

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 below? For how long? In which capacity? (par. 2.2 of the Guiding Principles on National-level Procedures for Nominations of Judges of the International Criminal Court)

a) A graduate and postgraduate legal education, recognizing assets of the postgraduate studies and specialization in the legal fields relevant for the work of the Court;

I possess the following graduate and postgraduate legal qualifications that have provided a strong foundation in public international law, human rights law, international humanitarian law, refugee law, migration law, constitutional law, and judicial practice:

- LL.M “certification” from Christian-Albrechts-University, Kiel, Germany, 1988. (Regarding my academic credentials, please note that I possess a professional certification from the Christian-Albrechts-University, Germany. This qualification was issued following the completion of my core academic requirements. Due to external logistical constraints that prevented my return to Germany to finalize the thesis corrections, the institution conferred this certification as a formal recognition of my studies."A copy of the cerification is attached here to for reference).
- LL.B degree certificate from the University of Dar es Salaam, 1977, and
- Commonwealth Legislative Drafting Certificate, Kenya School of Law, 1982.

Throughout my academic and professional career, I have undertaken specialized training and continuing judicial education relevant to international criminal justice, human rights protection, refugee protection, child rights, and international adjudication including:

- Arbitration for Judges, Chartered Institute of Arbitrators, Arusha, Tanzania, March 2020
- When Citizens Complain: The Role of the Ombudsman in improving public services PAI, London May 2012

[ICC] CONFIDENTIAL

- Capacity Building Workshop on Conflict Management & Peace Building for African National Human Rights Institutions, Centre for Conflict Resolutions, Cape Town. April 2011
- Advanced Security in the field by UN Department of Safety and Security, 1/18/2008
- Inter-disciplinary Regional Course on Children's Rights, Human Rights Trust of Southern Africa(SAHRIT), Pretoria, Sout Africa, May 2008
- Protecting Women's Political and reproductive Health Rights in Zimbabwe through Public Interest Litigation, Harare, Zimbabwe, May 2008
- The Practice of Human Rights Protection on the Field, Human Rights Centre University for Peace, San Jose, Costa Rica May to June 2007
- Justice, Human Rights and Peace and a sensitisation Workshop on Leadership Development, University for peace, Africa programme, Addis Ababa University, Ethiopia, August 2005
- Women Empowerment, gender Issues and Sustainable Development Programme, Eastern and Sothern African Management Institute, Mbabane, Swaziland, 1998

My postgraduate studies and professional development have enabled me to acquire a multidisciplinary understanding of the intersections between criminal accountability, human rights protection, conflict prevention, and international justice. These qualifications have been complemented by more than twenty years of professional experience in judicial, diplomatic, humanitarian, and international legal settings.

b) Professional activities in relevant capacities such as judge, prosecutor, advocate, legal scholar or similar;

I have over twenty years of professional legal experience acquired in multiple capacities relevant to the work of the International Criminal Court.

- 2017 to date: I currently serve as a Judge of the African Court on Human and Peoples' Rights. My judicial responsibilities include the interpretation and application of international human rights instruments, adjudication of complex legal matters, deliberations with judges from diverse legal traditions, and the delivery of reasoned decisions affecting States' international obligations;
- 2003 -2204: I served for 1.5 years as a Judge of the High Court of Malawi, where I handled serious criminal and constitutional matters;
- 1997 – 1988: Serving 10 years as Legal Counsel of the Tanzania Legal Corporation handling all criminal cases on behalf of the government;
- 2010 -2015: Public Ombudsman for 5 years;
- 1999- 2003: Ambassador to Zimbabwe and Permanent Representative to Southern Africa Development Corporation (SADC) ; and
- a total of 4 years as a senior international humanitarian practitioner with organizations including UNICEF, UNHCR, and Save the Children USA.

Membership:

I am a member of the International Association of Judges for Refugees and Migration (IAJRM), the Women Judges Association of Malawi (WOJAM), the Chartered Institute of Arbitrators(CI Arb), the Malawi Law Society, and the Dialogue of the International Human Rights Courts. I was also a Member of the AU High- Level Committee (HLC) (May-October 2019) Addis Ababa on allegations of harassment against women and recruitment malpractices.

c) Proven experience in dealing with complex criminal cases;

My experience includes ten years handling criminal matters for the Government of Tanzania, service as State Attorney and Legal Aid Advocate in Malawi, representing my own clients for 7 years at Chizumila & Company, my own legal firm and adjudicating serious criminal and constitutional matters as a High Court Judge.

