

COALITION FOR THE INTERNATIONAL CRIMINAL COURT

This questionnaire has been developed by civil society to complement the assessment process conducted by the Advisory Committee on Nominations of Judges (ACN) for candidates seeking election as judges of the International Criminal Court (ICC) in 2026.

The questionnaire seeks to provide additional information on candidates' professional experience, judicial philosophy, approach to independence and integrity, understanding of victims' rights, leadership and workplace culture, and broader vision for the Court.

Name of Candidate: Veronica Wright

Date: 14th September 2026

Motivation:

- 1. What motivates you to seek election as a judge of the International Criminal Court at this particular moment in the Court's development?**

My motivation stems from a settled commitment to international criminal justice as a viable court of last resort for victims of the most egregious violations of human rights. I wish to contribute the knowledge and experience acquired over more than three decades to the development of international criminal justice and to the effective discharge of the Court's mandate.

My experience in national and international criminal law and procedure is wide-ranging. It spans investigating and prosecuting the most serious crimes, as well as adjudicating at the appellate level. I have the judicial temperament and courtroom experience required to adjudicate serious and complex cases, and I can work cohesively within a panel of judges to ensure justice is delivered for both victims and accused persons.

The present moment makes that contribution more consequential. The Court is operating under conditions of acute strain. Its officials have been subjected to unilateral sanctions. State cooperation is uneven. Its legitimacy is publicly contested from several directions at once. In such conditions, the quality, the consistency and the transparency of judicial reasoning become the Court's principal defence. I wish to serve at a moment when the judicial function itself is under pressure, because that is when experience, steadiness and fidelity to the Statute matter most.

2. *In your view, what are the ICC's greatest institutional and legal challenges over the next decade, and how could judges contribute to addressing them?*

The Court faces serious institutional challenges over the next decade. The most pressing at present relates to State cooperation, which is central to the successful realisation of the Court's mandate. Cooperation is essential not only to ensuring that arrest warrants are executed and orders respected, but also to assuring the effective investigation of alleged crimes. A second institutional challenge is the direct undermining of the Court's legitimacy, whether by States Parties withdrawing from membership or by States that would otherwise accede being discouraged from doing so. A third is the imposition of unilateral sanctions on officials of the Court, which threatens both the practical operation of the institution and the willingness of qualified individuals to serve. A fourth is chronic under-resourcing relative to an expanding docket of situations.

The legal challenges are equally significant. The first is the inconsistency of the Court's jurisprudence across Chambers on questions of real importance, including modes of liability, the contextual elements of crimes against humanity, the standard of appellate review, and the scope of victim participation. Inconsistency erodes legal certainty and undermines confidence in the Court. Second, the unresolved tension between Article 27 and Article 98 on Head of State immunity continues to generate litigation and non-compliance. The third is the operation of complementarity, and in particular the same person, same conduct test, which requires careful calibration if the Court is not to displace genuine national proceedings or permit States to shield senior perpetrators. The fourth is the persistent gap between reparations orders and their realisation, illustrated by awards made against indigent convicted persons. The fifth is the acquittal record in respect of sexual and gender-based crimes, which raises questions about charging practice, evidentiary standards and the judicial appreciation of gendered harm. The sixth is the emerging challenge of digital and artificial-intelligence-generated evidence and the authentication difficulties it presents.

The role of judges in relation to the institutional challenges is necessarily limited, as those challenges are primarily the making of States Parties and of United Nations Member States

and the responsibility to resolve them lies squarely with them. Judges must remain loyal and focused on the Rome Statute and the Rules of Procedure and Evidence in every decision they make.

In relation to the legal challenges the judicial contribution is direct and substantial. Consistency is the key. Consistent jurisprudence in interpreting the Statute, consistent assessment of evidence, and consistent decision-making are within the gift of the judges. Judges can further contribute through rigorous, transparent reasoning that explains departures from earlier decisions; disciplined case management that reduces the length and cost of proceedings; fuller collegiate deliberation before separate and dissenting opinions are issued; and the collective development of the Chambers Practice Manual. Each of these is a judicial responsibility and each strengthens the institution.

3. How would your professional background, expertise, and personal experience contribute to the effectiveness, legitimacy, and diversity of the Court?

As a person who has investigated, prosecuted and adjudicated criminal cases, and who has worked in other aspects of criminal justice administration including prison reform, legal aid and the training of criminal justice actors, I bring an approach that is both practical and substantive. That is a necessary complement to academic and doctrinal perspectives and it enriches the jurisprudence. The breadth of my experience helps me evaluate a witness's testimony and credibility, identify issues quickly, and separate what is material from what is not, thereby supporting a more just determination of the matters in issue.

In relation to effectiveness, I have managed complex international proceedings from the inside. I have led a trial team at the International Criminal Tribunal for Rwanda, headed an Office of the Prosecutor at the International Residual Mechanism for Criminal Tribunals, and led thematic investigations at UNITAD. I understand where delay originates in international proceedings and what case management can realistically achieve.

In relation to legitimacy, I have worked across both the common law and civil law traditions and in more than a dozen countries. I have trained and worked alongside investigators, prosecutors, defence counsel, magistrates, judges and prison officers. That work has given me an understanding of how the Court is perceived in the regions where its work has the greatest effect.

In relation to diversity, my candidature contributes to four of the balance criteria in Article 36(8) at once. I am from the African States. I am a woman. I am a List A candidate with established competence in criminal law and procedure. And I come from the common law tradition. Beyond those formal categories, I bring years of work in many countries and

interaction with different cultures, which will contribute to a deeper understanding of, and respect for, diversity within the Court.

Relevant experience as a criminal law practitioner (List A) or international law expert (List B)

Please respond to the questions below depending on your relevant experience and background.

List A – Criminal Law Practitioners

4. Please describe your experience as a judge, prosecutor, defence counsel, or other criminal law practitioner in domestic and/or international criminal proceedings.

