

Questionnaire to Candidates for the Position of Registrar of the International Criminal Court

Bezuidenhoutseweg 99a
2594 AC The Hague
The Netherlands
Tel: +31.70.311.1080
Fax: +31.70.364.0259

Conscious of the critical importance of the role of the Registrar of the ICC, we have prepared the following as a questionnaire for candidates for this position.

Please reply to some or all the following questions as comprehensively or concisely as you wish.

Name: **Daniel Didier Preira**

Nationality: **Senegalese and French**

Vision for the ICC and the Registry:

1. Why do you wish to be elected as the Registrar of the International Criminal Court (ICC)?

*For the last 32 years, I have served national and international courts and tribunals in various capacities (as a private lawyer admitted to the **Senegalese and Val-de-Marne Bar Associations**, Registry senior manager at the **UNICTR** and the **ICC**, and elected official at the **ICC**). As a consequence of these hands-on experiences, I have, in addition to increased level of responsibility, acquired an intimate familiarity with the inner workings of the international criminal justice and registry management.*

The positions I held at the UNICTR and the ICC had required that I provide an array of executive policy, legal and strategic advisory services to their respective Registrars and Deputy Registrars in all areas falling within the ambit of their mandates. These areas covered, inter alia, strategic management, result-based budgeting (RBB) and judicial support services including, court management, management control system, performance management, legal aid policy development, assistance/protection to victims and witnesses, victims' participation and reparation, detention matters and enforcement of sentences, as well as defence and counsel management matters. I also assisted in evaluating and improving the work of the Registry, and represented the Registrars in ongoing judicial proceedings and in their official meetings.

In the discharge of these important duties and responsibilities, I was required to interact with the President, the Presidency, Judges, the Prosecutor, the States Parties' representatives, the ASP and its subsidiary bodies, national and international Bar associations, national and international Non-Governmental Organizations and affected communities etc.

Throughout my career, I carried out all my assignments with due diligence, loyalty, competence, integrity and professionalism.

Moreover, I was among the pioneering members who contributed in shaping the course of the ICC Registry from its inception and throughout the first decade of its operation. During the last five years I actively followed the Court and the Registry's operations as an external observer. This provides me with me a unique and wide window of opportunity to follow up closely on the progress of the Court and to bring a cut-crossing outlook and perspective towards understanding and addressing various stakeholders' expectations at the seat of the Court and in situation countries, while contributing to the success and further development of the Registry.

*In view of the foregoing, I have decided to offer my candidature for consideration for the post of Registrar because I like to serve again the **ICC** in this new capacity and to contribute to its narrative as a model of international public institution and centerpiece of the international criminal justice system. It will indeed be a challenge and responsibility of a highest level, which I am prepared to take up with humility. It is my firm conviction that one of the primary roles of the Registrar is to guarantee that all necessary support is provided, within the remit of her/his mandate and allocated resources, to the **ICC**'s organs, parties and participants so that judicial proceedings can advance without undue delays or interruptions, and with maximum efficiency.*

2. Article 43 of the Rome Statute states that the Registrar shall be a person of "high moral character, be highly competent and have an excellent knowledge of and be fluent in at least one of the working languages of the Court" (French and English). Please describe briefly how you meet these criteria.

All the positions I have held during my 32 years of professional experience required the taking of an oath of office during a swearing-in ceremony before the judiciary in the respective countries where I served. To date, my moral character, ethics and competence have never been questioned.

Moreover, the senior positions I held as a registry staff and as an ICC elected official required to be highly competent, and of high moral character for the latter.

I still uphold these standards of competence and morality.

Being a native French speaker, I am fluent in French and English. I hold a UN Proficiency certificate in English.