In addition to my domestic criminal prosecution experience, I possess substantial experience in addressing complex matters involving serious violations of human rights, accountability, State responsibility, and protection of vulnerable populations. Throughout my legal, judicial and ombudsman functions, I have dealt with cases involving multiple actors, extensive documentary evidence, cross-border implications, and allegations of serious violations affecting women, children, refugees, migrants, and other vulnerable groups. Such matters have required rigorous legal analysis, careful assessment of evidence, respect for due process, and balancing competing rights and interests. My extensive exposure to accountability mechanisms in conflict, post-conflict, and humanitarian contexts has also provided practical understanding of the evidentiary, procedural, and victim-centred dimensions that characterize complex international criminal proceedings.

d) Relevant international experience of the candidate, namely of his/her involvement in the broader field of international justice;

I served with UNICEF Zimbabwe (2008–2009), UNHCR Malawi (1991–1993) and Save the Children Federation USA Malawi (1989–1990) while also serving in diplomatic and judicial capacities. I have over two decades of international experience in the field of international justice, human rights, refugee protection, humanitarian action, diplomacy, and judicial cooperation. My service with the international institutions has involved working in conflict, post-conflict, peacekeeping, peacebuilding, and development settings. I have participated in international forums addressing human rights, child protection, refugee protection, migration governance, and access to justice.

As a Judge of the African Court on Human and Peoples' Rights, I contribute to the development of regional and international jurisprudence and engage with issues that have direct relevance to the international justice system.

My diplomatic experience as an Ambassador has further strengthened my understanding of multilateral negotiations, international cooperation, and relations between States.

My personal journey from refugee child to international judge has also given me a unique perspective on the human consequences of conflict, persecution, displacement, and impunity. This is well elaborated in the book I have authored on my life and of my children titled “From A refugee child to a judge: My Journey” Volume 1 and “A Paradox of Statelessness” Volume 2.

e) Proven ability to work effectively with diverse and multicultural environment; Throughout my career, I have consistently worked in multicultural, multilingual, and multidisciplinary environments. My assignments with judicial institutions, international organizations, and diplomatic missions have required collaboration with judges, diplomats, government officials, prosecutors, civil society organizations, humanitarian

actors, and communities from diverse legal systems, cultures, and backgrounds across Africa and beyond. I have demonstrated the ability to build consensus, foster constructive dialogue, and work collegially while respecting differences in legal traditions and cultural perspectives. This ability has been particularly important in judicial deliberations and international decision-making processes.

f) Proven expertise and experience in the specific issues including but not limited to violence, discrimination, sexual assaults, or other similar conduct, inflicted on women and children;

The protection of women and children has been a central focus of my professional career for more than twenty years. My work with UNICEF, UNHCR, and Save the Children USA has involved addressing gender-based violence, child protection, sexual exploitation and abuse, discrimination, forced displacement, harmful practices, and barriers to access to justice. As a child rights analyst and humanitarian practitioner, I have designed and implemented protection programmes for refugee women and children and promoted safeguards for survivors of violence.

As a judge, I have considered legal issues concerning equality, non-discrimination, and the protection of vulnerable populations in accordance with international human rights standards.

As a legal practitioner running my own legal firm of Chizumila & Company, I also worked on these issues, often in cooperation with the police and national NGOs such as the Centre for Human Rights and Rehabilitation.