In a career spanning almost thirty-six years, mostly in criminal law, I have worked as a national prosecutor, an international investigator and prosecutor, a programme manager and trainer, an adviser, and a judge at the appellate level.

As a national prosecutor, I began as a State Counsel shortly after being called to the Bar and rose progressively through the ranks to become Principal State Counsel in the Office of the Director of Public Prosecutions.

Between 2005 and 2011, I served as a Trial Attorney at the International Criminal Tribunal for Rwanda, where I prosecuted, as part of a team, four cases involving genocide and crimes against humanity, and led the team in *The Prosecutor v Emmanuel Rukundo*.

Between September 2017 and December 2018, I was seconded to the International Residual Mechanism for Criminal Tribunals as Officer-in-Charge of the Office of the Prosecutor, Arusha Branch, overseeing requests for evidence from Member States, dealing with applications for review of convictions and sentences, and managing cases of contempt of the Tribunal.

I presently serve as a Judge of the Court of Appeal of The Gambia and as an ad hoc Justice of the Supreme Court of The Gambia.

- **The types and complexity of cases handled**

As a national prosecutor, I handled progressively more complex criminal matters as I rose through the ranks from State Counsel to Senior State Counsel and then to Principal State Counsel, including capital offences.

At the International Criminal Tribunal for Rwanda, I tried complex cases involving voluminous witness statements, video and audio evidence, multiple visits to crime sites, the

identification and interviewing of witnesses located in countries scattered around the world, the handling of victim witnesses who had suffered profound trauma, and the consistent search for and disclosure of exculpatory evidence.

On the appellate bench, I determine criminal appeals raising substantial questions on the sufficiency of circumstantial evidence, the proper application of the standard of proof, the admissibility of identification and confession evidence, and the constitutional rights of accused persons in capital matters.

- **Specific responsibilities**

I have held different roles as a prosecutor, investigator, team member, and team leader. As Head of the Office of the Prosecutor at the Arusha Branch of the Residual Mechanism, I managed the work of the team while taking part in the substantive work of the investigations and the drafting of filings.

As an appellate judge, my responsibilities include determining substantive appeals, disposing of interlocutory applications (including bail pending appeal and stays of execution), drafting lead and supporting judgements, and participating in case conferences at which panel decisions are taken.

- **Experience managing lengthy or complex proceedings**

During my time at the International Criminal Tribunal for Rwanda, I was involved in four separate trials, each of them lengthy and complex. I was team leader in *The Prosecutor v Emmanuel Rukundo* and managed the day-to-day conduct of the case. That included ensuring that witnesses were contacted, interviewed and prepared to testify, that witness protection measures were in place and remained effective, that there was continuous disclosure of information and evidence to the defence, that applications and responses to defence motions were filed in time, and that court orders were complied with, whilst also conducting the examination and cross-examination of witnesses, including the accused himself.

As Head of the Office of the Prosecutor at the Residual Mechanism in Arusha, I simultaneously handled the application for review in *The Prosecutor v Ngirabatware* whilst investigating *The Prosecutor v Turinabo* and others for contempt of the Tribunal. Mr Ngirabatware applied for review of his conviction and sentence on the basis that witnesses at his trial had recanted their testimony. To respond to that application, the Office of the Prosecutor had to conduct its own investigations into the alleged recantations, which led us to establish that Mr Turinabo and others had interfered with the witnesses and procured the recantations. My team and I therefore had to investigate the witness interference whilst simultaneously dealing with the request for review. The interference investigation was

complex, in part because it involved a substantial volume of telephone communications data, the analysis of which required expertise that was not available within the team and had to be sought elsewhere. I left the Residual Mechanism before the contempt trial commenced, but the groundwork had been laid for the successful prosecution of Mr Turinabo and his co-accused.

This work required time management, people management, patience, dedication, and a willingness to step in and fill unexpected gaps. It also required persistence in not giving up on victims who were frightened or unwilling to testify.

- **Examples of difficult substantive or procedural challenges and how they were addressed**

I encountered a substantive challenge in an appeal against conviction for murder. The case rested entirely on circumstantial evidence. Although all the evidence pointed to the conclusion that no person other than the accused could have killed the deceased, it did not establish the mens rea for murder. The circumstances were more consistent with an accidental killing. The defence, however, had not raised accident as a defence at trial and had simply denied the killing. It fell to my colleagues and I on the appellate bench to make the correct finding in the interests of justice. We held that the circumstances raised a reasonable doubt as to the intention to cause the death of or grievous bodily harm to the deceased. We accordingly quashed the conviction for murder and substituted a conviction for manslaughter, which is a lesser offence under our law. This also resulted in the reduction of the sentence from a sentence of death to a term of years.

I also recall a more recent case in which the prosecution and the defence had agreed during trial that the prosecution would continue to lead evidence in the absence of defence counsel, on the understanding that counsel would later review the transcript and then cross-examine the witnesses. The trial judge permitted that arrangement. On appeal we held that it infringed the accused person's right to be represented by counsel throughout a murder trial. The evidence so taken was disallowed and the testimony was expunged from the trial record.

5. Please describe any experience you have applying:

- **The Rome Statute**

Between 2023 and 2024 I supported the drafting of the Statute of the Special Tribunal for The Gambia and chaired the sub-committee responsible for that instrument and for the Decision of the Authority of Heads of State and Government. In executing that assignment, the Rome Statute and customary international law were our principal points of reference. I drew copiously on the crimes against humanity provisions set out in the Statute and was

guided by its principles in determining the regime proposed for the Special Tribunal, including the regime governing the participation of victims in proceedings.

- **International criminal law**

I have practiced international criminal law as a prosecutor at the International Criminal Tribunal for Rwanda, as Head of the Office of the Prosecutor at the Arusha Branch of the Residual Mechanism, and as Senior Legal Adviser leading thematic investigations at UNITAD in Iraq. My work has engaged the law of genocide, crimes against humanity and war crimes, the modes of liability, the mental element, and the procedural law of international criminal proceedings.