3. What do you believe are the most important achievements of the ICC in its first 15 years?

The ICC's achievements during its first 15 years are historical and multifaceted in their nature. They can be summarized in twofold:

- (i) *From a political viewpoint, it is important to remember that in July 1998, when the Rome Statute was signed, not many observers expected to see this instrument entering into force and being operational in such a speedy manner.*

The fact that the fast ratification process of the Rome Treaty by the required number of States made it a functioning reality in the new international political order with an emphasis on the concept of complementarity coupled with international criminal accountability for crimes falling within its jurisdiction, when justice cannot be delivered at the national level is a key achievement;

- (ii) *From judicial and normative viewpoints, one may wish to refer to the strong body of pioneering legal pronouncements and decisions rendered at different stages of the judicial proceedings (confirmation/non confirmation of charges, sentencing/acquittal, reparation orders etc.) All these precedents constitute key achievements of the ICC. However, I would especially mention the recognition and implementation of victims' rights to participate in proceedings. Indeed, despite the remoteness of victims, the Court has managed to put in place unique mechanisms, albeit not yet perfect, for providing support to victims which allows them to present their views and concerns, and to benefit from orders for reparations and/or assistance through the Trust Fund for Victims.*

4. What do you believe are some of the major challenges confronting the ICC and Rome Statute system in the coming years?

By its nature the Court will always face many challenges. Some of them can be listed as follows:

- (i) *The position of States Parties with respect to the budget of the Court in light of the current economic climate. States Parties increase pressure to reduce or contain ICC budget while its activities are intensifying and demands on the institution increase year after year. These opposites create great tensions and restrict the ability of the Court to exhibit its potential, with adverse consequences for the institution's service-delivery. Admittedly, this will push the Court to increase its efficiency, pool and rotate its resources depending on priorities but this can have an impact on the effectiveness of the Court with regards to the fulfilment of its mandate.*
- (ii) *ICC's absolute dependency on effective cooperation with State Parties when it comes to arrest and surrender of suspects/accused persons. In order to protect ICC from criticism of lack of effectiveness, States Parties and the UNSC –for the cases it refers to the ICC- should provide tangible and timely cooperation to enable the Court to actually bring to justice suspects/accused persons irrespective their official capacity in compliance with the Statute.*
- (iii) *Fragility of the universality of the ICC due to the lack of signing/ratification of the Rome Statute by key actors of the international community such as some UNSC permanent members and States from the Eastern Europe and Asian Pacific regions. Securing the cooperation and support of those critical States under the Rome Statute will indeed help alleviate some of the difficulties faced by the Court.*
- (iv) *The ICC's ability to conduct its operations in Situation countries where security is very volatile, and enable an effective access to justice for affected communities.*

5. What do you believe are some of the current challenges the Registry specifically faces and how would you address them? What are some of the qualitative indicators you might consider when assessing the performance of the Registry and what would you suggest to enhance efficiencies?

Since the inception of the Court, the Registry has met numerous challenges and there are many more that it will face in the years to come. Without entering into too much details and as an external observer for the last five years, and putting aside challenges connected with cooperation such as freezing of assets, relocation of witnesses, funding of family visits to detained persons, I can summarize some of the Registry's challenges as follows:

1. *The Registry has completed its reorganisation initiated in 2012 and has come up with a leaner structure. This reorganisation was a must and has been undertaken with some level of success albeit controversial in some of its aspects. The outcome of this exercise has been presented to key stakeholders as providing almost all of the Registry's sections with a high spare capacity to absorb additional workload and created a lot of expectations from them. I believe, that this characterisation of the one of the outcomes of the ReVision project negatively impacts on the Registry's credibility to ask for new resources and make it very difficult for the Registry to receive additional resources for the fulfilment of its mandate despite an increase of its workload. To overcome this challenge, it will be key for the Registry to present realistic information about what it is able to absorb, and demonstrate that it has exhausted its limits in terms of pooling /optimization of resources, reprioritisation and efficiency for any submission for additional resources to cope with its workload increase.*
2. *The efficient operationalisation of the consolidation of reporting lines of its external activities and the strengthening of the position and authority of Heads of field offices. Given the peculiarities of the Court structure further reflection needs to be undertaken in order to increase the synergies between the various organs of the Court in relation to external operations and relations within the legal framework of the Court with the view of enabling the Heads of field offices to have full control of the daily running of the office.*
3. *The very large number of victims applying to participate calls for the setting of an effective administrative mechanism to handle large number of applications as well as the assistance to be provided to victims in the organisation of their legal representation before the Court. Even though a lot of efforts have been made in the past, and in line with the general recommendations and guidelines contained in the Chambers Practice Manual, the Registry will have to revisit the current system with a view to come up with a more centralized, simplified, sustainable and efficient system for handling victims' application and clear the perception that victims' participation is a bottleneck for courtrooms activities. In this context, and more broadly, it is important to assess the ICC Victims' Strategy which states the vision of the Court to implement the rights of victims under the Rome Statute, identify its gaps, and put in place a coherent and coordinated plan for addressing them in the future.*

