

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: EVELYN A ANKUMAH

Date: 31 August 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 to serve as a Judge of the International Criminal Court (ICC) stems from a career spanning over three decades in international justice and human rights. I bring demonstrated expertise in shaping international legal frameworks on accountability, advancing victim-centred, gender-conscious, and intersectional approaches to justice, and contributing vital African, Global South, and gender perspectives to the international rule of law. This includes having conceptualized and initiated a specialized gender mentoring training programme for ICC judges and judges of other international courts and tribunals. I seek election to ensure the bench operates with independence, fairness and judicial efficiency. I am prepared to apply my extensive expertise to uphold the Court's mandate, safeguard procedural equality of arms, and ensure accessible, impartial and meaningful justice for all.

- 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 ICC's greatest institutional and legal challenges over the next decade include:

- **Possible Withdrawals**

The recent withdrawal notifications by Burkina Faso, Chad, Mali, Niger, and Venezuela represent a direct threat to the Court's universal mandate and international legitimacy.

If the Presidency seeks my insights on how these withdrawals can be addressed, I will leverage my unique experience having convened African States Parties to the ICC – reaching all 33 nations at ministerial and senior civil service levels. Combined with dialogues I have held with international partners on cross-regional justice initiatives, I can provide the Court's Presidency with insights into the underlying concerns of departing nations. This expertise will help formulate targeted institutional strategies to encourage these states to reconsider their notices, bring an end to the withdrawal processes, and ultimately increase ratification to the Rome Statute, thereby advancing universalization.

- **Cultivating a Fair, Respectful, and Equitable Institutional Culture**

To maintain its moral authority, the ICC must mirror the values of justice internally, ensuring an exemplary workplace free from structural marginalization and misconduct. Systemic equity begins with leadership by ethical example. Having successfully led diverse international teams, I will ensure that my chambers model the highest standards of professional dignity, objectivity, and institutional equity. Furthermore, evidence from my experience designing a specialized gender mentoring training programme shows that institutional dynamics can still inadvertently undervalue the insights of female judges and the personnel supporting the judicial work. Within the judicial organ, I will actively work to ensure an inclusive environment where all judicial deliberations are characterized by mutual respect. Addressing systemic challenges requires a commitment to zero tolerance for workplace harassment and retaliation. As a judge, I will uphold these ethical boundaries within my own sphere of authority, ensuring that judicial chambers remain a safe, equitable, and transparent environment for all.

- **Principle of Complementarity**

As a Judge of the International Criminal Court (ICC), I will be guided by a strict, legally precise application of the principle of complementarity under Article 17 of the Rome Statute. Over the next decade, this principle faces a critical dual threat: a high volume of cases from states treating the ICC as a court of first resort, and sophisticated legal manoeuvres by state actors subverting domestic inquiries to shield perpetrators. If the Court overreaches, it risks fracturing States Parties; if it defers too easily to bad-faith processes, it fails the victims of mass atrocities.

To manage this, I maintain that the ICC must operate like a back-up generator, while national judiciaries serve as the primary electricity network. On the bench, I will evaluate admissibility challenges with a high, objective evidentiary standard – respecting genuine state sovereignty while also uncovering domestic shields. By maintaining a principled threshold for ICC intervention, my rulings will incentivize national jurisdictions to fulfil their primary obligations.

- **Curing ‘Judicial Illnesses’ through Consistency, Coherence, and Collegiality**
As a retired Judge of the ICC noted, the Court must diagnose and remedy its internal judicial challenges to protect its institutional credibility. For example, the deeply fractured separate and dissenting opinions in the 2024 *Al Hassan* judgment failed to articulate a coherent majority rationale. Furthermore, deep-seated inconsistencies in judicial rulings risk undermining the Court's authority and predictability. It is my firm conviction that an established, structured induction and training programme could effectively align judicial perspectives on core procedural frameworks, whilst simultaneously fostering institutional collegiality.
3. **How would your professional background, expertise, and personal experience contribute to the effectiveness, legitimacy, and diversity of the Court?**

- ***Contributing to the Effectiveness of the Court***

My professional background combines extensive, high-level expertise in international justice and human rights with practical insight into the mechanics of institutional adjudication.

- **Judicial Foundation & Specialized Credentials:** My qualification for the bench began with a Juris Doctor (JD) degree from William Mitchell College of Law (1988) and an admission to practice in all state and federal courts in Minnesota. Along this legal education, I served as a law clerk for the Minneapolis City Attorney's Office and as a judicial law clerk at the Ramsey County District Court in St. Paul, Minnesota between 1986 and 1989, gaining a solid practical understanding of courtroom procedures. Building on this baseline, and during my tenure as Research Fellow in the Netherlands, I earned an Advanced Diploma for University Lecturers and Researchers from the International Institute of Human Rights in Strasbourg, France (1990). Later in my career, I obtained an International Arbitration Training Certificate from the Grotius Centre for International Legal Studies (Leiden University & Permanent Court of Arbitration) in 2017.
- **Maastricht University Tenure & Regional Human Rights Systems:** As a Research Fellow in Human Rights and International Law at the Faculty of Law of the Maastricht University where I also lectured on these disciplines, I published articles in legal journals and authored the first monograph on the African Commission on Human and Peoples' Rights. Originally published in English by Kluwer Law International, this landmark work was subsequently published in French and Arabic by the former African Society of International and Comparative Law. Preparation for this work involved immersive research within the African human rights system, reviewing complaints submitted to the African Commission, attending confidential sessions of the Commission, and providing comparative legal advice to the Commission, drawing from the Inter-American and European systems, including on trauma-informed standards and procedural fairness for vulnerable complainants. This unique experience significantly

sharpened my comparative analytical skills, equipping me to navigate the hybrid civil and common law frameworks that define the international criminal justice system.