- **International humanitarian law**

The Statute of the International Criminal Tribunal for Rwanda incorporated the grave breaches regime of the Geneva Conventions and Additional Protocol II, and my work as a Trial Attorney required applying those provisions to the facts of the cases I prosecuted, including classifying the armed conflict and assessing the nexus requirement.

At the United Nations Office on Drugs and Crime, I contributed to the design and delivery of training for judges, prosecutors and investigators in West and Central Africa on the interface between international humanitarian law, international human rights law and counter-terrorism law, including the treatment of persons detained in armed conflict.

In The Gambia, I participated in training judges and prosecutors on international humanitarian law and international criminal law in the context of establishing the Special Tribunal for The Gambia.

- **Domestic legislation incorporating international crimes**

I supported the drafting of the Gambia and ECOWAS Statute establishing the Special Tribunal for The Gambia, which is to try gross violations of human rights amounting to crimes against humanity committed in The Gambia between July 1994 and January 2017. That instrument required translating the international definitions of the crimes into an enforceable domestic and regional framework, together with provisions on modes of liability, defences, victim participation, and reparations.

- **The jurisprudence of the ICC or the ad hoc tribunals**

Whilst at UNITAD I relied upon the judgement of the Court in *The Prosecutor v Dominic Ongwen* in a research paper on the rights of children born of sexual violence in conflict as victims of serious international crimes. More recently I relied upon the reparations decision in the same case in a paper on reparations prepared for my Chief Justice.

In my training work with prosecutors and other criminal justice actors I have used the jurisprudence of the ad hoc Tribunals extensively, in particular *Akayesu* on genocidal intent and on rape as an instrument of genocide, *Tadić* on the classification of armed conflict, and *Kunarac* on the contextual elements of crimes against humanity and on sexual slavery.

Beyond these instances of direct application, I have followed the legal developments at the Court closely and have read many of its judgements.

- **Universal jurisdiction**

To illustrate how impunity for international crimes may be avoided, I have consistently referred to the principle of universal jurisdiction, which is gaining wider application as more States exercise it in respect of persons accused of serious international crimes found on their territory.

At UNITAD, my team cooperated with Finland and Germany in support of the investigation and trial of ISIL and Da'esh suspects in those jurisdictions. At the Residual Mechanism, the team cooperated with a number of States, including Canada and France, in the investigation and prosecution of persons accused of participation in the Genocide against the Tutsi in Rwanda who were found in those countries. That work required an understanding of the legal bases on which national authorities exercise jurisdiction, of the evidentiary requirements of the requesting jurisdictions, and of the practical mechanics of mutual legal assistance.

6. Please identify any judicial decisions, legal opinions, or pleadings you authored or contributed to that are particularly relevant.

- **Judicial decisions**

As a Judge of the Court of Appeal, I have authored a number of appellate judgements. I refer in particular to the judgement in *Sheik Hydara v The State*, an appeal against conviction for murder. The panel found that although the circumstantial evidence pointed to the conclusion that the accused and no other person could have killed the deceased, it did not conclusively establish the intention to kill or to cause grievous bodily harm, which is the *mens rea* for murder under Gambian law. The conviction for murder was quashed, and a conviction for manslaughter was substituted.

I also refer to the criminal appeal in which I wrote the lead judgement holding that the receipt of prosecution evidence in the absence of defence counsel, notwithstanding the apparent agreement of counsel at trial, infringed the constitutional right of an accused

person charged with a capital offence to legal representation throughout the trial. The evidence so received was expunged from the record.

- **Legal opinions**

As a national prosecutor, every criminal case file I handled began with the issuing of a legal opinion on the investigation. That involved a review of the evidence gathered by the investigators, a preliminary assessment of whether an offence had been committed on that evidence and in law, the identification of the appropriate charge, the identification of evidential gaps and how they might be filled by further investigation, an assessment of the defences likely to arise, an assessment of the prospects of a successful prosecution, and a recommendation on how the matter should proceed.

- **Pleadings**

In *The Prosecutor v Simon Bikindi*, as a member of the trial team, I contributed to the pre-trial brief and to numerous briefs responding to defence applications during the trial.

In *The Prosecutor v Emmanuel Rukundo*, I led the drafting of the pre-trial brief, the closing brief and the interlocutory motions filed throughout the trial.

In *The Prosecutor v Calixte Kalimanzira*, I contributed to the pre-trial brief, the closing briefs and the interlocutory motions filed throughout the trial.

In *The Prosecutor v Augustin Ngirabatware*, I contributed to the briefs of argument on interlocutory motions throughout the trial.

In *Augustin Ngirabatware v The Prosecutor*, I led the drafting of numerous briefs of argument on motions during the pendency of his application for review of conviction and sentence.

List B — International Law Experts

7. Please describe your experience in public international law, international humanitarian law, international human rights law, and/or international criminal law, including:

- litigation;
- legal advisory work;
- investigations;
- treaty interpretation; or
- institutional practice.

8. Please identify publications, legal opinions, submissions, or other professional work you authored or co-authored that are particularly relevant to the work of the ICC.

Victims' Rights

Victim participation is a defining feature of the Rome Statute system and central to the legitimacy of the International Criminal Court. However, civil society and victims' representatives have raised concerns regarding increasingly restrictive approaches to participation, inconsistent jurisprudence, and procedural barriers that undermine meaningful engagement.

9. What, in your view, are the principal obstacles to meaningful victim participation and reparations before the ICC, and how should judges address them in practice?

In my view there are six principal obstacles.

The first is the sheer scale of victimisation. The crimes within the jurisdiction of the Court are, by definition, mass crimes affecting very large numbers of people. The number of persons potentially qualifying as victims under Rule 85 in any given situation places severe strain on the application, assessment and representation processes.