With regard to the possible qualitative performance indicator that might be considered when assessing the performance of the Registry for greater efficiency, effectiveness and expeditiousness of its operations, it has to be borne in mind that the Registry is mainly a service provider supporting the judiciary, parties and participants in the proceedings in the discharge of their mandate and /or fulfilment of their rights. So its “clients’” satisfaction should be one of the qualitative performance indicators I would mention. Regular interaction and engagement with its “clients” will be undertaken through surveys or any other reliable mean to gather reliable feedback on the Registry’s performance.

Concerning the Registry’s efficiency enhancement, I will build on the continued efforts made by the Registry and the Court over the last decade at the pressing request of the States Parties and will improve synergies within units of the Registry and, where possible, harmonize processes and services to avoid redundancies and overlaps.

6. All Court officials must perform their functions with full independence and should not act under the instruction of any State or external actor. Do you expect to have any difficulties in taking a position independent of, and possibly contrary to, the position of your government or any external actor?

No. I do not expect to have any difficulties in taking a position independent of, and possibly contrary to, the position of my government or any external actor. During my past tenure with the ICC, my integrity and professionalism were exemplary and beyond dispute. ICC officials and staff must always act in full independence and free from interference from outside influences. This is not only a principle and conviction I firmly hold, but it is an express obligation clearly entrenched in the Staff Rules and Regulations governing ICC staff as well as the regulatory framework governing the conduct of elected officials of the Court.

As Registrar, my allegiance will always be to the Court and its interests only.

7. The Registry is a neutral organ of the Court that provides services to all other organs so the ICC can function and conduct fair and effective public proceedings. How would you describe the relationship of the ICC Registrar with the ICC President; the Office of the Prosecutor; the ICC Chambers, and the Assembly of States Parties?

My relationship as the ICC Registrar with the ICC President, the Office of the Prosecutor, the ICC Chambers, and the Assembly of States Parties will be characterized by three (3) core competencies/principles involving:

- *Client Orientation (I will consider all of them to whom Registry’s services are provided, to be my clients and will seek to understand their perspective and concerns;*
- *Teamwork (working collaboratively with each of them); and*

- *Accountability (I will deliver the outputs for which I have responsibility within prescribed time, costs and quality standards in compliance with the ICC regulations and rules).*

Moreover, it is my view that the Registrar should establish close and effective relations with the ICC President, as the leader of the Presidency, to enable the latter to discharge its overall responsibility for the Court's administration as described in Article 43(2) of the Rome Statute. I believe a sound and effective approach is for the President to operate as a provider of strategic guidance to the Registrar who is in charge of the day to day management of the non-judicial administration of the Court.

The Court is foremost a judicial institution and as such, it is essential that courtroom activities function flawlessly. The Registrar should therefore maintain regular direct or indirect contact with the Chambers to make sure that the Registry does everything possible to make this happen and to prevent obstacles that may arise in the way of expeditious trials. Closer Registry-Chambers' communication will also enable the Chambers to better appreciate the policies, legal framework and budget limitations that govern the work of the Registry. This will ultimately result in fully informed judicial review decisions.

As far as the Office of the Prosecutor is concerned, it will be important to take into consideration its independence and the authority of the Prosecutor over her own staff as well as the responsibilities of the Registrar to ensure coherent implementation of instruments for which the Registrar is accountable. As a result, it would be critical to establish adequate channels of communication that will enable effective consultation and coordination between the Prosecutor and the Registrar to prevent and avoid any prejudice to the functions of the former as set forth in Article 42 of the Rome Statute. As Registrar, I would therefore aim at further strengthening the relationship between the two organs with a view to enhancing service delivery and execution of both organs' functions in the overall interest of the ICC.