I also bring experience as CEO of the Tujilane Chizumila Foundation. My extensive engagement with these issues has equipped me with a strong victim-centred and trauma-informed approach that is directly relevant to the work of the International Criminal Court.

g) Proven knowledge of the main provisions of the Rome Statute and of the jurisprudence of the Court;

I have developed substantial knowledge of the Rome Statute through sustained professional engagement with international justice, judicial practice, and continuous legal study. I am familiar with the core crimes under the Rome Statute, namely genocide, crimes against humanity, war crimes, and the crime of aggression, as well as the principles of individual criminal responsibility, complementarity, admissibility, victims' participation, reparations, and procedural safeguards. I have also followed the jurisprudential development of the Court and have studied landmark decisions relating to accountability, victims' rights, evidentiary standards, and modes of liability. My judicial experience, particularly at the African Court, enables me to critically analyse and apply international jurisprudence within broader international legal frameworks.

h) Familiarity with the hybrid procedure governing the Court;

I am familiar with the hybrid procedural framework of the International Criminal Court, which incorporates elements derived from both civil law and common law traditions. My judicial and international experience has enabled me to work effectively with different legal systems and procedural approaches. I understand the Court's distinctive procedural structure, including the roles of the Pre-Trial, Trial, and Appeals Divisions,

judicial management of proceedings, victims' participation, evidentiary rules, and the balance between inquisitorial and adversarial elements. The African Court, where I serve, also incorporates elements from civil law, common law, roman-dutch, and lusophone traditions, which equips me to navigate and adapt effectively to the unique and multi-tradition procedural environment of the ICC.

i) Proven knowledge of the organization and functioning of the Court;

I possess a sound understanding of the institutional framework and functioning of the International Criminal Court. I am familiar with the respective roles and responsibilities of the Presidency, Judicial Divisions, the Office of the Prosecutor, the Registry, and the Assembly of States Parties. I also understand the principles governing judicial independence, complementarity, State cooperation, victims' participation, witness protection, reparations, and administrative governance. My experience within international judicial institutions has provided practical insight into the requirements for effective judicial administration, collegial decision-making, and the maintenance of institutional integrity.

j) Practical skills, including excellent knowledge of and fluency in at least one of the working languages of the Court.

I possess excellent command of English, one of the working languages of the Court, both written and oral. Throughout my professional career, English has been my principal language of judicial work, legal drafting, diplomatic engagement, international negotiations, public speaking, and communication with diverse stakeholders. I have extensive experience drafting judicial opinions, legal analyses, policy documents, briefing notes, reports, speeches, and official correspondence. I am also proficient in presenting complex legal arguments clearly and effectively in international and multicultural settings.

2. Have you ever been investigated for, charged with, or otherwise been the subject of any disciplinary, administrative, civil or criminal proceedings involving allegations of corruption, criminal or administrative negligence, misconduct, including sexual harassment, or any matter calling into question your professional or ethical standing? If yes, please provide full details, including any determinations or outcomes.

I have served in various capacities, including Judge of the African Court on Human and Peoples' Rights, Judge of the High Court of Malawi, Ombudsman of Malawi, Ambassador to Zimbabwe and Permanent Representative to SADC, UNHCR Officer for Refugee Women and Children, UNICEF Child Rights Consultant, Save the Children Programme Officer, State Advocate and Legal Aid Advocate. At no point has my conduct been the subject of any adverse disciplinary finding.

However, in 2012, while serving as the Ombudsman of Malawi, criminal proceedings alleging theft by a public servant were initiated against me. The allegations were subsequently disproved following independent audits and judicial processes. I was fully exonerated, no conviction was entered against me, and the courts subsequently awarded me compensation. There are presently no pending criminal proceedings against me, and no criminal conviction has ever been recorded against me. I attach herewith full disclosure of the Ombudsman case for reference.

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?

My vision of the International Criminal Court is that of a truly independent, impartial, and victim-centred institution that serves as the cornerstone of the international criminal justice system and a guardian against impunity for the gravest crimes of concern to the international community.

The ICC possesses a dual nature: As a judicial institution its primary responsibility is to administer justice fairly, independently, and efficiently in accordance with the Rome Statute. At the same time as an international organization, it must maintain constructive relationships with States Parties, international organizations, civil society, and affected communities, all while strictly preserving its judicial independence.