The second is access. Victims are frequently located in remote areas, in zones of ongoing conflict, or in displacement. Many cannot read or write. Many lack practical means of learning that proceedings are underway, let alone completing an application form within a prescribed period. Administrative hurdles, limited access to Court documents and unrealistic submission deadlines compound the difficulty and fall most heavily on those who are already marginalised.

The third is the resourcing of legal representation. Common legal representatives are frequently expected to represent thousands of victims on budgets that do not permit meaningful consultation with those they represent. Arbitrary caps on legal aid and delays in the operationalisation of the 2024 Legal Aid Policy have been the subject of sustained and, in my view, well-founded criticism from the Victims' Rights Working Group and others.

The fourth is the inconsistency of the jurisprudence. Chambers have taken materially different approaches to assessing applications, the modalities of participation, and victims' right to choose their legal representatives. Inconsistency of this kind creates uncertainty for victims and their representatives and undermines confidence in the Rome Statute system.

The fifth relates to reparations. The extent and the type of harm suffered by victims of atrocity crimes is frequently beyond the capacity of any reparations order to remedy, and the convicted persons before the Court are almost invariably indigent. The award of €52,429,000 in the Ongwen reparations order against a person unable to pay any part of it illustrates the difficulty. Victims who have come forward and described their suffering in

detail are left with an order that may never be realised, and orders of that kind risk being perceived as merely symbolic.

The sixth is the length of proceedings. Victims grow old and die whilst waiting. Delay is itself a denial of meaningful participation.

As to how judges should address these obstacles in practice, several measures are within the judicial gift. Judges should apply the criteria in Rule 85 consistently and should resolve applications promptly rather than allowing them to accumulate. Where the number of applicants is very large, judges should be willing to adopt collective or sampling-based assessment procedures of the kind the Court has developed, whilst ensuring that those procedures do not become a barrier in themselves. Judges should insist upon early and genuine consultation between common legal representatives and the victims they represent and should be prepared to say so on the record where resourcing prevents it. Judges should give reasoned decisions on participation that build a coherent body of jurisprudence rather than departing from earlier decisions without explanation. In reparations, judges should design awards that are capable of realisation, engage early and closely with the Trust Fund for Victims on feasibility, and consider collective and service-based reparations where individual awards would be neither practicable nor meaningful. Judges should also manage cases to reduce delay, which underlies all the others.

10. How can judges ensure that proceedings and trials remain accessible and meaningful for affected communities while respecting the rights of the accused?

The two objectives are not in conflict. Accessibility to affected communities and fairness to the accused are both requirements of a proceeding that commands confidence.

Judges can make proceedings accessible in a number of concrete ways. Decisions should be written in language that non-lawyers can understand, with summaries prepared for public dissemination in the languages of the affected communities. Judges should support sittings of Chambers in situ where security and resources permit and should be receptive to applications for hearings or for taking evidence closer to the communities concerned. Judges should require timely translation of key filings and decisions into the languages that victims actually speak. Judges should ensure that the Registry's outreach function is kept informed of the procedural calendar so that communities are not surprised by developments in their own cases. Judges should permit legal representatives of victims to make submissions that reflect the concerns actually expressed to them by those they represent and should allocate hearing time to those submissions where appropriate.

The rights of the accused are protected by maintaining clear boundaries. Victim participation is exercised through legal representatives and not, save exceptionally, by

victims in person. Legal representatives may not lead evidence going to the guilt or innocence of the accused, which is the exclusive province of the Prosecutor. The burden of proof beyond reasonable doubt rests throughout on the Prosecutor and never shifts. The accused must have adequate time, facilities and disclosure to meet the case, and must have the opportunity to test any evidence upon which the Chamber relies.

Where those boundaries are maintained, victims' participation strengthens rather than compromises the proceedings. It permits the Chamber to understand the full impact of the conduct charged, and it allows the judgement, whether of conviction or acquittal, to be received in the affected communities as the product of a process in which they were heard.

11. Please provide examples of how you have incorporated victim-centered or trauma-informed approaches in your professional work.

As Head of the sexual and gender-based crimes and crimes against children's investigations at UNITAD, I was responsible for the development of Standard Operating Procedures for the interviewing of victims of sexual and gender-based violence, and a further Standard Operating Procedure for the interviewing of child witnesses, to guide our work in interacting with those groups of victims. The team also had an in-house psychotherapist with whom I worked very closely. She assessed victims before interviews and advised whether the victim witness was in a position to be interviewed by the investigators. She sat through interviews where the witness wished her to be present, and she intervened whenever there was a sense that the victim's trauma was being reawakened.

In my work with the Committee on the establishment of the Special Tribunal for The Gambia, particular effort was devoted to ensuring that the Statute provided for victim-centred approaches in the investigation and trial of cases before the Tribunal.

Earlier in my career, and long before the vocabulary of trauma-informed practice was in general use, I applied the same instinct in the national courts. I recall applying to the trial judge to clear the courtroom so as to allow a victim of rape the privacy necessary to give her evidence, because she was distraught and could not testify before a public gallery.

At the International Criminal Tribunal for Rwanda, I joined at a time when the earlier gaps in the prosecution of sexual and gender-based crimes were being corrected, and I benefited from the specialist training provided to staff of the Office of the Prosecutor on trauma-informed interaction with victims of sexual violence and on the presentation of victim testimony.

At the United Nations Office on Drugs and Crime, my Section led the development of a model law on the protection of witnesses and victims for the Sahel States, supported by a

consultant who had previously worked on victims' protection at the Court, and drawing substantially on the policies and practice of the Court.

Defence Rights

12. Please describe your experience safeguarding fair trial rights, including:

- **Equality of arms**

As a criminal justice practitioner, I hold firmly to the principle of equality of arms. The burden of proving a case beyond reasonable doubt rests upon the prosecution as the accuser. The prosecution must therefore expend more resources, time and energy in the preparation of its case and must disclose exculpatory evidence to the defence. Even so, defence teams should have adequate resources to defend their clients properly and effectively. That does not always happen, and in many cases the defence struggles with resources, particularly where the accused is indigent.

