

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 hold a Diploma of General University Studies (DEUG) in Law, a Bachelor's degree in Law, a Master's degree in Political Science and International Relations, and a Postgraduate Diploma in Advanced Studies (DEA) in African Studies and Political Science, which I obtained with honours. My academic studies focused in particular on law, State-building, public policy, international relations, and the preparation and defence of a research dissertation on the institution of the Ombudsman.

I have also completed numerous professional training programmes on trial advocacy, appellate advocacy, the investigation and prosecution of international crimes, and have obtained the corresponding professional certificates.

Drawing on many years of practical experience, I have developed training modules and delivered numerous courses for judges and judicial police officers. These training programmes have covered, inter alia: international humanitarian law; international crimes; the crime of genocide; war crimes; the investigation and prosecution of sexual and gender-based crimes under international criminal law; the investigation and prosecution of crimes against children under international criminal law; modes of liability under international criminal law; and the documentation, investigation and presentation of evidence in cases involving international crimes.

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

For the past twenty-five years, I have served within the prosecution services of international criminal jurisdictions. My professional career is distinguished by extensive responsibilities at the investigation, trial and appellate stages of proceedings involving international crimes and the application of international humanitarian law.

More specifically, I have served:

- for twelve years with the Office of the Prosecutor of the International Criminal Tribunal for Rwanda (ICTR) (2001–2013), where my final position was Principal Appeals Counsel / Senior Appeals Counsel;
- for eight months with the International Residual Mechanism for Criminal Tribunals (IRMCT) (August 2020–March 2021), as Senior Trial Attorney and Head of the multidisciplinary team responsible for the investigation and litigation during the pre-trial phase of the Kabuga case;
- for thirteen years with the International Criminal Court (since 2013, except for the eight-month secondment to the IRMCT), where I have served, inter alia, as Head of Investigation Team and currently as Senior Trial Attorney and Head of the Unified Teams responsible for the Situation in the State of Palestine.

c) Proven experience in dealing with complex criminal cases;

I have acquired extensive and continuous experience over the past twenty-five years in the handling of complex criminal cases involving intricate legal, factual and strategic issues. These have included high-profile, widely publicised and, at times, politically sensitive cases raising complex and novel questions of international criminal law and requiring the daily management and assessment of voluminous and often deeply traumatic evidence before both the *ad hoc* international criminal tribunals and the International Criminal Court.

In particular, I served for twelve years at the International Criminal Tribunal for Rwanda (ICTR) (2001–2012), where I worked on prosecutions involving genocide, war crimes and crimes against humanity. I also coordinated and led numerous appellate proceedings. In that capacity, I drafted and supervised the preparation of notices of appeal, interlocutory appellate filings, responses and appellate briefs. I led teams within the Office of the Prosecutor and presented the Prosecution's arguments before the ICTR Appeals Chamber, acting both as appellant and respondent in complex and highly sensitive cases involving senior political and military leaders.

By way of illustration, I worked on genocide, war crimes and crimes against humanity trials, including the Bagosora et al. and Semanza cases. I also participated in major appellate proceedings, including the Nahimana et al. ("Media") case; the appeal involving the two Rwandan Chiefs of Staff of the Army and the Gendarmerie (Ndindiliyimana et al.), which addressed issues such as the temporal application of command responsibility; the appeal in the case of Colonel Théoneste Renzaho, the former Mayor of Kigali; the appeal in the case of Captain Idelphonse Nizeyimana, a senior military officer implicated in the murder of the Queen of the Tutsis; as well as numerous other cases. I also worked on the proceedings against Félicien Kabuga, founder of RTLM, who is widely regarded as the principal financier of the 1994 genocide.

I currently lead, as Head of the Unified Teams, the investigations and prosecutions relating to the Situation in the State of Palestine. In that capacity, I have dealt with complex issues including, for example, jurisdiction *ratione personae*, jurisdiction *ratione loci*, the legal classification of the conflict or conflicts concerned, and crimes that had never previously been charged or adjudicated before the International Criminal Court, such as intentionally using starvation of civilians as a method of warfare.

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

I have worked in the field of international criminal justice for more than twenty-five years, placing me in an excellent position to assume judicial office and discharge my duties immediately upon election. This professional experience is complemented, in particular, by extensive work in the protection and promotion of international human rights law.

Twenty-five years of international criminal litigation. More specifically, I have served for twelve years with the Office of the Prosecutor of the International Criminal Tribunal for Rwanda (ICTR) (2001–2013), where my final position was that of Principal Appeals Counsel / Senior Appeals Counsel; for eight months with the International Residual Mechanism for Criminal Tribunals (IRMCT) as Senior Trial Attorney and Head of the multidisciplinary team responsible for the investigation and litigation during the pre-trial phase of the proceedings against Félicien Kabuga (August 2020–March 2021); and for the past thirteen years with the International Criminal Court (since 2013), where I currently serve as Senior Trial Attorney and Head of the Unified Teams responsible for the Situation in the State of Palestine.

I would also highlight my extensive experience in international criminal cooperation across numerous jurisdictions, as well as my sustained engagement with a wide range of international organisations and non-governmental organisations playing a vital role in the fight against impunity for international crimes.

Protection and promotion of human rights. I have also acquired extensive experience in the protection and promotion of human rights through United Nations peacekeeping operations, high-level international diplomatic forums, including those of the Office of the United Nations High Commissioner for Human Rights, and through my work with non-governmental organisations.

Training and capacity-building. Finally, I have participated in numerous seminars and delivered training programmes for judges, lawyers and judicial police officers from several countries as part of my commitment to capacity-building and to promoting a broader understanding of international humanitarian law and the practice of international criminal litigation at the national level. A number of States, particularly in Africa, have incorporated relevant provisions of the Rome Statute or international crimes, including those subject to universal jurisdiction, into their domestic legal frameworks. Accordingly, and consistent with the ICC's commitment to positive complementarity, it is essential to share with national authorities the best practices developed in international criminal justice, including investigative methods and techniques, approaches to the investigation and prosecution of specific crimes, and the factors consistently relied upon in the jurisprudence to establish the contextual elements, material elements of crimes, and modes of liability in cases adjudicated before the International Criminal Court and the *ad hoc* international criminal tribunals.

e) Proven ability to work effectively with diverse and multicultural environment;

Over the past thirty years, I have had the privilege of working in diverse and multicultural professional environments that have greatly enriched me, both professionally and personally. During that time, I have worked in numerous countries and I have gained invaluable experience within the International Organisation of La Francophonie (formerly ACCT), a multi-title media organisation, high-level meetings organised by the Office of the United Nations High Commissioner for Human Rights, United Nations peacekeeping missions, and, for the past twenty-five years, the international criminal tribunals, namely the ICTR, the ICC and the IRMCT.