With respect to the relationship with the ASP, which is the legislative and political body under the Rome Statute system, it will be essential that the Court maintains its independence. In exercising its management oversight on the principal administrative officer of the Court – i.e. the Registrar – to facilitate efficiency, the ASP or its subsidiary bodies should not substitute the Registrar and micromanage the Court. As Registrar, I will be responsive, constructive and cooperative with those important bodies in the implementation of their decisions, which are made in the best interest of the ICC.

8. Please describe any specific expertise of relevance to the work of the ICC that you may have, including, but not limited to, gender equality and violence against women or children. How would you ensure that women and children have access to justice and are cognizant of what the Rome Statute is seeking to achieve?

Having worked for and within the ICC Registry for over nine years, at the executive level as Head of the Division of Victims and Counsel, I have acquired an intimate knowledge of victims' issues before the ICC. Furthermore, when I became Deputy Registrar of the ICC, I assisted and advised the Registrar in all areas of her responsibilities, and acted as Registrar in her absence.

This body of responsibilities and relevant experiences have provided me with a good mastery of the subject-matter, which includes, inter alia, challenges of victims' participation/reparation/protection, witness protection, gender equality and violence against women or children.

As Registrar, I will ensure that women and children have access to justice and are cognizant of what the Rome Statute is seeking to achieve by taking the following actions:

- (i) The design and implementation of an effective outreach programme requiring communication in local languages and use of different types of media and methods of communication that will effectively reach out to these important target groups; and*
- (ii) The identification of reliable intermediaries or credible community liaison officers or institutions, to assist the Registry in reaching those communities on the ground. They include women's organizations, child protection agencies, and reliable and respected local personalities, etc...*

Experience in Management and Budgetary Processes:

9. How would you describe your management skills and experience that would be of relevance to the effective management of the ICC's human resources, including hiring and retaining highly-qualified staff and ensuring their satisfactory performance, as well as addressing the chronic imbalance in geographical representation of its staff and that of women in higher levels?

I possess more than 15 years of managerial experience at the senior level within two of the most important international criminal justice institutions such as UNICTR and ICC. As such, I have gained intimate familiarity with the UN and the ICC Staff Rules and Regulations as well as the various administrative instructions related to the recruitment and performance of staff.

In my previous capacity as former Registry senior manager and elected official of the Court, I developed a professional competence in the management of human resources. I have a proven managerial record and ability to interact, motivate, lead, and develop staff, which contributed to the creation of a conducive working environment in which colleagues can talk and act without fear of repercussion. As a prudent manager, I was able to manage, in a deliberate and predictable way, with transparency, the utilization of the available resources with a maximum impact on direct support and service delivery. At all times, I served as a role model that my colleagues like to follow while empowering them to translate their own vision into concrete and positive results and delegating to them the appropriate responsibility, accountability and decision-making authority. All these enabled me to create a team of highly dedicated staff members who are encouraged to take risks, are supported when they make mistakes, and in the development of their career aspirations.

Addressing the chronic imbalance in geographical representation of ICC staff and that of women in higher levels, I strongly believe that tremendous efforts should be made to ensure the visibility of the employment opportunities and to encourage application of qualified candidates from under and non-represented countries and regions, and from female candidates. Under my watch, I will also lead a vigorous strategic recruitment outreach campaign to ensure that candidates from underrepresented and non-represented regions and from female candidates are targeted whenever a job opening is vacant.

10. Please describe your experience preparing and being responsible for a large budget, including whether you have experience in working with a results-based budgeting system. What are the size of the budgets and staff you have supervised in past positions? What strategies would you undertake in relation to the preparation, submission and examination of the ICC budget to ensure support by the Committee on Budget and Finance and States Parties?

I received relevant training on Result-Based Budgeting (RBB) when I was a senior manager within the United Nations system and in charge of what was then, in terms of reputational risk, one of the most critical budgets of the UN-ICTR (the legal aid budget) and amounting to 22 million USD. The successful preparation of the Legal Aid Budgets and RBB approach that I followed enabled me to execute and keep the budgetary allocation for the legal aid system of the ICTR within the agreed limits of the allotted resources -- an achievement which was a 'first' of its kind in the UN-ICTR. I had 55 staff members under my supervision.

At the ICC, the RBB has been implemented since 2004 and, as a senior program manager, I have had to prepare sub-program budgets. I also directly assisted in the Court's overall budget preparation and examination.