As a prosecutor at the national level, I prosecuted a considerable number of unrepresented accused persons, particularly in respect of less serious offences. I felt then, and I feel now, that as an officer of the court I had a responsibility to be fair and not to take advantage of an unrepresented accused in presenting the prosecution case. I had the privilege of being supported in that role by judges who were themselves scrupulous in protecting the rights of the accused.

As a judge now sitting on the Court of Appeal, which handles only the most serious cases in which there is a constitutional requirement for counsel, I impress upon counsel their responsibility to ensure that justice is served. Defence counsel must take the task seriously and must put in the necessary effort even where resources are limited, for example where counsel is instructed by the legal aid agency. In the same vein, counsel for the State must never lose sight of the fact that there was a victim or victims of the crime.

Equality of arms is not equivalent to a mathematical parity of resources. It requires that the authorities support adequate resources for the defence of poor and indigent accused persons, and that the defence is not so under-resourced as to be unable to test the prosecution case. As a judge, I also have a responsibility to ensure that a person who appears before me unrepresented or on legal aid is not prejudiced and receives a fair trial. The overriding responsibility of a judge is to ensure that justice is served both for victims and for the accused, and that is what I strive to achieve.

- **Disclosure obligations**

At the International Criminal Tribunal for Rwanda and at the Residual Mechanism I operated under the continuing obligation of the Prosecutor to disclose evidence, and in particular exculpatory evidence, throughout the trial and even during an application for review of conviction and sentence. At the Residual Mechanism, where requests came from States, the Office of the Prosecutor was under an obligation to provide all evidence in its database touching on the accused or suspect, even indirectly.

As an appellate judge reviewing cases on appeal, I have cautioned prosecutors regarding the limited nature of the information disclosed to the accused in the indictment against him. I hold the conviction that the accused is entitled to the fullest disclosure of information held by the prosecutor that concerns the case, whether inculpatory or exculpatory. That responsibility ensures both that the prosecutor does a proper job on behalf of the victims and that the accused is able to mount a proper defence. Only then can we be confident that a person has received a fair trial and that, where convicted and sentenced, justice has been served.

- **Presumption of innocence**

I have been a prosecutor at both the national and the international levels, and I understand the fundamental rule that a person is presumed innocent until proven guilty, and that the responsibility to prove guilt rests firmly upon the prosecutor and never shifts to the accused to prove innocence. That is entirely distinct from requiring the accused to answer the allegations made by the prosecutor.

As a prosecutor I had to ensure that my conduct did not undermine this fundamental principle in respect of any accused person I prosecuted. In practice that meant that where the prosecution case was not strong enough, I had the magnanimity to concede.

As a judge, I have determined cases in which the right to a fair hearing was in issue and in which the Court had to reiterate the fundamental right to be presumed innocent until guilt is proved by the evidence presented by the prosecutor.

- **Granting interim release**

As a national prosecutor, I responded to applications for bail pending trial and appeal, addressing the grounds advanced by the applicant and assisting the court in determining whether the circumstances supported release.

At the ICTR, although I was not directly involved in an application for interim release, the Rules provided for it and I recall that at least one accused person filed a request for interim release on medical grounds. The Trial Chamber refused the request, the Appeals Chamber quashed that decision and the application was remitted to be reheard by the Trial Chamber.

Before I joined the Mechanism, Mr Ngirabatware requested provisional release pending the hearing of his request for review of his conviction and sentence, on the basis that one of the judges had been arrested and detained in his home country, thereby delaying the hearing. The request was denied on the ground that it was filed incorrectly before the Presiding Judge rather than the President of the Mechanism, as the Rules required.

As a judge I now determine applications for bail pending appeal. My approach is to apply the established criteria to the circumstances of the individual case, with particular regard to the length of time the appellant has already spent in custody and the prospects of success on appeal.

- **Protection against undue delay**

As a sitting judge, I am constantly conscious of protecting accused persons and litigants against undue delay in the determination of their cases. This is a fundamental right which I must always seek to protect. This is reflected in my repeated admonitions to counsel and in ensuring that extensions of time for filing briefs are granted only in exceptional circumstances.

- **The rights of detained persons**

At the United Nations Office on Drugs and Crime, I managed a prison reform project that supported States in West and Central Africa to implement the Mandela Rules on the minimum standards for the treatment of prisoners. The activities focused on securing respect for prisoners' rights, including support for case management to reduce prison overcrowding, training prison officers to respect detainees' rights, and improving training and skills acquisition programmes for prisoners.

In the same region I supported a legal aid project providing legal assistance to indigent detainees suspected of acts of terrorism in Niger, a number of whom had been held for an inordinate period without access to legal representation. Through that support, their lawyers were able to bring applications before the specialist counter-terrorism chamber and to have their cases heard. Many were released for want of sufficient evidence.

As a judge, I am constantly concerned about the rights of appellants in detention, and I seek to prioritise their cases as far as possible so they do not spend more time in prison than necessary.

High Moral Character, Independence, and Impartiality

13. Article 36 of the Rome Statute requires judges to be persons of “high moral character, impartiality and integrity.” What do these qualities mean in practice, and how have you demonstrated them throughout your career?

High moral character, impartiality, and integrity are foundational qualities for anyone holding judicial office. In practice, they mean that the judge must at all times conduct herself beyond reproach in public and in private life, must be incorruptible, must determine cases according to the law and the evidence, must show fidelity only to the law, and must adjudicate the matters before her fairly and without fear or favour.

Throughout my career I have consciously operated within the law both at work and in my private life. At work, I do my utmost to be professional, take my work seriously, and work collegially with my colleagues. I interact with colleagues, lawyers, litigants and members of the public with respect. I do not bully or sexually harass anyone. I try to be kind and supportive to colleagues, and I mentor people as far as I am able.