Throughout my career, I have successfully worked within and led multidisciplinary teams comprising trial attorneys, counsel, legal advisers, analysts, case managers and administrative assistants. These teams have always brought together women and men from diverse national, cultural, linguistic and religious backgrounds, with different perspectives, experiences and ways of thinking. I have consistently sought to listen to them attentively and to understand their perspectives in both our professional collaboration and our interpersonal relationships.

My current team, which is engaged in intensive work on an exceptionally sensitive, complex and traumatic situation, remains cohesive, resilient and highly effective. It has been described as "the happiest team in the OTP" and as "a saving grace."

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;

I possess a well-established expertise and extensive practical experience in addressing issues relating to violence, discrimination, sexual violence and other comparable forms of abuse committed, in particular, against women, children and persons targeted because of their membership of particular groups, communities or minorities. I have also worked on other significant legal issues, including crimes that have not previously been investigated or prosecuted before the Court, although I am not at liberty to discuss those matters at this stage.

As a Senior Trial Attorney and senior investigator, I have designed, developed, led and implemented investigative strategies and evidence-collection methodologies relating to these specific categories of crimes. I have developed and/or adapted protocols governing witness interviews and evidence collection that place paramount importance on safeguarding the security and well-being of victims and witnesses, particularly the most vulnerable, including children and victims of sexual and gender-based crimes, whilst upholding the integrity of judicial proceedings.

I have personally interviewed, or supervised in the field, the interviews of a very large number of victims and witnesses of serious crimes, including women and children who had been subjected to various forms of violence, sexual violence and manifold forms of discrimination based, inter alia, on gender or religion, as well as suspects.

I have worked on, and led, cases in which evidence gathered on these issues formed the basis of factual allegations and charges, and I have defended the Prosecution's positions, both in writing and orally, before international courts and tribunals.

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

I possess a thorough knowledge of the principal provisions of the Rome Statute and of the jurisprudence of the International Criminal Court, which I have applied on a daily basis throughout the thirteen years during which I have conducted investigations and handled litigation before the Court.

I also have a strong command of the jurisprudence of both the International Criminal Court and the *ad hoc* tribunals, namely the ICTR and the International Criminal Tribunal for the former Yugoslavia (ICTY), together with the ability to conduct focused research whenever required.

h) Familiarity with the hybrid procedure governing the Court;

I am familiar with the Court's hybrid procedural system, having worked within it continuously over the past thirteen years at the International Criminal Court. My twelve years of experience with the Office of the Prosecutor of the ICTR, together with my service at the IRMCT, have further deepened my understanding of this procedural framework.

Notwithstanding the minor practical challenges of adaptation originating in the coexistence of different legal traditions, the Court has, in reality, benefited considerably from the strengths of both the civil law and common law traditions. Article 54 of the Rome Statute is a particularly noteworthy example of the influence of the civil law tradition. The Prosecutor's statutory duty to establish the truth by investigating both incriminating and exonerating circumstances constitutes an indispensable safeguard for ensuring the effectiveness and fairness of proceedings before the Court, under judicial supervision (see, for example, Prosecutor v. Mbarushimana, Decision on the Confirmation of Charges, para. 51, in which the Pre-Trial Chamber criticised a number of investigative techniques deemed inappropriate and inconsistent with Article 54(1) of the Rome Statute).

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

I have a well-established knowledge of the organisation and functioning of the Court, where I have worked for the past thirteen years. I understand the respective and corresponding responsibilities of its different organs and services, as well as the way in which they operate within the necessarily symbiotic management structure of the Court. I am also acquainted with the analysis produced by independent experts and their recommendations concerning the governance of the Court and the principle of a single Court system.

If elected, this familiarity with the Court will enable me to assume my duties immediately and to perform my judicial functions effectively and without delay.

In addition to my investigative and prosecutorial work, I have also served on the Internal Appeals Board, one of the components of the administrative mechanism responsible for reviewing appeals against administrative decisions taken by the Registrar (concerning Registry and Chambers staff) and by the Prosecutor. I have also served on the review committee responsible for overseeing compliance with recruitment procedures and rules at the ICTR.

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

I am fully proficient in both of the Court's working languages, namely French and English.

I have appeared on numerous occasions in complex cases before the Trial Chamber and the Appeals Chamber of the ICTR, and have drafted or supervised the preparation of motions, responses and written submissions in both English and French (ICTR, PICT, and ICC). I have also conducted interviews of numerous witnesses and victims, including vulnerable witnesses and suspects, in either English or French, depending on their linguistic abilities, the region concerned, and the availability of interpreters.

I have always adapted my practice and, where appropriate, favoured the use of one or the other language, taking into account the language of the suspect or witness, the

composition of the Chamber, and the prevailing language of the available jurisprudence and legal materials.

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.**

No.

B. Perception of the Court

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

The ICC: Both a Court and an International Organization

The Court's dual nature is inherent in its establishment, institutional structure and system of financing. Although this dual character may give rise to potential inconsistencies and tensions between the Court's different organs, or between those organs and the States Parties, it should, nevertheless, be regarded as a strength and harnessed as a positive factor capable of enhancing the Court's functioning and its ability to fulfil its judicial mandate.

A Judicial Institution Whose Independence Must Be Preserved

The Court was established by States determined to put an end to impunity for the perpetrators of the most serious crimes (Rome Statute, Preamble). As a permanent judicial institution, it is empowered to exercise jurisdiction over persons responsible for the most serious crimes of international concern. As the Independent Expert Review observed, "as a judicial institution, the Court must be judicially independent" (Independent Expert Review, *Review of the International Criminal Court and the Rome Statute System: Final Report*, Governance Recommendations, para. 26).

Within this framework, the Rome Statute, the Rules of Procedure and Evidence, and the other legal instruments governing the Court's judicial functions establish the legal basis enabling the Court to prevent and punish international crimes and to deliver reparative justice for the "victims of unimaginable atrocities that deeply shock the conscience of humanity" (Rome Statute, Preamble). As a judicial institution, the Court must assert both its legitimacy and its legal authority to carry out its judicial functions independently.