- **Leadership of Africa Legal Aid (AFLA):** In 1995, I founded Africa Legal Aid (AFLA), serving as its Executive Director since 1997. AFLA is a premier international justice and human rights organisation dedicated to promoting a victim-centred, gender-sensitive approach to human rights and international justice. Through AFLA, I have spent decades interfacing directly with national, regional, and international institutions to advance the international rule of law.
- **Direct Contributions to the International Criminal Court:** Prior to the Court's operationalisation, I initiated the Cairo-Arusha Principles on Universal Jurisdiction, under AFLA's auspices. The historic entry into force of the Rome Statute in July 2002 occurred precisely between the initial drafting session of the Cairo Draft and the final adoption of the Cairo-Arusha Principles. Since the ICC's inception, I have actively shaped its institutional framework. In 2003, I conceptualised and convened the first major conference to introduce the new ICC to the human rights and justice sectors in Africa (Accra, Ghana). Over the next two decades, through AFLA's high-level symposia and specialised legal networks, we systematically unpacked topical, under-addressed, and emerging issues in international accountability, providing a vital forum for scholarly and practical discussions on complementarity and other topics. I authored critical legal reviews and convened focused analytical symposia on landmark ICC jurisprudence including the *Ngudjolo Chui* and *Gbagbo* and *Blé Goudé* acquittals. Furthermore, my strategic advocacy for victims and defence counsel was instrumental in establishing the International Criminal Court Bar Association (ICCBA) in 2016.
- **Pioneering the Gender Mentoring Training Programme:** I am already actively contributing to the Court's work having spearheaded the Gender Mentoring Training Programme for Judges of International Courts and Tribunals in 2020 with ICC judges and senior officials being the primary beneficiaries of this initiative, which strengthens judicial capacity to deliver gender-conscious, trauma-informed, intersectional, and inclusive justice. This role requires an intimate understanding of how the ICC interprets gender-sensitive rulings and prosecutes sexual and gender-based crimes. It provides direct insight into the internal workings, administrative procedures, and decision-making mechanisms of the ICC. I am humbled by the constructive impact facilitated through this training, which supported the framework surrounding the landmark *Abd-Al-Rahman* judgment of October 2025 - widely noted as a progressive milestone for the Court's gender jurisprudence. This significant decision was adjudicated by a distinguished panel, namely Judge Joanna Korner, Judge Reine Alapini-Gansou, and Judge Althea Violet Alexis-Windsor, all of whom have been active participants in AFLA's judicial mentoring initiative.

- **Special Adviser Appointment and Institutional Authority:** My 2025 appointment as Special Adviser to the Office of the ICC Prosecutor reinforces my standing as an internationally recognized expert and reflects my deep familiarity with the Court's mandate.
- **Enhancing the Legitimacy of the Court**

A court's legitimacy relies on its perceived independence, its accessibility to victims, and its transparency before the international legal community. Throughout my career, I have acted as an independent, principled bridge between the ICC and its stakeholders.

- **Sustained Institutional Independence:** For over twenty years, I have maintained strict independence while consistently fostering constructive civil society engagement with the ICC. Through AFLA, I have conceptualized and convened international seminars and high-level dialogues to demystify the Court's mandate and deepen stakeholder support.
- **Victim-Centred Advocacy and Outreach:** I have consistently worked to translate the abstract values of the Rome Statute into tangible pathways to justice. This includes actively engaging victims of Jammeh-era crimes in The Gambia at the Assembly of States Parties (ASP) to ensure their voices are heard. This reflects how I have practically translated the values of the Rome Statute into dignified, victim-centred pathways to justice. Furthermore, my extensive record as an author and editor - publishing six books and over 40 editions of the AFLA *Quarterly* journal - demonstrates a lifetime commitment to a transparent, accessible, and legitimate international justice system.
- **Advancing the Diversity of the Court**

Diversity on the ICC bench ensures a fair, nuanced understanding of witnesses, victims, and defendants from varied geopolitical landscapes, reinforcing the ICC as a genuinely universal institution.

- **Cross-Cultural Experience & Legal Traditions:** A lifetime of living and working across Africa, Europe, and North America allows me to bridge different legal traditions smoothly. Whether establishing the Africa Programme for the Minnesota Lawyers International Human Rights Committee; presenting African Perspectives on Universalising the Rome Statute to Asian stakeholders (Tokyo, 2018); explaining Complementarity and other issues to the Hague Working Group (The Hague on different occasions); and Providing Counsel on EU Support for the ICC from an African Perspective (European Parliament, Brussels 2011), I have demonstrated an innate ability to engage constructively across diverse regions.
- **Expertise in Gender-Based Jurisprudence:** Through AFLA, I lead a key project on Addressing Gender-based Violence and Femicide (GBVF) in Southern Africa.

Recognizing this specialized expertise, the Sexual Offences and Community Affairs (SOCA) Unit of South Africa's National Prosecuting Authority (NPA) formally requested AFLA, under my leadership, to facilitate their engagements with civil society and regional counterparts. This institutional trust demonstrates my readiness to bring highly relevant, gender-conscious legal expertise to the ICC bench.