As a judge, I make my decisions only according to the law and the facts before me, always conscious of the heavy responsibility of the office. I give pre-eminence to the overriding responsibility to deliver justice to the accused persons and litigants appearing before me. I attend work daily unless I have an excusable reason to be absent. I do not seek or accept favours, and I do not do anything that might undermine my integrity as a judge. I aim to lead by example, avoiding injustice and not permitting injustice in my presence. In the courtroom I am guided by the overriding principles of fair hearing and the rule of law and by the need to deliver justice with the least possible delay.

In my private life, I steer clear of illegal activity, including corruption. I avoid disorderly conduct. I stand in line when required. I do not litter. These may seem like small things, but integrity is not a quality a person assumes on entering the courtroom and sets aside on leaving it. It is a habit of conduct.

14. Have you ever been subject to (whether professionally or personally):

- disciplinary proceedings; No
- allegations of misconduct; No.
- allegations of harassment, bullying, discrimination, abuse of authority, or sexual misconduct; No
- investigations concerning professional ethics; No or
- allegations of fraud: No

15. Have you ever taken a leave of absence or been suspended from a position following allegations or concerns relating to professional conduct or workplace behavior? If yes, please explain.

No. I have never taken a leave of absence, nor have I been suspended from any position, following allegations or concerns relating to professional conduct or workplace behaviour.

16. Please describe a situation in which you faced political, institutional, or personal pressure that could have affected your professional independence. How did you respond?

I have not faced a situation in which political, institutional or personal pressure could have affected my professional independence. Should any such situation arise, I believe I have the moral courage and the personal steadiness to resist it. I would be guided in every case by the need to do justice in the matter before me.

In a position as sensitive as that of a judge of the International Criminal Court, where the stakes are very high both for accused persons and for victims, it is of the utmost importance to have the strength and the courage to resist such pressure and to remain focused on the mandate conferred by the Rome Statute.

The nearest I have come to any comparable experience is the environment in which I worked at the United Nations, where we operated under the constant scrutiny of Member States and navigated the sometimes narrow line between the interests of donor States and the stated needs of recipient States, whilst remaining faithful to the mandate of the organisation. That experience taught me to identify the point at which legitimate stakeholder engagement begins to shade into pressure, and to hold the line at that point.

Management and Workplace Culture

17. The ICC has faced sustained concerns regarding workplace culture, including allegations of bullying, harassment, discrimination, retaliation, and abuse of authority. What role should ICC judges play in addressing these issues?

In my view, the primary role of judges is, first, not to permit any of these behaviours to occur within their own Chambers, for judges must lead by example. Judges exercise significant authority over small teams of legal officers, associates and interns, and the culture of a Chamber is set by the judge who leads it.

Where such conduct occurs elsewhere within the Court, judges should be part of the solution rather than distant from it. Judges can serve on panels involved in the internal

review of complaints to help guide the process and ensure it is fair to both the parties and the Court as a whole. Judges should also ensure that staff within their Chambers know how to raise concerns, understand the protections available to them and are not discouraged from reporting.

Judges must also be alert to the particular vulnerability of junior and short-term staff, including interns and visiting professionals, whose position within the institution is precarious and who are least likely to report misconduct. And judges should support the collective adoption and enforcement of standards through the Presidency and through the Code of Judicial Ethics, rather than treating workplace conduct as a purely administrative matter for the Registry.

Silence in the face of misconduct is itself a form of complicity. That is the standard I would set and that is the standard by which I would expect to be held.

18. Please describe your experience managing teams or institutions, including:

I have had the privilege of managing teams and supervising junior colleagues at different stages of my career, including as team leader of a trial team at the International Criminal Tribunal for Rwanda, as Head of the Office of the Prosecutor at the Arusha Branch of the Residual Mechanism, as Head of the Justice Section at the United Nations Office on Drugs and Crime Regional Office for West and Central Africa, as Head of a thematic investigations unit at UNITAD, and as Head of the Human Rights and Gender Section at the United Nations Office of Counter-Terrorism.

- **Promoting respectful workplaces**

I lead by example, by respecting colleagues and by not allowing myself or others to be disrespected. In practice, this means addressing disrespectful conduct as soon as it occurs, rather than allowing it to become the team's norm.

- **Responding to misconduct allegations**

I have not had to handle a formal misconduct allegation made within a team I led. Were such a situation to arise, my approach would be to take the complaint seriously, to protect the person raising it from any form of retaliation, to avoid conducting any investigation myself where the matter falls within the remit of the Court's investigative bodies, and to refer it promptly to the relevant investigation unit. I would also ensure that the person raising the concern was kept informed of the process to the extent permissible.

- **Supporting diversity, equity and inclusion**

I believe strongly in diversity and inclusion. As Head of the Justice Section at the United Nations Office on Drugs and Crime Regional Office for West and Central Africa, I led one of the most diverse teams in the office, with colleagues from Colombia, Senegal, Niger, France, Egypt, Cameroon and Canada. Some colleagues were young and at the beginning of their careers and others were more experienced. There were men and women. We came from different cultural and religious backgrounds and from different legal systems. Our common ground was the work and the United Nations core value of respect for diversity. As team leader, I supported that value at all times, including by ensuring that assignments of professional value were distributed fairly and not concentrated among a favoured few.

- **Addressing power imbalances within institutions**

In one leadership role, I intervened when a colleague was treating a more junior colleague unfairly by assigning her an excessive workload, including tasks that were properly part of the senior colleague's core responsibilities. This placed a substantial burden on the junior colleague, whose workload increased significantly. I could see the strain it was placing on her as she laboured quietly and without complaint. My intervention led to a more equitable distribution of tasks, and the team preserved its cohesion.