An International Organization Dependent on States Parties

As an international organization, the Court depends on the States Parties for its funding and administrative support. The States Parties therefore have a legitimate oversight role with respect to the Court's governance. The Assembly of States Parties is empowered, for example, to provide "management oversight to the Presidency, the Prosecutor and the Registrar regarding the administration of the Court" (Article 112(2)(a)) and to "consider and decide the budget for the Court" (Article 112(2)(d)). The Registrar is responsible for managing the administrative services that support the functioning of the Court, including its human resources.

Judicial Independence Must Remain Absolute

This institutional duality is inevitable. However, neither the States Parties, the Assembly of States Parties and its Bureau, nor the Registrar possesses either the authority or the legitimacy to interfere in the Court's judicial activities *stricto sensu* or to undertake any action capable of undermining its independence or influencing the conduct of investigations and prosecutions. It is for the Court's judicial organs themselves to organise their work and optimise the use of available resources while respecting the principle of the One Court and focusing on their strictly judicial functions, without compromising judicial independence. This independence extends to the internal management and functioning of the Chambers and the Office of the Prosecutor, it being understood that "*judicial and prosecutorial activities (such as judgments, judicial deliberations, prosecutorial decisions to open investigations or bring prosecutions, and investigations) require absolute independence*" (Independent Expert Review, Governance Recommendations, para. 28).

Main Differences Between the ICC and the Two Ad Hoc Tribunals for the Former Yugoslavia and Rwanda

There are several significant differences between the International Criminal Court, on the one hand, and the International Criminal Tribunal for the former Yugoslavia (ICTY) and the International Criminal Tribunal for Rwanda (ICTR), on the other. These include the following.

Method of Establishment. The ICTY and the ICTR were established in 1993 and 1994, respectively, as subsidiary organs of the United Nations Security Council (Security Council resolutions 808 of 22 February 1993 and 827 of 25 May 1993 for the ICTY, and resolution 955 of 8 November 1994 for the ICTR), acting under Chapter VII of the Charter of the United Nations, whose decisions are binding upon all Member States. The International Criminal Court, by contrast, was established by treaty through the adoption of the Rome Statute on 17 July 1998, which entered into force on 1 July 2002 and currently has 125 States Parties.

Jurisdiction, Including Territorial and Temporal Jurisdiction. Unlike the ICC, which is a permanent court with potentially worldwide jurisdiction extending to the 125 States Parties to the Rome Statute (see Articles 12 and 13 of the Statute), the ICTR and the ICTY were *ad hoc* international criminal tribunals established for limited periods of time (for instance, in the case of the ICTR, with jurisdiction over crimes committed between 1 January and 31 December 1994). Furthermore, the *ad hoc* tribunals were empowered to investigate and prosecute crimes only within the specific situations of the former Yugoslavia and Rwanda, respectively.

Complementarity and Primacy of Jurisdiction. Complementarity constitutes one of the guiding principles governing the ICC's jurisdiction and admissibility regime (Article 17(1)(a); see also Article 17(1)(b) of the Rome Statute). By contrast, the ICTR and the ICTY operated on the basis of the primacy of their jurisdiction over national courts. It should nevertheless be noted that a number of cases before both Tribunals were subsequently referred to national jurisdictions (see Rule 11 *bis* of the ICTR Rules of Procedure and Evidence).¹

Jurisdiction Over Crime. For example, the ICC has jurisdiction over a broad range of war crimes committed in the context of either an international or a non-international armed conflict, whereas the ICTR and the ICTY dealt more specifically with serious violations of the Geneva Conventions (in the case of the ICTR, violations of Common Article 3 of the Geneva Conventions and of Additional Protocol II of 1977). Moreover, unlike the ICTR and the ICTY, the International Criminal Court has jurisdiction over the crime of aggression.

Victim participation. Victim participation in proceedings before the ICC, through victims acting as participants, together with the reparations regime and the related procedures, inspired by the civil law tradition, were absent from the procedural framework of the ICTY and the ICTR.

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

There are numerous recurring criticisms of the International Criminal Court, both well-founded and unfounded, that undermine its credibility in the eyes of the international community and of victims.

Length of proceedings. The Court is frequently criticised for delays at every stage of its proceedings. Much criticism has focused on the length of preliminary examinations, compounded in particular by the time that elapses between the Prosecutor's request and the decision authorising, or declining to authorise, the opening of an investigation; the complexity of procedural requirements; and the time taken to issue arrest warrants, which are often issued under seal. Proceedings at both the trial and appellate stages are likewise regarded as excessively lengthy, as is the time required to complete reparations proceedings where reparations are ultimately awarded.

The Court's trials must be conducted "*fairly and expeditiously*" (Article 64(2)) and "*without undue delay*" (Article 67(1)(c)) of the Rome Statute. Excessive delays inevitably prolong the pre-trial detention of persons who are presumed innocent. They generate additional costs, prejudice the rights of the defence, delay the delivery of justice so keenly awaited by victims and the international community, and postpone the award of reparations.

Double standards. The Court has also been criticised for the perceived politicisation of its work and the alleged application of double standards, particularly in decisions concerning the opening of investigations in certain situations; applications for arrest warrants against particular suspects depending on their status or nationality; the selection of charges; and certain judicial decisions addressing these same issues.

Such perceptions raise questions regarding the Court's independence and legitimacy, and some States have relied upon them to criticise the Court and to threaten withdrawal from the Rome Statute. In this regard, criticism that the Court's prosecutorial policy was directed exclusively against African countries had begun to subside following the opening of investigations and the issuance of arrest warrants in situations outside the African continent. More recently, however, those criticisms have partially resurfaced. Sanctions imposed by the Russian Federation and the United States, threats of further sanctions, and a number of incidents occurring over the past three years have led some observers to suggest that the Court is not adequately equipped to investigate, and above all to conduct trials involving, nationals of States supported by certain major powers.

The Court's perceived remoteness and the accessibility of its proceedings. Despite considerable efforts, the Court continues to be criticised for remaining too distant from, or insufficiently present in, situation countries. This perception is compounded by shortcomings in its communication and outreach activities, which are sometimes regarded as insufficient or ill-adapted to reach the communities most directly affected, particularly in situations where access is difficult and security risks are high.

Negative internal image. The organisational culture and working environment described in the Independent Expert Review, including the reported incidence and forms of harassment, adversely affect both the well-being and performance of Court personnel. They also

undermine the Court's image and credibility in the eyes of the international community. Despite a number of reforms, the mechanisms for administrative review and the handling of disciplinary matters continue to be perceived by many internal stakeholders and external observers as ineffective, inadequate and lacking in transparency. Considerable progress remains necessary before those mechanisms command the confidence required to function effectively.