- **Universal Perspective:** Culturally, my professional journey and my experience raising a multi-racial, multicultural family have taught me to value diverse perspectives deeply. I bring this dual benefit to the Court: I will enhance operational effectiveness by ensuring a sophisticated, fair understanding of participants from diverse backgrounds, and strengthen legitimacy by ensuring the ICC bench is truly universal and reflective of the international community.

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.

Please include:

- the types and complexity of cases handled;
- your specific responsibilities;
- experience managing lengthy or complex proceedings; and
- examples of difficult legal substantive or procedural challenges you encountered and how you addressed them.

5. Please describe any experience you have applying:

- the Rome Statute;
- international criminal law;
- international humanitarian law;
- domestic legislation incorporating international crimes;
- the jurisprudence of the ICC or ad hoc tribunals; or
- universal jurisdiction.

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

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.**

My experience across public international law, international human rights law, and international criminal law spanning Africa, Europe, North America and the international justice landscape is structured across the five requested core competencies below:

- **Litigation**
 - **Courtroom and Evidentiary Foundations:** My litigious background began in the United States, earning a Juris Doctor (JD) degree from William Mitchell College of Law and securing formal admission to practice before all state and federal courts in Minnesota.
 - **Domestic Court Practice:** I built practical courtroom exposure and dynamic litigation insight early in my career, serving as a law clerk for the Minneapolis City Attorney's Office and as a judicial law clerk within the domestic criminal and civil chambers of the Ramsey County District Court (St. Paul, Minnesota).
- **Legal Advisory Work**
 - **Office of the ICC Prosecutor:** In February 2025, I was appointed as *Special Adviser to the Office of the ICC Prosecutor (OTP)* at The Hague. In this senior advisory capacity, I have provided expert insights and strategic counsel regarding Rome Statute stakeholders.
 - **Inter-System Advisory Expertise:** During my tenure as a Research Fellow at Maastricht University's Faculty of Law, I served as a cross-system legal adviser. I provided comparative legal advice to the relatively new African Commission on Human and Peoples' Rights, drawing from the Inter-American and European human rights frameworks.
 - **National Prosecution Engagement:** Under my leadership, South Africa's National Prosecuting Authority (NPA) – specifically, the Sexual Offences and Community Affairs (SOCA) Unit – formally requested my advisory expertise to facilitate multi-stakeholder civil society and regional state engagements to counteract gender-based violence and femicide (GBVF).
- **Investigations**

- **Trauma-Informed & Victim-Centered Methodologies:** While not a field investigator, I have directed and conceptualized initiatives focusing on the processing of severe human rights infractions. Through AFLA, I have designed victim-centred, gender-conscious and intersectional approaches to justice to handle vulnerable witnesses and survivors of human rights and atrocity crimes.
- **Treaty Interpretation**
 - **The Rome Statute Framework:** A recognised specialist in interpreting the constituent instruments of international criminal justice, I convened the ministerial and senior civil service level *Review of the Kampala Amendments on the Crime of Aggression*, coordinating high-level state delegations to interpret and reform complex jurisdictional clauses under the Rome Statute.
 - **The African Charter on Human and Peoples' Rights:** As a scholar, I performed the foundational interpretation of regional treaty mechanisms by authoring the first comprehensive monograph on the African Commission on Human and Peoples' Rights (published by Kluwer Law International and translated into French and Arabic by the former African Society of International and Comparative Law). This work required line-by-line interpretation of Charter protections, admissibility doctrines, and the rule of exhausting local remedies.
 - **Universal Jurisdiction:** I conceptualized and initiated the Cairo-Arusha Principles on Universal Jurisdiction, analysing when a national court has the legal authority to prosecute a foreigner for an atrocity crime committed abroad, even if the case has no geographic or national connection to that prosecuting state.
- **Institutional Practice**
 - **Founding and Managing AFLA:** In 1995, I launched Africa Legal Aid (AFLA), serving as its Executive Director since 1997. I have spent nearly three decades managing this premier international justice and human rights organization, leading its structural governance, state interfaces, and publishing platforms (including over 40 editions of the *AFLA Quarterly* journal and four volumes with an upcoming fifth volume in its book series).
 - **Judicial Capacity-Building:** In 2020, I initiated and spearheaded the Gender Mentoring Training Programme for Judges of International Courts and Tribunals. Acting as its ongoing coordinator, I have managed mentoring sessions for sitting international judges - primarily benefiting ICC judges and senior officials - to embed human rights standards into regular institutional decision-making.
 - **International Criminal Court Bar Association (ICCBA):** My strategic advocacy and mobilization of the defence and victim counsel sectors was instrumental in the establishment of the *International Criminal Court Bar Association (ICCBA)* in 2016.

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.

- **Notable Audience and Presentations upon the Request of ICC Stakeholders:**

- Evelyn A Ankumah, *Understanding Complementarity*, The Hague Working Group of the Bureau of the Assembly of States Parties (HWG) Information Session on Complementarity in Practice, The Hague, 30 October 2018.
- Evelyn A Ankumah, *Sharing African Lessons on Universalising the Rome Statute of the International Criminal Court with Asian Stakeholders*, 57th Annual Meeting of the Asian African Legal Consultative Organisation (AALCO), Tokyo, 11 October 2018. Participated upon invitation of the Governments of Japan and the Netherlands.
- Evelyn A Ankumah, *EU Support for the ICC from an African Perspective*, Committee for Foreign Affairs of the European Parliament and its Sub Commission on Human Rights, EU Action Plan to Deepen its Future Support of the ICC, Brussels, 12 July 2011.