The lesson I took from that episode is that power imbalances are frequently invisible to those above them and are rarely reported by those beneath them. The responsibility rests on the person in authority to look for them.

- **Improving workplace culture or staff wellbeing**

In another leadership role I joined a team in which there were existing divisions. I quickly realised that this was hampering the effective functioning of the team. I set about identifying the root causes and worked quietly with the colleagues concerned to resolve the disputes. Within a few months the atmosphere had lightened, there was more laughter and colleagues were going to lunch together. I also introduced weekly team meetings at which we discussed not only work but also celebrated birthdays and small achievements.

These are modest interventions, but the cumulative effect of small, consistent acts of attention is the principal determinant of whether a workplace is one in which people can do their best work.

Thematic and Intersectional Expertise

19. What do you consider to be the most important developments in ICC jurisprudence concerning:

- **Sexual and gender-based crimes**

The most important development is the movement from a period in which sexual and gender-based crimes were charged inconsistently and frequently failed at trial, to a period in which they are charged deliberately and have begun to be established. In the early years, the record was poor. Charges were withdrawn or not confirmed in *Lubanga*, *Kenyatta* and *Mbarushimana*, and convictions did not follow in Katanga.

Ntaganda, in 2019, was a turning point. The Trial Chamber convicted on rape and sexual slavery and, importantly, held that the war crimes of rape and sexual slavery may be committed against members of the perpetrator's own armed force. That holding closed a gap in the protection afforded by international humanitarian law, which had previously been read as protecting only persons hors de combat or otherwise protected persons.

In 2021, *Ongwen* was the most significant single judgement in this field. The Chamber convicted on forced marriage as an other inhumane act and on forced pregnancy, the latter for the first time in international criminal law. The Chamber grounded the crime of forced pregnancy in the protection of reproductive autonomy rather than sexual autonomy, which is a conceptual advance of real importance. *Ongwen* also confronted directly the position of a person who was himself abducted as a child and who later became a perpetrator.

The gender persecution jurisprudence has developed more recently and less evenly. *Al Hassan*, in 2024, was the first case in which gender persecution was litigated at trial. The result was unsatisfactory. The Trial Chamber divided three ways, and the accused was acquitted of gender persecution and of the other gender-based charges. Only Judge Prost would have convicted, on the basis that gender and religion were inseparable grounds and that a conviction should have reflected the multiple and intersecting nature of the targeting of women and girls. In October 2025, *Abd-Al-Rahman* became the first person convicted of gender persecution before the Court, in respect of conduct against men and boys. The contrast between the two outcomes is instructive and, in my view, remains to be fully worked through in the jurisprudence.

Alongside the jurisprudence, the Office of the Prosecutor has issued the Policy on the Crime of Gender Persecution in 2022 and the revised Policy on Gender-Based Crimes in 2023. The latter is significant in treating reproductive violence as a distinct category rather than conflating it with sexual violence, and in adopting an explicitly survivor-centred, trauma-informed and intersectional approach.

- **Crimes against children**

Lubanga, in 2012, established the elements of the war crimes of conscripting and enlisting children under fifteen and using them to participate actively in hostilities. It also produced the Court's first reparations principles, directed at the rehabilitation of former child soldiers.

Ntaganda extended the protection of children within an armed group by holding that children recruited into a group remain protected from rape and sexual slavery committed by members of that same group.

Ongwen addressed the position of a child victim who becomes an adult perpetrator, and the Chamber's treatment of that issue in conviction and in sentence is of enduring importance.

The *Ongwen* reparations order also recognised transgenerational harm as a legally cognisable category, including harm to children born of sexual violence in conflict. That is a development of particular significance, and I devoted a research paper to it whilst at UNITAD.

The Office of the Prosecutor's revised Policy on Children, issued in 2023, complements this jurisprudence by requiring the systematic consideration of crimes against and affecting children at every stage of the Office's work.

- **Gender-competent and intersectional approaches**

The most important development here is conceptual rather than doctrinal. It is the growing recognition that gender competence is not a specialist add-on for a discrete category of charges, but a methodology that must run through charging, evidence-gathering, witness handling, legal characterisation and reparations.

The 2023 Policy on Gender-Based Crimes articulates that methodology explicitly through its foundational principles, which include a survivor-centred approach, a trauma-informed approach, the adoption of an intersectional perspective, the mainstreaming of gender competence across the Office's work, and the acknowledgement and overcoming of myths and stereotypes.

The judicial counterpart to that policy work is underdeveloped. The divergence in *Al Hassan* demonstrates that gender competence on the bench cannot be assumed. Judges require the same analytical tools, and the Court would benefit from sustained judicial training in this area.

20. What challenges continue to impede accountability for these crimes before international courts?

The first challenge is evidentiary. Sexual and gender-based crimes are systematically under-reported. Survivors are reluctant to come forward because of stigma, fear of retaliation, fear of rejection by family and community, and unfamiliarity with the criminal process. Corroborating medical and forensic evidence is rarely available, particularly where

investigations begin years after the events. The passage of time between the conduct and the trial is longer for these crimes than for almost any other.

The second is charging practice. Where sexual and gender-based crimes are charged late, in the alternative, or as incidental to other conduct rather than as a central part of the case theory, the evidentiary foundation laid during the investigation is frequently insufficient to support them at trial. Cumulative charging and the proper characterisation of the same conduct under multiple provisions remain contested.

The third is the judicial appreciation of gendered harm. The divergence among the three judges in *Al Hassan*, in a case in which the evidence of the treatment of women and girls in Timbuktu was substantial, illustrates that the tools of gender analysis are not uniformly held across the bench. The persistence of myths and stereotypes about how a genuine victim behaves, about consent in coercive environments, and about the reliability of delayed reporting continues to affect the assessment of evidence.

The fourth is the treatment of male and boy victims and of victims targeted on grounds of sexual orientation or gender identity, whose experience has been substantially absent from the jurisprudence until very recently and remains under-charged.