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

The Court has undertaken efforts to streamline its operations and strengthen its ability to ensure the proper administration of justice, including by following up on the recommendations of the Independent Experts, rationalising its performance indicators, and pursuing the ten common goals adopted under the One Court concept. Additional measures could, nevertheless, be taken in relation to the examples of criticism referred to above in order to improve the Court's public standing and perception.

Accelerating proceedings at every stage. The right to a trial without undue or unreasonable delay must become a practical reality. Whilst certain circumstances may explain the length of some proceedings, including the scale of the crimes, the complexity of the cases, the number of suspects, witnesses and victims, as well as the volume of evidence, the Court should take further measures to expedite proceedings and improve the international community's perception of its work. Such measures could include imposing shorter deadlines and limiting the length of written submissions. Similarly, the time devoted to redactions and evidence disclosure protocols should be further streamlined. For example, the colour-coding and coding system currently used for redactions could be eliminated or reduced to a limited number of categories. Likewise, save in exceptional circumstances, the Chambers should reject *in limine* and without delay any application filed in breach of the applicable rules and established procedures, including applications submitted out of time.

As a general rule, the ICC should incorporate sentencing submissions at an earlier stage of the proceedings so as to enable the judges to deliver, in a single decision, both the judgment under article 74 and, where appropriate, the sentence under article 76, as was done in the Yekatom and Ngaïssona case. This approach should become the norm and would better safeguard the rights of the defence (article 67) and of victims (article 68), allowing them to proceed more promptly to the appeals or reparations phase, respectively. The judges could also reduce by half the deliberation period envisaged in the Chambers Practice Manual, with ten months being reserved as the maximum period only where exceptional circumstances so require (the deliberations in Yekatom and Ngaïssona lasted six months). Finally, priority should be given to limiting the length of decisions, both decisions on the confirmation of charges and judgments, to what is strictly necessary and sufficient, while ensuring their prompt translation into the Court's second working language.

Closer, more direct and more diversified engagement with NGOs, victims and affected communities is also essential. The Court should strengthen its outreach and public information resources and activities. Visits to situation countries by the Prosecutor or the Deputy Prosecutor, including for briefings before the Security Council, also contribute positively to the Court's visibility among victims. Judges should likewise conduct field visits, where access and security conditions permit, for instance by visiting relevant sites, holding proceedings in situation countries, or delivering their decisions in the presence of affected communities, thereby giving those communities the opportunity to witness justice in action.

Subject to their judicial obligations, judges' participation in appropriate outreach activities would contribute to promoting a system of justice that is more humane, more visible, more credible and more responsive to victims' interests.

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?

Positive perception of investigations, applications and arrest warrants in situations outside Africa

Afghanistan and Bangladesh/Myanmar. The Appeals Chamber's decision of 5 March 2020 authorising the opening of an investigation into the Situation in the Islamic Republic of Afghanistan was perceived positively, as it demonstrated to States and the public that the Court was also examining situations beyond the African continent. The same applies to the Pre-Trial Chamber's decision authorising an investigation into the Situation in the People's Republic of Bangladesh/Republic of the Union of Myanmar. That decision also clarified that the Court's territorial jurisdiction (article 12(2)(a) of the Rome Statute) applies where at least one element of the crime, or part of that crime, was committed on the territory of a State Party. The same principle was subsequently applied in the Situation in the State of Palestine.

Palestine and Ukraine. The decisions relating to the Situation in the State of Palestine have had the greatest impact on perceptions of the Court. The decision of Pre-Trial Chamber I of 5 February 2021, confirming the Court's territorial jurisdiction, was widely welcomed. The filing of applications for arrest warrants in May 2024, followed by the issuance by Pre-Trial Chamber I, in November 2024, of arrest warrants against, *inter alia*, the Israeli Prime Minister and the former Israeli Minister of Defence, was welcomed even more broadly and regarded as a courageous decision. The reaction to, and perception of, the arrest warrants issued against, *inter alia*, the President of the Russian Federation in the Situation in Ukraine followed the same pattern. At the same time, these decisions attracted strong criticism and gave rise to sanctions.

Proceedings in absentia

Although trials in absentia remain impermissible before the ICC, the decisions of Pre-Trial Chamber II of 23 November 2023 and March 2024 holding that a confirmation of charges hearing against Joseph Kony could proceed in the absence of the suspect generated considerable hope. The possibility of holding such a hearing makes it possible, at that stage, to determine whether sufficient evidence exists to commit the case to trial while preserving the available evidence. This development is also significant because it demonstrates to interested parties, and above all to victims, who regain a measure of hope, that the case remains active and that the Court continues to pursue accountability on their behalf.

Negative impact of sanctions and threats of sanctions

The issuance of arrest warrants in the Situations in Ukraine and in the State of Palestine has resulted in attacks, sanctions against elected officials of the Court, and threats of sanctions directed at the Court itself. Threats and sanctions have also targeted other individuals and entities working on the Situation in the State of Palestine, including those cooperating with organs of the Court.

The Court has remained resilient and continues to take measures to ensure its continuity and effective functioning. Nevertheless, for many observers, the sanctions and the critical

positions adopted by certain States have exposed the limitations of the system. Against the backdrop of an apparent fragmentation in the international community's commitment to international law and international criminal justice, this situation could ultimately call into question the willingness and/or the ability of the Court to intervene effectively in certain countries and regions, or in cases involving suspects supported by major powers.

Negative impact of acquittals

The acquittals of Jean-Pierre Bemba (Appeals Judgment of 8 June 2018) and of Laurent Gbagbo and Charles Blé Goudé (decision of 15 January 2019, upheld on appeal in 2021) had a markedly adverse effect on the Court's reputation, both in the eyes of States and of the public. The fact that these individuals, who had held high public office in their respective countries and had been accused of serious crimes, were acquitted following lengthy proceedings and many years of pre-trial detention continues to undermine the Court's credibility in the eyes of victims and the international community.

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 be, and must remain, completely independent of the authorities of his or her State of nationality. The Rome Statute, in particular article 40, is unequivocal in providing that an ICC judge, elected by the Assembly of States Parties, must be independent in the performance of his or her judicial functions and must preserve the independence of that office and the authority of the Court at all times and in all circumstances.