- **The Crimes Against Humanity Initiative (Expert Contributor first public meeting, St Louis 2009, and subsequent meeting in The Hague 2010).**

ICC Relevance: Provided specialised African regional perspectives and academic submissions aimed at drafting a comprehensive model treaty to complement and reinforce the Rome Statute's definitions of crimes against humanity.

- **Publications**

Books

- Evelyn A Ankumah Ed, *The International Criminal Court and Africa: One Decade On*, Intersentia 2016, 676 pages.
- Evelyn A Ankumah, Edward K Kwakwa Eds, *African Perspectives on International Criminal Justice*, Africa Legal Aid, 2005, 284 pages.
- Evelyn A Ankumah Ed, *Litigating Economic and Social Rights in Africa*, Africa Legal Aid, 2004, 206 pages.
- Evelyn A Ankumah, Edward K Kwakwa Eds, *The Legal Profession and the Protection of Human Rights in Africa*, 1999, 180 pages.
- Evelyn A Ankumah, *The African Commission on Human and Peoples' Rights: Practice and Procedures*, Kluwer Law International, 1996, 246 pages.

Journals

- Evelyn A Ankumah Ed, *A Victim-Centred and Gender-Sensitive Approach to Justice in Southern Africa: Shared Lessons*, Africa Legal Aid (AFLA) Quarterly, January-March 2023.

- Evelyn A Ankumah Ed, Lessons from the Gbagbo and Blé Goudé Case and ICC Review, Africa Legal Aid (AFLA) Quarterly, Special Edition 2019.
- Evelyn A Ankumah Ed, Engaging the African Youth in Justice and Peace Building, Africa Legal Aid (AFLA) Quarterly, 2nd Special Edition 2018.
- Evelyn A Ankumah Ed, Commemorating the 20th Anniversary of the Rome Statute of the International Criminal Court, Africa Legal Aid (AFLA) Quarterly, Special Edition 2018.
- Evelyn A Ankumah Ed, Carrying Forward the Innovations of the Extraordinary African Chambers for the Prosecution of Hissène Habré, Africa Legal Aid (AFLA) Quarterly, January- March 2017.
- Evelyn A Ankumah Ed, Africa and International Justice: After Kampala, Africa Legal Aid (AFLA) Quarterly, April- June 2010.
- Evelyn A Ankumah, Ed, On the Shores of Lake Victoria: Africa and the ICC Review Conference, Africa Legal Aid (AFLA) Quarterly, January-March 2010.
- Evelyn A Ankumah Ed, Adopting a Holistic Approach to Gender Justice, Africa Legal Aid (AFLA) Quarterly, January-March 2009.
- Evelyn A Ankumah Ed, Gender Justice and the Legacy of the International Criminal Tribunal for Rwanda, Africa Legal Aid (AFLA) Quarterly, Double Edition July-December 2008.
- Evelyn A Ankumah Ed, The Interface Between Peace and International Justice in Africa, Africa Legal Aid (AFLA) Quarterly, Double Edition July-December 2007.
- Evelyn A Ankumah Ed, Women in Conflict Situations in Africa, Africa Legal Aid (AFLA) Quarterly, July-September 2003.
- Evelyn A Ankumah Ed, Africa and the International Criminal Court, Africa Legal Aid (AFLA) Quarterly, January-March 2003.
- Evelyn A Ankumah Ed, African Perspectives on Universal Jurisdiction for International Crimes, Africa Legal Aid (AFLA) Quarterly, July-September 2001.

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 these obstacles include:

- Fragmented narratives have frequently been used to discount victim credibility;
- Bureaucratic application processes for victims' participation;
- A large number of victims cannot travel to The Hague to testify in person and the vast majority participate through their legal counsel and never visit a

courtroom. Those who do travel as witnesses are limited by strict procedural rules which control and restrict a victim's narrative;

- Hundreds or thousands of victims are often combined into a single large group represented by a shared lawyer based in The Hague, far away from where the victims live. Individualised stories and specific personal needs can get lost when everyone is treated as one big group. Being far away from The Hague where their lawyer is also based isolates victims from the trial and detaches the legal strategy from the local community;
- The financial burden to pay reparations falls on the Trust Fund for Victims which relies heavily on voluntary donations from States;
- Clashing approaches between rulings of Trial Chambers and Appeals Chamber delay restorative relief for years. For example, Trial Chambers initially attempted to delegate the administrative duty of screening and approving individual victim eligibility to the Trust Fund for Victims (TFV). The Appeals Chamber reversed this practice ruling that judges cannot delegate core judicial decisions. This required courts to restart identification processes from scratch. Notably, certain Trial Chambers tried to award reparations to victims of gender-based violence even if those specific abuses were omitted from the primary prosecution charges. The Appeals Chamber overruled this, restricting formal reparations strictly to the narrow crimes detailed in the final conviction verdict. There were also clashing methodologies for calculating financial awards such as differing approaches in assessing community-wide collective damage versus individual losses, resulting in appellate reversals (e.g. in the Ntaganda case). Sending complex multi-million-dollar orders back to trial panels for complete recalculation, forces survivors to wait years longer for closure.