The ICC, with its permanent status, is a first in history, which requires appropriate funding to accomplish its important mandate. The Court must of course address the concerns and needs of States Parties, yet the Court equally has a duty to ensure that States Parties fully appreciate its objectively founded financial needs and the ramifications of not providing the funds needed.

In that respect, I believe that additional efforts should be made to improve the reliability and accuracy of the budget assumptions, make more meaningful the performance indicators, and further develop the reporting and forecasting system.

The Court needs to improve its ability to demonstrate that its resources are efficiently managed and that there is a genuine increase in its activities. Ensuring that the Court has reliable data demonstrating that it is making the best use of its resources will build up and reinforce the trust and confidence of the CBF and ASP in the Court's budget submissions. This is indeed essential.

Experience in External Affairs:

11. One of the core challenges identified for the Court is obtaining a positive and effective response to its requests for cooperation. Please describe experience you may have that is relevant to address cooperation challenges for the ICC Registry.

During my tenure at the ICC as a former member of the Registry senior management team for almost 10 years, I have been involved in negotiations with States' Parties Representatives with respect to cooperation agreements in the tracking, freezing and recovery of assets, as well as in the implementation of the Host State Agreement.

I had developed very good relations with most of the delegations that were in regular contact with the Court. I also managed and coordinated the Registry strategy of regional advocacy seminars aimed at gathering support for the Court and enhancing cooperation.

12. The Registrar has a special mandate vis-à-vis the outreach activities of the Court, especially regarding victims and affected communities. Please elaborate on any experience relevant to fulfilling this mandate, as well as your philosophy regarding the role of the ICC's field presence.

During my tenure at the ICC, I have demonstrated sensitivity to and full understanding and appreciation of the contexts faced by the Court in the field and undertook several field missions personally to better understand the realities on the ground. To be sure, outreach and field presence are critical for the success of the Court. My philosophy regarding the role of the ICC field presence is that it enables the establishment of logistical basis for the work of the Court – including, critical outreach – on the field and serves as the public face of the Court in Situation countries. Indeed, the ICC field presence is needed for the following reasons:

- a) To ensure that all parties and participants in the judicial process of the Court, namely OTP, defence and victim's counsel can perform their functions effectively and efficiently minimizing risks. To guarantee that these functions are performed an interdisciplinary team from the Registry is needed. The team shall provide, inter alia, public relations, logistics, administrative and financial support to conduct operations; shall prepare accurate security assessments and implement derived strategies to ensure safe conditions for ICC staff and their interlocutors.*
- b) To ensure that witnesses called before the Court by the Prosecutor and the defence will be able to testify in a sound and safe environment and taking the necessary precautions to ensure witnesses are not traumatized – through the expert support of an effective and efficient Protection Programme. People that might be at risk due to their interaction with the Court shall also be covered by the Programme. Proper assessments and actions on a case by case basis shall be done promptly.*
- c) To facilitate the Court's ability to make its mandate understood by affected communities. This requires close interaction with a variety of stakeholders in Situation countries including State authorities, judiciary, legal communities, parliamentarians, diplomatic corps, intergovernmental organisations, reliable*

international and national non-governmental organizations, schools, universities and journalists. Through public relations, public information and outreach activities in the field, the ICC can ensure that its work is understood and supported. Also, through outreach activities in the field the Court can ensure that communities most affected can access and understand judicial proceedings; that their questions are answered and concerns addressed properly, and that unrealistic expectations from the Court are corrected with accurate information.

Finally, the presence of the Court in Situation related countries is temporary and I believe that it is important that for each situation country an exit strategy be designed as early as possible and as soon as the ICC starts its operation in a country, which can then be refined as the judicial activities evolve. The Registry can play a continuing and needed role in residual issues such as witness protection and archives/documentation. However, the role of the Registry in terms of legacy will be limited by the fact that the Court does not have a capacity building mandate.

13. The ICC has established constructive and long-term relationships with nongovernmental organizations (NGOs). Please describe any previous experience you have working with NGOs.