The fifth is witness protection and the risk of retaliation and re-traumatisation, which limits the pool of witnesses willing to testify and which places obligations on the Court that are expensive to discharge.

The sixth is the resourcing of specialist investigative and psychosocial capacity. Trauma-informed interviewing requires trained personnel, in-house psychosocial support and time. Where those are absent, the quality of the evidence suffers as well as the welfare of the witness.

The seventh is the reparations gap. Where convictions are secured, awards are frequently made against indigent persons, and the Trust Fund for Victims is dependent on voluntary contributions. Survivors who have testified at great personal cost may receive nothing.

21. Crimes are rarely experienced along a single axis of identity. How would you approach a case where victims were targeted on the basis of intersecting identities – such as gender, age, disability, ethnicity or sexual orientation – and how would you use the legal tools offered within the Rome Statute to capture that complexity?

My starting point would be that the legal characterisation should reflect the reality of the targeting. Where the evidence shows that victims were targeted because of the intersection of their gender and their ethnicity or religion, for example, a characterisation that recognises

only one of those grounds does not accurately describe the conduct and does not accurately recognise the harm.

The Rome Statute provides the necessary tools. Article 7(1)(h) expressly permits persecution on multiple grounds, including political, racial, national, ethnic, cultural, religious and gender grounds, and on other grounds universally recognised as impermissible under international law. The provision is framed disjunctively and there is nothing in it that requires a Chamber to select a single ground where the evidence establishes several. That was the substance of Judge Prost's separate opinion in *Al Hassan*, in which she considered gender and religion to be inseparable grounds in the targeting of women and girls in Timbuktu and would have convicted on a basis reflecting the multiple and intersecting nature of that targeting. I find that reasoning persuasive.

Beyond Article 7(1)(h), several further tools are available. Where the Prosecutor has led sufficient and credible evidence (for which no reasonable doubt was raised by the defence) cumulative convictions are permissible where each provision requires proof of a materially distinct element, which allows the full criminality of the conduct to be captured. The contextual elements of crimes against humanity require the Chamber to understand who was attacked and why, which is the natural place for an intersectional analysis of the targeting. Article 21(3) requires the application and interpretation of law to be consistent with internationally recognised human rights laws and without adverse distinction founded on grounds including gender, age, race, colour, language, religion, political or other opinion, national, ethnic or social origin, wealth, birth or other status. That provision directly mandates an intersectional reading. Article 68 permits protective and special measures that take account of age, gender and health, which directly bears on how victims with intersecting vulnerabilities can participate. And at the reparations stage, Article 75 permits an assessment of harm that reflects the differentiated impact of the conduct on differently situated victims.

In practical terms, my approach in such a case would be as follows. I would require the evidence on the grounds of targeting to be led and analysed in full rather than narrowed at an early stage. I would ask whether the identified grounds operated independently or in combination, and I would say so expressly in the judgement. I would scrutinise the legal characterisation proposed by the Prosecutor and would consider whether it captures the conduct as the victims experienced it. I would be alert to stereotypes that obscure the position of victims who do not conform to the expected profile, including male victims of sexual violence and victims targeted on grounds of disability, age or sexual orientation. And at the reparations stage I would ensure that the design of the award reflects the differentiated harm rather than treating the victim group as homogeneous.

Accurate characterisation is not a matter of form. It determines what the historical record records, what the affected communities understand the Court to have found, and what the victims receive.

22. What is your understanding of and views about outreach at the ICC, including during preliminary examinations? What role should the judiciary play in ICC outreach?

Outreach is the function through which the Court communicates with the communities most affected by the crimes within its jurisdiction. It is not public relations. It is a two-way process through which affected communities understand what the Court is, what it can and cannot do, and how proceedings that concern them are progressing, and through which the Court understands those communities' concerns and expectations. The Registry bears principal responsibility for outreach.

My view is that outreach has been under-prioritised and under-resourced relative to its importance. Three points in particular seem well made in the criticisms advanced by civil society and the Victims' Rights Working Group.

The first concerns timing. The restrictive interpretation under which outreach is deferred until after an investigation has been opened excludes affected communities at precisely the stage at which expectations are formed and misinformation takes root. Preliminary examinations can last for years. During that period, communities are often left without reliable information about what the Court is doing or why, and the resulting vacuum is filled by rumour and actors with an interest in discrediting the Court. I regard early engagement during preliminary examinations as a question of prioritisation rather than solely of resources, and I would support it.

The second concerns method. Outreach must be adapted to the realities of the communities concerned. Digital outreach is of limited value in regions without reliable electricity or connectivity. Community meetings, radio, locally developed materials, dramatic sketches and engagement through trusted local intermediaries are frequently more effective. Outreach should not be suspended for want of budget but adapted so that continuity is maintained.

The third concerns expectation management. Much of the criticism directed at the Court arises from the measurement of the institution against objectives it was never designed to achieve. Honest and early communication about the limits of a court of last resort, about the length of proceedings and about the realistic prospects of reparations would reduce the disappointment that follows.

As to the role of the judiciary, it is real but properly bounded. Judges do not conduct outreach and must not comment on pending or impending matters. What judges can do is substantial nonetheless. Judges should write decisions in language non-lawyers can understand and support the preparation of accessible summaries in the languages of affected communities. Judges should require the timely translation of key decisions. Judges should keep the Registry's outreach function informed of the procedural calendar so that communities are not taken by surprise by developments in their own cases. Judges should give serious consideration to sittings in situ where security and resources permit. Judges should ensure that victims' legal representatives can convey to the Chamber the concerns genuinely expressed to them by those they represent. Judges may also participate in professional and educational events where the Court's work is explained in general terms.

Ultimately the most powerful instrument of outreach available to a judge is a clear, reasoned and timely judgement that the affected community can read and understand. That is a judicial responsibility, and I would discharge it accordingly.