Judges can redress these obstacles for example by:

- Applying a trauma-informed lens, ensuring that fragmented narratives from traumatised or vulnerable survivors are never used as a procedural excuse to dismiss a complaint or discount credibility;
- Simplifying the victim application processes by using flexible methods to make it easier for victims to participate without heavy bureaucracy; or
- By requiring court-appointed lawyers to partner with local non-governmental organisations on the ground, creating a trusted, accessible bridge to the affected communities.

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

To ensure that trials remain accessible and meaningful for affected communities while strictly respecting the rights of the accused, judges should implement three practical measures from the bench:

- **Authorise Field-Based and Virtual Screenings:** Judges can use their trial-management powers to order that key trial segments - opening statements and closing arguments - are broadcasted directly to affected communities via local

radio, television, or secure field-based viewing centres, bridging the geographic gap between The Hague and the victims.

- **Prevent Institutional Silencing in Cross-Examination:** While judges must protect the defence's right to challenge a witness's credibility, they must firmly intervene during cross-examinations to stop questioning that weaponises trauma, memory fragmentation, or natural cognitive gaps to punitively humiliate vulnerable complainants.
- **Enforce Strict Timelines to Guard Against Procedural Delay:** Judges must carefully manage the scope and number of participating victim groups at each stage of the trial. Streamlining these procedures protects the accused from facing an unmanageable, open-ended prosecution while preventing the trial from dragging on for decades, which exhausts the patience and resources of both the defendant and the affected communities.

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

The following examples are illustrative:

- At the initial stage of my human rights career, I provided comparative legal advice to the African Commission on Human and Peoples' Rights, drawing from the Inter-American and European systems, including on trauma-informed standards and procedural fairness for vulnerable complainants;
- The organisation I founded, Africa Legal Aid (AFLA), uses a victim-centred and gender-sensitive approach to advancing human rights and international justice;
- Through AFLA, I have designed victim-centred, trauma-informed, gender-sensitive and intersectional approaches to justice, to handle vulnerable witnesses, survivors of human rights and atrocity crimes;
- Through AFLA, I lead a project on Addressing Gender-based Violence and Femicide (GBVF) in Southern Africa. Recognising this specialised expertise, the Sexual Offences and Community Affairs (SOCA) Unit of South Africa's National Prosecuting Authority (NPA) formally requested AFLA, under my leadership, to facilitate their engagements with civil society and regional counterparts. This initiative seeks to bridge the gap between state prosecutors and survivors and victims of GBV, ensuring that legal responses to sexual and gender-based violence are guided by the lived experiences, psychological trauma, and protection needs of the victims;
- In 2020, I initiated the Gender Mentoring Training Programme for Judges of International Courts and Tribunals, with ICC judges as primary beneficiaries, the programme strengthens judicial capacity to deliver gender-sensitive, trauma-informed, intersectional, and inclusive justice. The curriculum explicitly trains judges to recognise how severe trauma, and gender-based violence, impact a witness'

memory and demeanour, ensuring that vulnerable complainants are treated with dignity rather than procedural scepticism.

- I have practically applied a victim-centred approach by bringing victims of Jammeh-era crimes in The Gambia directly into the Assembly of States Parties (ASP) framework, ensuring survivors have a visible, dignified platform to impact international justice policy.

Defence Rights

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

- **Equality of arms;**
- **Disclosure obligations;**
- **Presumption of innocence;**
- **Granting interim release;**
- **Protection against undue delay; and**
- **The rights of detained persons.**

○ Equality of Arms and Disclosure Obligations

The Experience & Application: My understanding of the structural balance required between the prosecution and defence was formed during my early career as a judicial law clerk at the Ramsey County District Court. I brought this foundational commitment to the international stage by consistently advocating for defence and victim's counsel, which proved instrumental in the establishment of the International Criminal Court Bar Association (ICCBA) in 2016. This advocacy was driven entirely by the principle of equality of arms - ensuring that defence and victim's counsel have an independent, institutional voice and equal standing to counter a well-funded international prosecution. The principle of equality of arms requires a judge to carefully manage disclosure timelines under the Rules of Procedure and Evidence. This involves ensuring that statutory obligations regarding exculpatory material are systematically met, thereby providing the defence with the necessary time, facilities, and structural clarity to effectively prepare its case.

○ Presumption of Innocence and Granting Interim Release

The Experience & Application: Through Africa Legal Aid (AFLA), I have consistently promoted principled human rights standards. I understand that the presumption of innocence is a fundamental procedural safeguard from the pre-trial phase until a final verdict. Under the International Criminal Court's established jurisprudence, the Judge must determine whether continued detention remains necessary based on three distinct risks that the prosecution has the burden of proving:

- **Flight Risk:** The risk that the person will flee or abscond from the jurisdiction of the Court to evade trial.

- Interference Risk: The risk that the person will obstruct or endanger the investigation or the Court proceedings (e.g., by destroying evidence, colluding with co-suspects, or intimidating witnesses).
- Recidivism Risk: The risk that the person will continue the commission of the crime or a related crime within the jurisdiction of the Court.

At all times, the Judge must balance legitimate security and flight-risk concerns with the right of the individual to be presumed innocent until proven guilty.