Indeed, an ICC judge is elected and mandated to deal, exclusively and on a full-time basis at the seat of the Court (article 40(3) of the Rome Statute), with cases before the ICC. In the discharge of those functions, the judge applies the law as set out in article 21 of the Rome Statute, beginning with the Rome Statute itself, the Elements of Crimes and the Rules of Procedure and Evidence. In both conduct and expression, and in the handling of cases, he or she must remain entirely independent not only of the authorities of his or her State of nationality, but also of any other State, courts and tribunals, non-governmental organisations, universities, individuals or other entities. These requirements are reaffirmed in several relevant instruments, including article 36 of the Rome Statute and articles 3, 4 and 5 of the Code of Judicial Ethics.

Furthermore, article 40(2) of the Rome Statute requires that an ICC judge engage in no activity that is likely to interfere with his or her judicial functions or to affect confidence in his or her independence. Under no circumstances may a judge pursue activities outside the Court or maintain professional relationships with universities, courts and tribunals, or organisations that could in any way compromise his or her independence or impartiality, or give rise to conflicts of interest or the appearance of a conflict of interest.

In this context, a judge elected to the Court should, before assuming office at the ICC, relinquish any professional activity or affiliation that could compromise, or give rise to doubts concerning, his or her independence and impartiality.

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

In my view, in the context of the ICC, a judge should not sit in a case involving a national of his or her State of nationality.

Strictly speaking, there is no legal prohibition against such participation. Moreover, article 40 of the Rome Statute provides that ICC judges shall exercise their functions independently, and ICC judges are professionals elected from among persons of high moral character, impartiality and integrity, as required by article 36(3)(a). In addition, the relevant provisions of the Rome Statute and the Rules of Procedure and Evidence enable judges to discharge their functions independently.

However, given the nature and sensitivity of the cases brought before the ICC, and the profile of the suspects and accused persons who are often senior political or military leaders, or individuals who have held high public office, it is highly likely that the participation of such a judge would be challenged by one of the parties on the grounds of an alleged conflict of interest or lack of impartiality in his or her positions and decisions. It is therefore both important and prudent to anticipate challenges based on a judge's alleged conflict of interest or impartiality, bearing in mind that such challenges could undermine the integrity of the proceedings, cast doubt on any final decision, and result in avoidable costs and delays.

Accordingly, although article 41 of the Rome Statute and the relevant provisions of the Rules of Procedure and Evidence (in particular Rules 33, 34 and 35) do not provide for such a ground of disqualification or excusal, the judge should raise the matter *proprio motu* with the Presidency and, where appropriate, recuse himself or herself, or be relieved from the case, at the earliest opportunity. This approach gives effect to the principle that a judge should not "participate in any case in which his or her impartiality might reasonably be doubted on any ground" (article 41(2)(a)). Moreover, a decision disqualifying or excusing the judge following an application by one of the parties would inevitably come at a later stage, after unnecessary costs had been incurred and avoidable delays had already arisen.

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

The ICC may apply its own jurisprudence, that is, the principles and rules of law as interpreted in its previous decisions (article 21(2)).

In this regard, it should be emphasised that, as provided in article 21(1) of the Rome Statute, and subject to the conditions laid down in article 21(3) of the Statute (namely that the application and interpretation of the law must be consistent with internationally recognised human rights and be free from any adverse distinction founded on discriminatory grounds), the Court shall apply, *in the first place*, the Rome Statute, the Elements of Crimes and the Rules of Procedure and Evidence (article 21(1)(a)). The Court may also apply, *in the second place*, applicable treaties and the principles and rules of international law. Failing that, it may apply general principles of law derived by the Court from national laws representing the world's principal legal systems, including, where appropriate, the national laws of States that would normally exercise jurisdiction over the crime, provided that such principles are not

inconsistent with the Rome Statute, international law, or internationally recognised norms and standards.

National courts and tribunals. The jurisprudence of national courts and tribunals is not binding upon the ICC but may prove highly useful and appropriate, particularly where the Court is required to identify general principles of law derived from "national laws representing the different legal systems of the world, including, as appropriate, the national laws of States that would normally exercise jurisdiction over the crime", provided that such principles are not inconsistent with the Rome Statute, international law or internationally recognised norms and standards (article 21(1)(c)).

International courts and tribunals. It is likewise both useful and appropriate for ICC judges to take account of the persuasive jurisprudence of other international criminal tribunals, particularly the *ad hoc* Tribunals (ICTR and ICTY). Those tribunals adjudicated crimes falling within the Court's subject-matter jurisdiction, namely genocide, war crimes and crimes against humanity, as well as comparable modes of liability, and developed substantial jurisprudence interpreting the relevant legal principles and rules. The ICC has relied extensively on the jurisprudence of the *ad hoc* Tribunals.

Human rights bodies. The decisions and opinions of human rights bodies, including international human rights courts, are also relevant and of considerable value to the Court. The Court should take them into consideration and grant them appropriate weight, bearing in mind its obligation to ensure that its application and interpretation of the law are "consistent with internationally recognised human rights" and "without any adverse distinction founded on grounds such as..." (article 21(3) of the Rome Statute).

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?

As a matter of principle, an ICC judge should follow the precedents established by the Appeals Chamber. Admittedly, article 21(2) of the Rome Statute merely provides that the Court "may apply" its own jurisprudence, that is, its interpretation of legal principles and rules as set out in its previous decisions. In other words, the Statute leaves it, in principle, to the judges and Chambers to determine whether to apply the Court's existing jurisprudence, including that of the Appeals Chamber.

Nevertheless, although the principle of *stare decisis* is not expressly enshrined in the Rome Statute, the Court's settled jurisprudence makes clear that ICC judges should depart from established Appeals Chamber jurisprudence only where there are compelling reasons for doing so. Such judicial discipline is essential to ensure consistency in the Court's application of criminal law, enhance the transparency and predictability of its decisions, and thereby minimise the risk of arbitrariness. Accordingly, any judge deciding to depart from existing jurisprudence, particularly that of the Appeals Chamber, should explain the reasons for doing so expressly and in detail.

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. ICC judges could, and indeed should, be encouraged to adopt innovative practices. Such practices must, however, remain fully consistent with the Rome Statute, the Rules of

Procedure and Evidence, all other applicable legal instruments, and the Chambers Practice Manual.

A judge or Chamber should be able to introduce innovative procedural practices in the interests of efficiency. In particular, it would be desirable for ICC judges to exercise a more active and dynamic role in the management of proceedings and in the search for the truth. Such an approach would enable proceedings to be conducted more expeditiously while fully respecting the rights of the parties and participants.