The International Criminal Court (ICC) differs from the UN-backed Ad Hoc Tribunals (ICTY established in 1993 and ICTR established in 1994) in the following fundamental ways:

Complimentarity: The ICC operates on the principle of "complementarity" under Articles 1, 17, and 53 of the Rome Statute. This means it is a court of last resort; it can only take up matters on its own initiative when national legal systems are deemed unwilling or unable to genuinely investigate or prosecute a case. The national jurisdictions retain the primary responsibility to investigate and prosecute international crimes. The Ad Hoc Tribunals operated on the principle of "legal primacy" over national courts. They could assume jurisdiction over national cases at any time.

Permanence: The ICC is a permanent, independent institution established by the Rome Statute, designed to prosecute core international crimes indefinitely, regardless of where they occur. Whereas the Ad Hoc Tribunals were temporary institutions created by the UN Security Council to address crimes connected to specific, time-bound conflicts, for example, the 1990s wars in the former Yugoslavia and the 1994 genocide in Rwanda. They were mandated to shut down once their specific tasks were completed.

Jurisdiction and Mandate: The ICC has a global jurisdiction as defined by the Rome Statute, possessing the power to investigate and try individuals for genocide, crimes against humanity, war crimes, and the crime of aggression worldwide. The Ad Hoc Tribunals mandate was strictly limited by geography and time. They had the authority to prosecute only specific crimes within a designated region during a defined window of time.

In addition, the Rome Statute gives victims a more prominent role, including participation in proceedings and access to reparations. The permanence of the ICC places upon it a heightened responsibility to strengthen international criminal accountability, promote consistency in jurisprudence and reinforce confidence in the rule of law.

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

The principal criticisms include: the length and complexity of proceedings; delays in investigations and trials; uneven levels of State cooperation; perceptions of

geographical imbalance in investigations; difficulties in executing arrest warrants; resource constraints; challenges relating to communication with affected communities; and concerns regarding consistency and predictability in certain jurisprudential approaches. These criticisms should be addressed constructively while safeguarding the Court's independence. They should not undermine the legitimacy of the institution but should instead encourage continuous institutional improvement.

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?

Several measures could strengthen public confidence in the Court: enhancing outreach and communication with affected communities; improving the efficiency and timeliness of proceedings; strengthening cooperation with States Parties; increasing support for victim participation and witness protection; promoting geographical balance and diversity within the institution; expanding judicial dialogue with regional courts and national jurisdictions; and investing in digital innovations that improve case management without compromising due process. The Court should also communicate more effectively that it is a court of law rather than a political institution.

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?

A significant positive example is the reparations jurisprudence arising from the case of *Prosecutor v Thomas Lubanga Dyilo*, ICC-01/04-01/06 (Reparations Order, 7 August 2012). This decision reinforced the rights of victims and demonstrated that international justice can provide meaningful remedies to affected communities. A more challenging example is that of *Prosecutor v Omar Hassan Ahmad Al Bashir*, ICC-02/05-01/09, which concerns decisions authorizing investigations in situations where State cooperation has been limited and arrest warrants remain unenforced. Although legally justified, such situations have exposed institutional limitations and have sometimes created perceptions that the Court is unable to ensure effective accountability without robust State support. These examples illustrate that the effectiveness and legitimacy of international criminal justice depend upon both judicial independence and sustained international cooperation.

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?

An ICC Judge must maintain complete independence from the authorities of his or her country of origin. Loyalty must be owed exclusively to the Rome Statute, international law and the judicial oath. If elected, I would maintain professional distance from all institutions with which I have previously been affiliated. Any academic or professional engagement would be carefully assessed to avoid any real, potential or perceived conflict of interest.

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

A Judge may participate provided that his or her independence and impartiality cannot reasonably be questioned and there is no actual, potential or perceived conflict of interest. However, if circumstances could undermine public confidence in the proceedings, recusal would be appropriate in order to preserve the integrity and legitimacy of the Court.

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 primary source should always be the Rome Statute itself. Useful supplementary sources include: ICC jurisprudence; decisions of other international criminal tribunals; decisions of international courts, including the International Court of Justice; decisions of regional human rights courts, including the African Court on Human and Peoples' Rights, European Court of Human Rights, and the Inter-American Court of Human Rights; relevant treaty body jurisprudence; and comparative national jurisprudence where appropriate. Such references should be persuasive rather than automatically binding.

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?