- **Protection Against Undue Delay**

The Experience & Application: Throughout my leadership at AFLA, I have observed how prolonged international trials exhaust institutional resources, damage the credibility of the Court, and inflict a severe psychological toll on both the accused and the affected communities. To safeguard against undue delay, a judge must be an active manager of the trial calendar, implement strict, enforceable timelines for written submissions, limit repetitive oral arguments, and carefully control the scope of participating victim groups at each phase of the trial. Streamlining these procedures prevents cases from dragging on for decades without compromising the thoroughness of the defence.

- **The Rights of Detained Persons**

The Experience & Application: My expertise in safeguarding custodial rights is rooted in my comparative analysis of fair trial gaps within regional human rights instruments, including evaluating how explicit protections must be read into the text of the African Charter on Human and People's Rights by drawing inspiration from international human rights law as mandated by Article 60. Practically, I applied this expertise by authoring and publishing critical legal reviews through AFLA on the highly controversial post-acquittal detention of Laurent Gbagbo and Charles Blé Goudé. This experience proves my commitment to the rule of law and the protection of a detained person's liberty against institutional overreach.

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 and Integrity:**

- **Meaning**

To me, these qualities mean an uncompromised commitment to honesty, ethical consistency, and the rule of law. High moral character is the foundation of a person's values, while integrity means strictly adhering to those values in every action, remaining completely uninfluenced by outside pressure or personal gain.

- **How I Have Demonstrated Character, Integrity and Independence**

Over three decades as the founder and leader of Africa Legal Aid (AFLA), I have maintained strict professional, ethical, and intellectual autonomy. I have consistently kept my actions and my organization free from the influence of state actors or political bodies, ensuring our work remains entirely principled and dedicated to genuine justice.

- **Impartiality**

- Meaning

To me impartiality means approaching every case with an open and fair mind. It requires a judge to treat the prosecution, the defence, and the victims with equal respect and equal standing under the law.

- How I Have Demonstrated Impartiality:

I have always worked to create a balanced system of justice. This is best shown by my advocacy for victim's and defence counsel which was instrumental in the establishment of the International Criminal Court Bar Association (ICCBA) in 2016. I did not just advocate for one side; I actively supported an independent voice for both defence counsel and victims' legal representatives to ensure a fair and level playing field for everyone in the courtroom.

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**

If yes, please explain the circumstances and outcome.

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

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?

Throughout my career within the international justice ecosystem, I have successfully navigated significant institutional pressure from high-profile actors, often triggered by sensitive external political contexts. Specifically, on two separate occasions - in 2017 and 2023 - individuals with substantial institutional clout, who had attempted to sway my

position to align with specific political narratives, subjected me to immense pressure during periods of high-stakes regional tensions regarding international accountability. My primary mandate was to ensure the integrity of the process and advocate impartially for defence rights, victims, and vulnerable groups. Recognising that giving in would compromise my professional independence, I steadfastly refused to alter my advocacy or compliance standards.

Although this firm stance resulted in professional retaliation – including interference in career advancement by an individual whose own career progression I had previously supported, alongside institutional friction designed to marginalise my work – I remained resolute. I absorbed the pressure, relied on established legal frameworks to justify my actions, and successfully maintained my position that the rights of the vulnerable must be protected without compromise.

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?

As an ICC judge, my primary contribution to improving the Court's workplace culture would be to model a leadership style rooted in respect, transparency, and collaboration within my chambers. I recognise that a court's judicial efficiency depends heavily on the well-being and morale of its staff. To foster a healthier working environment, I would focus on three practical areas:

- **Cultivating a Safe and Respectful Chamber Culture:** I would maintain a strict, zero-tolerance policy for any form of workplace harassment, bullying, or intimidation. I would foster an open-door policy within my chambers, ensuring that all staff members and interns feel safe, valued, and empowered to contribute their perspectives and insights.
- **Active Mentorship and Professional Development:** Drawing directly from my experience establishing the Gender Mentoring Training Programme, I would actively mentor my entire team. I view all chamber staff not merely as administrative or technical support, but as critical contributors to the institutional success of the Court. I would ensure that every team member receives fair workloads, clear expectations, and constructive feedback to prevent burnout and support their long-term career growth.
- **Promoting Cross-Organisational Collegiality:** I would advocate for breaking down the rigid hierarchies and barriers that can isolate different organs of the Court. By fostering open, respectful communication with fellow judges, registry staff, and defence and victims' counsel, I would help cultivate a broader court environment built on mutual respect and a shared commitment to the international rule of law.

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

promoting respectful workplaces;
responding to misconduct allegations;
supporting diversity, equity, and inclusion
addressing power imbalances within institutions; and
improving workplace culture or staff wellbeing

- **Experience Managing Teams and Institutions:** For over thirty years, I have served as the founder and Executive Director of Africa Legal Aid (AFLA). In this capacity, I have managed international teams of legal professionals, researchers, and administrative staff across multiple jurisdictions within the international justice ecosystem.
- **Promoting Respectful Workplace Culture or Staff Wellbeing:** As an institutional leader, I have prioritized a workplace culture built on mutual respect, open communication, and professional dignity. I have maintained clear internal policies that support staff wellbeing, ensuring that all team members feel valued, supported, and psychologically safe in their day-to-day operations.
- **Responding to Misconduct Allegations:** In managing an institution, I have always treated misconduct allegations with immediate seriousness, discretion, and strict procedural fairness. My approach relies on establishing objective, independent, and confidential internal review mechanisms to ensure that any grievance is thoroughly investigated and resolved in accordance with the rule of law and organizational regulations.
- **Supporting Diversity, Equity, and Inclusion (DEI):** Diversity is a core foundation of my professional legacy. Throughout my tenure at AFLA, I have deliberately built multicultural, multi-racial, and gender-balanced teams that reflect the global nature of international law. I ensure that equitable recruitment and mentorship practices provide equal opportunities for professionals from all geopolitical backgrounds.
- **Addressing Power Imbalances Within Institutions:** I am deeply committed to flattening traditional institutional hierarchies that can silence junior staff or interns. In practice, I have addressed power imbalances by maintaining an accessible, open-door management policy and creating collaborative decision-making forums where all team members – regardless of seniority – can safely voice their legal analyses and professional perspectives without fear of reprisal.