Depending on their significance and their potential impact on the proceedings, the conduct of the trial, or the rights of the parties, any such innovative practices should first be discussed with the other members of the Chamber and, where appropriate, following consultation with the Presidency and the other judges, before being implemented after the parties have been given an opportunity to be heard. Such practices should not unnecessarily or unreasonably prejudice the rights of the defence, the right to a fair trial, or the participation and rights of victims. Nor should they generate unnecessary expenditure or resource demands, or unduly restrict the public's right to information.

Redactions and disclosure of evidence. By way of example, a judge could eliminate or reduce the number of colours and coding categories used for redactions, while ensuring that the measures genuinely required to protect witnesses and victims remain fully in place. This would facilitate and accelerate the Prosecutor's redaction and disclosure process. Where appropriate, the judge should also systematically order disclosure of evidence at the earliest possible stage, well in advance of the thirty-day time limit preceding the confirmation hearing under Rule 121(3), or the fifteen-day period applicable to additional evidence under Rule 121(5). Such an approach is important to ensure that the defence has sufficient time to prepare its case while further reducing the likelihood of additional delays. Collectively, these measures would shorten the average period between the suspect's initial appearance and the opening of the confirmation of charges hearing.

Modernisation of working methods. Judges should make the fullest possible use of secure, modern technologies, including artificial intelligence, for example in the review of evidence and the translation of documents. It would also be beneficial to establish lists of issues and questions to be discussed and decided by electronic means, including by email, involving both the Chamber and the parties concerned as part of an integrated case-management approach.

Tailored practice directions. Judges could issue case-specific practice directions establishing, for example, precise deadlines that are shorter than the default time limits (such as the ten-day period provided for in Regulation 34(b)), together with requirements concerning the format, font, length and filing procedures for written submissions, thereby ensuring consistency and procedural coherence throughout the proceedings. Consistent with current practice, a list of matters capable of being resolved orally or through electronic communications (including email) should be established at the earliest possible stage.

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?**

I am fully prepared and equipped to work immediately within the ICC's hybrid criminal procedure. I have worked within this hybrid system for the past 25 years, first at the ICTR for 12 years and subsequently at the ICC for the past 13 years. Throughout that time, I have worked collaboratively and have successfully led several multidisciplinary teams composed of judges, counsel and legal advisers from diverse backgrounds and legal traditions, often working in different languages.

I, therefore, envisage working collaboratively and collegially with my fellow judges. It is essential that judges establish a harmonious working relationship and that all perspectives and views be given equal consideration and respect, bearing in mind that, regardless of their respective legal traditions, they are called upon to apply, independently and impartially, the law as set out in article 21 of the Rome Statute, including, first and foremost, the Rome Statute itself, the Elements of Crimes, the Rules of Procedure and Evidence, and the fundamental principles of international criminal 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?

Teamwork. I have always worked as part of a team and with a strong sense of teamwork, alongside colleagues, supervisors and subordinates alike. For example, I have led the drafting of several Respondent's Briefs and several Appellant's Briefs simultaneously, requiring continuous leadership and coordination to ensure that all work was completed within the prescribed time limits. More recently, I successfully led a multidisciplinary team conducting simultaneous investigations across several locations involving numerous crimes and multiple suspects.

Disagreement concerning a particular aspect of a decision. While ensuring that no unnecessary or unreasonable delays are created, any disagreement concerning a particular aspect of a decision should, where necessary, give rise to further discussion and legal research and, where appropriate in the circumstances, consultation with one or more external sources of expertise—for example, another judge or Chamber that has previously addressed the same issue—depending, *inter alia*, on the nature of the disagreement and the potential impact of the decision. Where the final decision falls to me, I would determine the matter at the earliest opportunity in accordance with my own assessment, while giving due consideration to the views of all those concerned, including the members of my team, fellow judges and legal advisers, as well as the relevant jurisprudence, the rights of the defence and of victims, and the interests of justice.

Separate concurring and dissenting opinions. Article 74(3) of the Rome Statute provides that "[t]he judges shall attempt to achieve unanimity in their decision, failing which the decision shall be taken by a majority of the judges." Article 74(5) further provides that "[o]nly one decision shall be pronounced. When there is no unanimity, the decision shall contain the views of the majority and the minority."

I am in favour of the drafting of separate concurring and dissenting opinions. It would be desirable to establish clear guidelines governing their use. In particular, such opinions should serve only to explain and further clarify, concisely, specific positions where the differences of opinion are material. They may usefully address legal or factual issues that have not been sufficiently developed in the majority decision, or clarify a complex and/or novel point of law, for example where the Court is called upon to interpret, for the first time, the constituent

elements of a particular crime. Such opinions may further elucidate the Court's reasoning or the legal disagreement at issue, thereby strengthening the credibility of the decision and reducing the risk of future misinterpretation of the positions expressed. They should not, however, serve as a platform for irrelevant or non-legal views, or for addressing matters not dealt with in the majority decision. Nor should their preparation delay the delivery of the majority decision. They should remain ancillary to that decision and be issued simultaneously with it.

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. I have fully considered the possibility of being subjected to sanctions, particularly in light of my current responsibilities within the Office of the Prosecutor of the ICC as Principal Deputy and Head of the Unified Teams for the Situation in the State of Palestine, which have made me thoroughly familiar with this issue.

Such a risk would not deter my longstanding and unwavering commitment spanning more than twenty-five years to the protection of human rights and the advancement of international criminal justice. I have a profound belief in the mandate and mission of the ICC and remain firmly committed to continuing to contribute actively to ending impunity for the perpetrators of the most serious crimes of concern to the international community as a whole, thereby helping to prevent the commission of future crimes, as recognised in the Preamble to the Rome Statute.

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.

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. I am accustomed to working long hours, often late into the evening, and throughout all or part of weekends. This situation is unavoidable given the nature of the work, the legal and factual complexity of the cases, and the volume and number of documents to be analysed and assessed. Otherwise, I would not be able to complete certain aspects of my professional duties within optimal timeframes, including in complex cases and in the management of my team.

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 working languages of the Court are English and French (article 50(2) of the Rome Statute). Article 36(3)(c) of the Statute provides that "Every candidate for election to the Court shall have an excellent knowledge of and be fluent in at least one of the working languages of the Court." A similar requirement applies to defence counsel (Rule 22(1)).