During my tenure at the ICC, I played a critical role in the development of the constructive relationship that currently exists between the Court and the NGOs community. Since I joined the Court in 2004, I have interacted closely with NGOs on matters related to the Court and have always been a strong supporter of the critical need to maintain and strengthen the link between the Court and civil society. I believe that NGOs have played and continued to play an instrumental role in the establishment of the ICC, and in the promotion and strengthening of the Court. As regards what role NGOs should play, I believe that they can make an important contribution in influencing expansion of ratification/accession process and cooperation with the Court. I also consider their worldwide campaigns in those areas as being very important. I do sincerely hope that NGOs will also continue to work in partnership with the Court in combating misperceptions and opposition to the Court through raising awareness and helping to explain and clarify the Court's role, and in reaching out and interacting meaningfully with victims and affected communities. As Registrar, I hope to build on the existing networks of reliable partners within the NGO community that the Court currently enjoys.

14. How would you see your role with regards to increasing the visibility of the Court?

The ICC is essentially delivering remote justice outputs. In my humble opinion, the ICC Registrar should be in the position to increase the Court's efforts to ensure that affected communities are familiar with and understand its work and its reason d'être. In that respect, I will revamp and empower, inter alia, that the Public Information and Outreach unit and Victims Participation and Reparation Section, with appropriate and competent staffing level, and promote synergies and integrated approach towards the development of appropriate messages and tools.

In addition, I would strongly support the Presidency's efforts for ratifications from other permanent members of the UNSC, and from States from the Eastern Europe and Asian Pacific regions in order to make the Court more universal.

Experience in Judicial Support:

15. Please describe your experience and/or expertise in dealing with victim participation in proceedings. How would you manage the Registry's role to ensure that the statutory right of victims to participate in proceedings is achieved in the most meaningful manner whilst ensuring efficiency and expediency?

As a lawyer from the civil law system, I am very familiar with victims' participation in criminal proceedings, and as a person who has served the Court during its very first years of operations and who was in charge of the division responsible for victims' participation at the ICC, I have contributed first-hand to the development and implementation of victims' participation framework at the Court. As a result, I can objectively claim experience and expertise in dealing with victim participation in proceedings before the Court.

With regards to the Registry's role in ensuring that the statutory rights of victims to participate in proceedings, it has to be borne in mind that it is ultimately for the judiciary to decide how this is achieved in the most meaningful manner whilst ensuring efficiency and expediency. Under the Rules of Procedure and Evidence (Rules 16 to 19), the Registrar has the responsibility to, inter alia, assist victims in participating in the different stages of the proceedings, in obtaining legal advice and organizing their legal representation, provide them with the adequate protection and security measure, and provide their legal representatives with adequate support, assistance and information.

The Court and the Registry have faced huge challenges in the implementation of this innovative aspect of the Rome Statute due, mainly to the huge number of victims involved and the resources implications, and has developed in 2009 a strategy in that respect which was revised in 2012. In my view, this strategy, as revised, sets a solid vision to implement the statutory rights of victims.

As Registrar, I would engage with the Judges and the Prosecutor in an assessment of the strategy to identify its possible gaps, explore ways to address them and establish a coherent and coordinated plan for the years ahead.

I would also ensure that the Registry will, inter alia:

- *Improve its database to process applications for participation and/or reparation to overcome the limits of the current system and achieve a more simplified and efficient system for handling these applications;*
- *have a "surge capacity" to process applications during peak periods or to meet tight deadlines set by the judiciary; and*

- *develop, in the context of the ongoing Legal Aid Reform, a tailored legal aid policy that meets the needs of victims' participation in ICC proceedings and provide their legal representatives with adequate resources so that they can, inter alia, communicate with their clients and keep them informed about the development of their case.*
16. The ICC Registrar is responsible for establishing the eligibility and qualifications of defense counsel, providing support to them, and working with the Court to promote the rights of the defense. Please describe your experience with these issues, including with respect to Defense access to necessary facilities and resources in proceedings ('equality of arms'), including in addressing issues such as gaps in gender equality on ICC Defense counsel teams?

As a person who has served the Court during its very first years of operations and who was in charge of the division responsible for counsel at the ICC, I have contributed first-hand to the implementation of the Court's strategic goal to deliver quality justice, by ensuring, inter alia, that the rights of the defence are fully respected from the Court's inception.