Thematic and Intersectional Expertise

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

- **sexual and gender-based crimes;**
- **crimes against children; and**

- **gender-competent and intersectional approaches to investigations and adjudication?**

Sexual and Gender-Based Crimes (SGBC): The most significant developments in ICC jurisprudence concerning sexual and gender-based crimes (SGBC) are reflected in a progressive shift from foundational definitions to comprehensive, intersectional convictions:

- **Gender-Neutral Conceptions of Rape (Bemba):** A foundational milestone occurred in the *Bemba* Trial Chamber judgment. The Court interpreted the concept of 'invasion' broadly enough to be entirely gender-neutral. It clarified that rape encompasses same-sex penetration and applies regardless of the gender of the perpetrator or the victim. Although the Appeals Chamber ultimately acquitted Bemba on command responsibility grounds.
- **Intra-Militia Protections (Ntaganda):** The *Ntaganda* jurisprudence firmly established that war crimes protections against sexual slavery and rape apply even when the victims belong to the same armed group as the perpetrator. By rejecting the defence's jurisdictional challenge, the Appeals Chamber closed a critical accountability gap for child soldiers abused within their own ranks.
- **Distinct Categorisation of Harms (Ongwen):** The *Ongwen* case successfully operationalized the cumulative charging of distinct SGBC offences. The Court recognized forced marriage as a distinct crime against humanity under the category of 'other inhumane acts' (Article 7(1)(k)), ruling that it inflicts unique structural and psychological harms not fully captured by rape or sexual slavery alone. *Ongwen* also secured the Court's first-ever conviction for forced pregnancy.
- **Evolution of Gender Persecution (Abd-Al-Rahman):** Representing a major jurisprudential leap, the *Abd-Al-Rahman* (Ali Kushayb) case marked a historic milestone as a notable conviction for gender-based persecution at the Court. This jurisprudence demonstrates a progressive understanding of the social construction of gender, reflecting an intersectional approach to how gender roles operate alongside ethnic or political grounds within systemic discrimination. Adjudicated by a distinguished panel of judges who actively engage with AFLA's Gender Mentoring Training Programme, this landmark decision perfectly exemplifies the high-caliber legal expertise and progressive jurisprudence that the initiative seeks to foster.

Crimes Against Children: The most important developments in ICC jurisprudence concerning crimes against children represent a clear shift from treating children solely as combatants to protecting them holistically as direct and indirect victims of conflict:

- **Expanding Beyond the Lubanga Baseline:** Early ICC jurisprudence focused almost exclusively on the enlistment, conscription, and active use of child soldiers under the age of fifteen, as seen in the foundational *Lubanga* case. While landmark for its time, recent jurisprudence has actively dismantled this narrow framing to recognize the diverse, intersectional harms inflicted on children in conflict zones.

- **Protection for Child Soliders from Within (Ntaganda):** The *Ntaganda* jurisprudence marked a watershed moment by establishing that child combatants are legally protected from war crimes – specifically rape and sexual enslavement – committed by commanders within their own armed group. This successfully eliminated the defensive argument that intra-militia violence fell outside the scope of international humanitarian law.
- **The Holistic Prosecution of Thematic Crimes (Ongwen):** In the *Ongwen* case, the Court effectively moved beyond charging child recruitment in isolation. The Trial and Appeals Chambers successfully secured convictions for a multi-layered matrix of atrocities targeted at young girls and boys, including systematic abduction, forced marriage, forced pregnancy, and sexual slavery.

Gender-Competent and Intersectional Approaches: The most important developments in ICC jurisprudence concerning gender-competent and intersectional approaches reflect a major transition toward evaluating how intersecting social identities dictate the nature of systemic atrocities:

- **Judicial Codification of Intersectional Persecution (Abd-Al-Rahman):** The *Abd-Al-Rahman* (Ali Kushayb) case stands as a landmark, securing the Court's first trial conviction for the crime against humanity of gender-based persecution. The Trial Chamber adopted a thoroughly intersectional analysis, determining that the targeted Fur men were systematically discriminated against on the combined, intersecting grounds of both their gender and their non-Arab ethnicity. This ruling demonstrates an advanced judicial methodology for identifying complex persecutory intent.
- **Intersectional Harm in Remedial Jurisprudence (Al Hassan):** Although the split trial bench in 2024 ultimately acquitted the defendant of personal criminal liability for gender persecution, the historic **April 2026 Al Hassan Reparations Order** represents an essential frontier in the Court's intersectional jurisprudence. The Chamber formally ruled that the entire community of Timbuktu suffered collective harm rooted in gender-based persecution. By establishing a structural presumption of victim status and targeting remedies toward the specific gendered harm suffered by women and girls, the Court affirmed that intersectional trauma can be judicially recognized and redressed even outside the boundaries of a traditional trial conviction.