It is imperative that all ICC judges have a perfect command (both written and oral) of at least one of the Court's working languages, in order to be able to fully and effectively discharge all their judicial functions, managerial responsibilities, and any potential representational duties of the Court, in the best possible conditions. It is necessary for such proficiency in one of the two working languages to be taken into account during the nomination process, and to be effectively tested at the time of the selection and election of judges.

In addition, once elected, judges should undergo intensive courses (potentially offered by the Court) in the second working language which they do not master. The aim is to facilitate their prompt comprehension of relevant filings and documents in both working languages, as well as their effective participation in hearings and deliberations in chambers or in the courtroom. It is also intended to prevent errors or minimise delays caused by the need to translate documents.

Proficiency in another official language, in addition to a working language, is an asset. In this regard, the Trial Chamber determines the language or languages of the trial (article 64(3)(b)). The use of another official language of the Court as a working language is possible under certain conditions set out in the Rules of Procedure and Evidence (article 50(2) of the Rome Statute, Rule 41). The use of another official language as a working language may only occur in very limited circumstances, taking into account first and foremost the language of the accused and the defence (article 67), as well as the linguistic abilities of all parties, participants, and judges. Subsidiary consideration must also be given to potential translation costs, linked for example to the requirement to provide multiple decisions and items of information to the parties, participants (Rule 144), and the public (Rule 15) in a working language of the Court.

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

The drafting of decisions is the judge's primary responsibility. As a judge, I would assume full responsibility for the decisions under my purview, drafting some of them myself, in whole or in part, and in all cases exercising close and regular oversight of the work of all persons involved in their drafting.

Depending on the nature, number and importance of the issues at stake, it is often appropriate to delegate, on a case-by-case basis, all or part of the legal research, and even the drafting of certain decisions (preferably on minor matters or correspondence), to assistants and legal advisers, so as to avoid unnecessary delays while fostering their professional development. In such cases, I would nevertheless make every effort to conduct research myself. In all instances, I would maintain an ongoing dialogue on the issues raised with the relevant team, both before and during the drafting of decisions, on the basis of the positions adopted and my instructions. I would establish deadlines for the submission of draft decisions and a system of validation prior to any transmission to the Registry, the parties and participants.

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

One of the most recurrent criticisms levelled at the ICC concerns the length of its proceedings. It is, hence, important for the Court to continue its efforts and, in the interests of efficiency and expeditiousness, to ensure that the greatest possible number of decisions can be rendered

by one or more Single Judges at all stages of the proceedings (pre-trial, trial and appeals, as well as reparations proceedings). Articles 39 and 57 of the Rome Statute and Rule 7 of the Rules of Procedure and Evidence define the role of the Single Judge. Pursuant to article 39(2), a Single Judge may exercise the functions of the Pre-Trial Chamber, including, for example, taking decisions relating to the management of the case (article 39(2)(b)(iii)).

The Single Judge renders the appropriate decisions in matters for which the Rules of Procedure and Evidence do not expressly require the Pre-Trial Chamber to sit in plenary pursuant to Rule 7. Accordingly, the Single Judge may rule on a wide range of procedural matters, including, for instance, applications for the redaction of evidence, disclosure, victims' participation and their legal representation, as well as measures for the protection of witnesses and victims.

Apart from decisions that must be adopted by a majority of the judges (article 57(2)(a) refers to articles 15, 18, 19, 54(2), 61(7) and 72 of the Statute), and unless otherwise provided for in the Rules or decided by the Pre-Trial Chamber, the role of the Single Judge during the pre-trial phase could be further expanded to encompass matters such as the Prosecutor's requests for the collection of additional evidence (including the hearing of witnesses) and the corresponding disclosure timelines, deadlines for the filing of certain applications and the parties' responses, the time limits for rendering decisions, and the use of electronic means for certain communications.

During the trial phase, Rule 132 bis of the Rules of Procedure and Evidence empowers the Trial Chamber to designate one or more of its members to undertake trial preparation. Depending on the number of accused persons, the number of charges, the complexity of the case and the volume of evidence, the Chamber may, in the interests of efficiency, designate several of its members to act as Single Judges in relation to specifically identified matters.

The immediate designation of at least one Single Judge would enable that judge to assume responsibility from the Single Judge who served during the pre-trial phase and to ensure that all relevant matters, particularly procedural issues, are resolved in a manner that guarantees a fair and expeditious trial. That Single Judge should address any matter capable of delaying the trial or infringing the rights of the accused. For example, the Single Judge should ensure that all incriminating and exonerating evidence has been disclosed within the prescribed time limits and is, or will be, available in due time in the appropriate languages; that the witnesses identified by the Prosecutor will in fact be available for the hearing dates scheduled for their testimony; and that the Registry has implemented the protective measures ordered by the Chamber.

During the appeals phase, the appointment and more active involvement of one or more Single Judges would likewise contribute to the efficient management of the preparatory stage, applying the same criteria and addressing the same categories of issues as during the trial phase.

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

Yes. I have spent many years working on cases and in situations in which the Prosecutor/Office of the Prosecutor, my team and I have been subjected to constant, multiple

and varied forms of pressure from States, government representatives, national and international organizations, certain media outlets, and even the general public and victims, who are often eager to see results, particularly the issuance of arrest warrants and the arrest of suspects.

The very nature of the ICC, the scale of the crimes and their international dimension, the sensitivity of the cases, and the profile of many of the suspects and accused persons make such pressures inevitable. This situation requires tailored investigative and prosecutorial strategies, measures taken by the Prosecutor and the judges to preserve the confidentiality and integrity of investigations and proceedings, as well as the safety and well-being of witnesses and victims, together with a proven ability to withstand pressure and demonstrate resilience.

As Head of the Investigation into the Situation in the State of Palestine, I have, over the past several years, been a direct witness to an unprecedented level of sustained and intense pressure within the ICC. Such pressure, and at times even threats, has been expressed both directly and indirectly. I have also been subjected to pressure from certain media outlets. In addition to publications, commentary and rumours falsely attributing positions to me, journalists whom I do not know recently sent messages to my personal telephone number, urging me to discuss confidential matters before the Court with them. I have consistently maintained the neutrality, confidentiality and independence required in the performance of my duties, in full compliance with the applicable rules and the orders of the Chambers, disregarding such approaches and reporting them to the competent authorities of the Court.

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 able to work under pressure. I have already been working under pressure at the ICC for the past 13 years, consistently and successfully managing heavy workloads and assuming significant responsibilities in sensitive, high-profile cases.