Precedents of the Appeals Chamber deserve considerable respect because they promote legal certainty and consistency. However, an independent Judge must remain guided by the Rome Statute and may distinguish or reconsider previous interpretations where compelling legal reasons justify doing so.

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.

Yes, provided they remain fully consistent with the Rome Statute and due process guarantees. Examples include: early identification of agreed facts; streamlined disclosure procedures; improved witness scheduling; enhanced digital case management; and greater use of status conferences, among others. Efficiency must never compromise fairness.

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?

My experience working with both common law and international legal systems has prepared me well for the ICC's hybrid procedural framework. I would approach this environment with openness, adaptability and collegiality while drawing on comparative legal experiences and respecting different legal traditions.

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. International judicial work is inherently collegial. Throughout my career, I have worked closely with judges, diplomats and multidisciplinary professionals from diverse backgrounds. Where disagreements arise, I favour respectful dialogue and consensus-building. Where fundamental legal differences remain, separate concurring or dissenting opinions may be appropriate as they contribute to jurisprudential development and transparency.

8. Have you considered the risk of being subject to sanctions imposed by one or more States due to the exercise of your judicial functions?

Yes. An international judge must be prepared to face such risks while remaining independent and faithful to the law. Judicial decisions must never be influenced by political pressure, threats or the possibility of sanctions.

D. Workload of the Court

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

Yes. I am fully prepared and available to serve on a full-time basis for the entire duration of my term if elected.

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. My previous judicial, diplomatic and humanitarian responsibilities have accustomed me to demanding schedules, extensive travel and working under considerable pressure.

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?

The Court's bilingual working environment is essential for inclusivity and accessibility. Multilingual challenges can be addressed through enhanced interpretation services, translation technologies and continuous language development opportunities.

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 judicial decisions should ultimately reflect the Judge's own reasoning and legal analysis. While legal assistants may support research and administrative tasks, I would personally assume responsibility for drafting, reviewing and finalizing all decisions.

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

Procedural and administrative decisions that do not prejudice substantive rights may appropriately be handled by a Single Judge, including scheduling matters, procedural deadlines and certain disclosure issues.

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

Yes. Throughout my career, particularly as Ombudsman and Ambassador, I have worked under significant public scrutiny and institutional pressure. I have consistently maintained professionalism, independence and adherence to legal principles.

7. Are you in a health condition allowing you to work under pressure, given the Court's heavy workload?

Yes. I am in good health and capable of managing the demanding workload associated with service at the Court.

E. Deontology

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

An independent Judge is one who decides cases solely on the basis of facts, evidence and applicable law, free from external influence, bias or personal interest.

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

A conflict of interest arises whenever personal, financial, professional or familial relationships may impair, or appear to impair, judicial impartiality.

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?

These considerations should not determine merit. Selection should primarily be based on competence, integrity and independence while ensuring equitable representation and diversity as envisaged under the Rome Statute.

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

I would ensure effective victim participation through accessible procedures, adequate legal representation, witness protection measures and trauma-informed judicial practices.

5. 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 rights of accused persons and victims are complementary rather than competing interests. Both must be protected in accordance with the Rome Statute and internationally recognized standards of due process.

6. How do you see possibilities and limits of use of AI in the work of the Court? Do you have any experience in using AI in your work?

Artificial intelligence may assist with research, document management and translation. However, it cannot replace human judicial reasoning, ethical judgment or the assessment of credibility. I have experience using AI as a research and drafting support tool while maintaining rigorous human oversight over all legal conclusions.

F. Additional information

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

I do not possess any nationality other than that indicated in my nomination.

I acquired Tanzanian nationality in 1977 to join my then husband, Francis Dogani, who was pursuing studies in Scotland after difficulties travelling as a refugee using a UN Laissez-Passer. Following my divorce in 1978 and permanent return to Malawi, I renounced Tanzanian nationality. I presently hold only Malawian nationality.

2. 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 familiarized myself with the conditions of service, including remuneration and pension arrangements, and I accept the Terms and Conditions of work.

3. 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?

There is no additional information that would call into question my eligibility for judicial office.

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 consent to the publication of my responses to this questionnaire in the interest of transparency and accountability.

CONFIDENTIAL