Ultimately, these landmark judicial outcomes show that the Court's jurisprudence has successfully evolved to look past rigid categories, ensuring that the intersecting elements of gender, race, religion, and socio-economic vulnerability are fully addressed during both the adjudication and reparations phases of international justice.

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

Several distinct institutional, structural, and political challenges continue to impede comprehensive accountability before international courts:

- **Under-Charging and Evidentiary Gaps:** Investigative teams often face difficulties gathering comprehensive, gender-sensitive evidence during the early, volatile stages of a situation. This frequently results in prosecutors omitting complex sexual and gender-based crimes from final indictments. Furthermore, it can lead to overlooking sexual violence committed against male child combatants by female commanders - such as the fact that Dominic Ongwen's trial testimony regarding his own rape by a female commander was never formally investigated by the Office of the Prosecutor. Failing to systematically investigate these parameters reinforces underlying gender biases and leaves the Court with an incomplete understanding of systemic trauma.
- **Re-Traumatisation in the Courtroom:** Traditional, aggressive adversarial cross-examination techniques frequently exploit a survivor's natural memory fragmentation or cognitive gaps. The lack of a uniform, trauma-informed approach across all individual trial panels risks silencing vulnerable witnesses and discourages other survivors from coming forward to engage with the justice system.
- **Geographic and Cultural Remoteness:** Investigating and prosecuting deeply sensitive atrocities from The Hague remains a major operational hurdle. Without deep local context and trusted, institutionalised partnerships with civil society organisations on the ground, international investigators struggle to overcome local social stigmas, language barriers, and immediate security risks that prevent victims from safely participating.
- **The Execution of Arrest Warrants:** The inability to apprehend high-profile accused persons - demonstrated by the multi-decade failure to execute the arrest warrant against Joseph Kony - fundamentally stalls the mechanics of international justice, as the Court cannot proceed to a full trial *in absentia* for core crimes.
- **Deficits in State Cooperation:** Operating without an independent enforcement mechanism, the Court relies entirely on the political will of States Parties. When states refuse to effect arrest warrants, block access to scene-of-crime locations, or withhold vital documentary evidence, the Prosecution's capacity to build trial-ready cases is severely constrained.
- **Insecurity and Witness Intimidation:** Ongoing conflict, mass displacement, and active witness tampering within target regions make it logistically difficult to locate witnesses and protect them from reprisals, leaving many survivors too fearful to testify.
- **Inconsistent Jurisprudential Integration:** The Court continues to grapple with sustainedly and systematically embedding a trauma-informed and gender-sensitive lens across its evolving trial and appellate jurisprudence, occasionally leading to inconsistent procedural protections across different chambers.

- **Severe Resource Constraints:** International investigations are exceptionally expensive and logistically complex, particularly within active conflict zones or where the Court is denied physical access to the affected territory, forcing teams to rely on remote or digital verification methods which face intense authentication challenges.

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?

The Judicial Approach: I would approach the case by recognizing that mass atrocities often target victims on multiple, overlapping grounds that cannot be separated. Following recent ICC benchmarks set in the *Abd-Al-Rahman* and *Al Hassan* cases, I would look at how factors like gender, age, and ethnicity intersect to create specific vulnerabilities and distinct experiences of harm. My practical expertise in this area is grounded in my initiation of the Gender Mentoring Training Programme for Judges of International Courts and Tribunals, which specifically addresses intersectionality and equips judges to navigate these complex, multi-layered intersecting identity factors from the bench.

Utilising Rome Statute Legal Tools: I would use three specific legal tools within the Rome Statute framework to capture this complexity during adjudication:

- **Article 7(1)(h) (Persecution):** I would interpret this provision broadly to allow for charges of persecution on intersecting grounds – such as gender combined with ethnicity or religion – ensuring that the indictment accurately reflects the multi-dimensional intent of the perpetrators.
- **Rule 85 (Definition of Victims):** I would ensure that the determination of victim status and the scope of harm accounts for intersectional trauma, recognizing that a child or a person with a disability experiences a specific crime differently than an adult combatant.
- **Article 75 (Reparations):** I would use the court's power to issue tailored collective and individual reparations orders, ensuring that the Trust Fund for Victims designs restorative relief that directly addresses the unique, multi-layered needs of these intersectional survivor groups.

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?

- **Understanding of Outreach:** Outreach is a vital institutional requirement that translates the abstract legal work of The Hague into meaningful, accessible terms for the communities most affected by atrocities. It is the bridge that establishes the local legitimacy and transparency of the Court.
- **Outreach During Preliminary Examinations:** Outreach must begin early, during the preliminary examination stage. Implementing early communication helps manage local

expectations, explains the independent mandate of the Court, counters misinformation, and establishes vital, trusted communication channels with local civil society before full investigations even commence.

- **The Role of the Judiciary:** While the Registry and the Office of the Prosecutor manage daily field communications, the judiciary plays a crucial, principled role in outreach:
 - **Ensuring Transparency and Access:** Judges should use their trial-management powers to ensure that key decisions, opening statements, and closing arguments are systematically summarised, translated into local languages, and broadcast directly to affected regions.
 - **Maintaining Impartiality:** Judicial involvement in outreach must always remain strictly neutral. When judges explain the Court's procedures or field missions, they must do so to educate the public on the fair-trial safeguards and the equal standing granted to both the prosecution and the defence, reinforcing the objective rule of law.