E. Deontology

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

An independent judge is one who, in all circumstances, acts with the impartiality, integrity and judicial ethics required of the office, resisting all forms of influence, threats and pressure, whether direct or indirect. An independent judge engages in no activity that may be incompatible with his or her judicial functions.

An independent judge safeguards the independence of the judicial office without abusing its authority and is consistently guided by the highest standards of moral integrity, courtesy and respect in the exercise of judicial functions and the conduct of proceedings; in relations with representatives of the parties and participants; in interactions with fellow judges and other members of the Court's staff; in dealings with the government of his or her State of origin or of nationality; with other States and the wider diplomatic community; with non-governmental organisations and other international organisations; and with private entities, individuals and the media.

Within this framework, he or she renders decisions guided exclusively by the applicable law, the facts and the evidence presented before the Court and found to be admissible, while giving due consideration to the rights of the defence, the interests of victims, and the interests of

justice (see Article 40 of the Rome Statute and Articles 3, 4 and 5 of the Code of Judicial Ethics).

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

A conflict of interest arises where a judge has interests or relationships capable of compromising, or appearing to compromise, his or her impartiality, integrity or objectivity, and thereby influencing, directly or indirectly, his or her judicial positions or decisions. Such conflicts may arise from personal, financial or professional interests; direct or indirect relationships, whether past or present, with a suspect or an accused person; or the acceptance of gifts or other benefits from persons or entities having an interest in a case.

Within the context of the ICC, it would also be prudent to take into account other considerations, such as community or regional affiliations, or nationality, where these could reasonably be perceived or invoked as giving rise to conflicts of interest or as capable of influencing the exercise of judicial functions.

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. The burden of such factors would be discriminatory and would in no way guarantee the election of judges who possess the competence required for the proper administration of justice. It is, nevertheless, important to ensure a balanced and equitable composition of the judiciary at all levels, taking into account gender, geographical regions and the languages represented within the Court and the States Parties, the world's principal legal systems and legal traditions, as well as demonstrated expertise in areas such as violence against women and children (Article 36(8)(b) of the Rome Statute). It is equally important that the Court and its staff genuinely reflect the diversity of the people, regions and communities they serve and represent, drawing first and foremost from the States Parties themselves.

The applicable law and the fundamental principles of criminal justice are clear, and the selection of candidates for election as judges of the ICC must remain objective. It should be guided primarily by the criteria set out, in particular, in Article 36(3) of the Rome Statute and by the need to elect judges capable of assuming their duties without delay and of exercising them with the requisite independence, impartiality and integrity. Candidates should therefore be assessed on these qualities, as well as on their demonstrated competence, knowledge, practical experience and thorough understanding of international criminal law and, preferably, their familiarity with the structure and functioning of the Court. Consideration should also be given to their ability to withstand the multifaceted risks and pressures faced by judges and by the Court as a whole, together with their command of the Court's working languages.

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

If elected, I will be a judge who has already travelled a long path—more than twenty-five years—alongside victims of international crimes, including women, men and children; who has listened as much to their silences as to their voices; and who has witnessed their suffering.

I will continue to ensure that their rights and interests are duly recognised and that their dignity is restored, always with full respect for the rights of the defence.

Victims and their participation will remain at the very heart of my judicial conscience and approach. I will endeavour to ensure that their participation forms an integral part of the proceedings from the earliest possible stage and throughout every phase of the process. In particular:

- the modalities of victims' participation will be determined, and decisions regarding their legal representation taken, as expeditiously as possible (Rule 91);
- victims and their legal representatives will be invited to submit observations and afforded the opportunity to present their views, interests and perspectives before decisions are taken on key matters, such as the opening of an investigation or questions concerning the Court's jurisdiction;
- protective measures will be ordered, and, where appropriate, the necessary resources allocated at an early stage of the proceedings, pursuant to the obligation set out in Article 68 of the Rome Statute, in order to facilitate the preservation of essential evidence;
- victims will, to the greatest extent possible, be kept informed of developments in the proceedings, public decisions, and their rights through their legal representatives, through inclusive outreach activities conducted by the Registry in cooperation with the Office of the Prosecutor, and, where appropriate and exceptionally, through statements issued by the Presidency or by the judges.

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?

Respect for the rights of suspects and accused persons, as well as those of victims, is central to the administration of justice before the ICC and is firmly enshrined in the Rome Statute and the Rules of Procedure and Evidence.

As a judge, I will ensure the meaningful participation of victims while fully safeguarding the presumption of innocence (Article 66) and the guarantees of a fair and impartial trial (Article 67) enshrined in the Statute and in international law. Indeed, Article 68 of the Statute provides that measures adopted to protect victims and witnesses and to facilitate their participation in the proceedings must not be "prejudicial to or inconsistent with the rights of the accused and a fair and impartial trial" (Article 68(1)). It further provides that the Chamber shall permit the views and concerns of victims "to be presented and considered at stages of the proceedings determined to be appropriate by the Court and in a manner which is not prejudicial to or inconsistent with the rights of the accused and a fair and impartial trial" (Article 68(3); see also Article 68(5)).

I will ensure that the rights of the defence are duly taken into account throughout the proceedings, including at every stage preceding judicial determinations, and are fully respected throughout the entirety of the proceedings. I will foster a framework for constructive, collegial and continuous judicial dialogue, enabling the arguments and interests of the parties and participants to be heard and considered in a genuinely adversarial and equitable manner. My decisions will invariably be based on a rigorous, impartial, objective, comprehensive and holistic assessment of the evidence, taking full account of the credibility and reliability of the sources and evidence in question.

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?

The Court should make greater use of targeted applications of artificial intelligence, provided that all necessary safeguards are first put in place to ensure the security of sources, witnesses and evidence, as well as the confidentiality and integrity of proceedings and, where applicable, judicial decisions.

In both my professional and personal activities, I use artificial intelligence in a measured yet highly effective manner, particularly for legal research, the analysis of the substantial volumes of evidence that I am required to review, the automation of transcription and translation, and the provisional translation of important documents. As a judge, I will endeavour to contribute to the modernisation of the Chambers' tools and working methods along similar lines, with a view to developing judicial proceedings that are more efficient, transparent, fair, results-oriented, and cost-effective at every stage of the proceedings.

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?

No.

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.

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?

No.

G. Disclosure to the public

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

I am in favour of my responses to this questionnaire being made public. The process for the selection of judges should be transparent, and all relevant documentation should be accessible to the public.