I am aware that one of most recurring external criticisms of international criminal institutions is based on the perceived, or actual, vulnerable position of the defence vis-à-vis the prosecution. Countering such distrust through concrete actions must remain an underlying objective of the Registry in its efforts to increase support and credibility for the Court, and to enable the institution to conduct fair trials in conformity with the highest legal standards.

I am fully aware that in accordance with Rule 20 of the Rules of Procedure and Evidence, the Registrar has a positive obligation to promote the rights of the defence consistent with the principles of a fair trial. Through my different positions at the UNICTR and the ICC, I have been intimately involved in issues concerning the Defence and gained operational, tactical and managerial experiences promoting the rights of the Defence in the context of international criminal justice.

In this regards, I designed legal aid programs at the UNICTR and ICC and conducted their adjustments in light of the exigencies of the judicial proceedings to ensure that suspects and accused persons are provided with the adequate resources they need to face the charges levelled against them before the Court.

As Registrar, I would employ this background knowledge to finalize the ongoing discussion on the Legal Aid Reform with an eye to strengthen equality of arms, improve service delivery, efficiency and effectiveness, and further discuss the place of the Defence in the ICC institutional framework.

It is my firm belief that the defence pillar must be an integral and fully functional part of the ICC system if the Court is to achieve its laudable goals and gain more visibility in that respect. As Registrar, I will honour this conviction in accordance with the applicable legal texts of the Court.

17. Article 68(1) of the Rome Statute provides that the Court “shall take appropriate measures to protect the safety, physical and psychological well-being, dignity and privacy of victims and witnesses.” Please describe the experience or vision you may have with regards to the protection of victims and witnesses, particularly women, at the ICC?

One should not underestimate the positive and pioneering achievements of the ICC and its Registry in this important area. It is indeed difficult in the context of a questionnaire to explore and exhaust the review of those important issues. Since much of what the Registry does to protect victims and witnesses necessarily has to remain confidential, I am of the view that interaction should be based on a holistic witness/victim/survivor-centred approach and focus should be on both physical and psychological protection.

The following principles must guide the Court’s operations:

- a) witnesses should not be contacted if the Court cannot offer adequate protection;*
- b) integration of a gender mainstreaming dimension;*
- c) there should be a general protection framework but programs must be individual and tailor-made;*
- d) adoption of a ‘do no harm’ approach in all activities, policies, etc...;*
- e) the interest of the witness/victim/survivor is paramount and should always be considered first as a matter of priority;*
- f) witness must be given some level of control and involvement, listened to and his concerns be promptly addressed within the Court’s mandate;*
- g) witnesses must be treated with respect and dignity; and*
- h) the Court’s response must always be timely and carefully deliberated.*

As Registrar, I will also ensure that the protection regime in place is effectively reactive and proactive, and includes measures which provide for a continuum of protection that starts with the early identification of vulnerable or intimidated witnesses/victims, continues with the management of witnesses/victims in safe environment to measures which protect the witness’ identity during courtroom testimony, as well as measures intended to make a permanent change of identity and/or relocation post trial. One area of interest where there is always need for more to be done, relates to obtaining cooperation from national authorities, international organisations and others who are in a position to assist the Court’s efforts and obligations vis-à-vis victims and witnesses (e.g. with the relocation of witnesses). The Court cannot manage the protection of victims and witnesses effectively without such critical cooperation.

As regards women and other vulnerable groups, as Registrar I will undertake a comprehensive review of existing policies, trainings and programs, and subsequently ensure that there is a periodic assessment done to decipher whether we are doing enough to adequately deal with this important vulnerable category of victims and witnesses, and if we are learning from each experience.

Miscellaneous:

18. Have you ever been found, after an administrative or judicial hearing, to have discriminated against or harassed an individual on the grounds of actual or perceived age, race, creed, color, gender, sexual orientation, religion, national origin, disability, marital status, socio-economic status, and/or alienage or citizenship status? If yes, please describe the circumstances.

No

19. Do you know of any factors that would adversely affect your ability to competently serve as the Registrar, to comply with ethical responsibilities, or to complete the responsibilities that the Registrar is required to assume? If yes, please explain. Are there any other issues or comments you would like to address?

No

Thank you.