparency for the sake of the integrity of the electoral process. Besides, I would like my answers to contribute to an open and informed nomination and selection procedure.

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