

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: YAMAUCHI Yoshimitsu

Date: 17 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?

I became a prosecutor because I wanted to contribute to the work of bringing justice to people who have suffered from crimes and to stand with them. Accordingly, I have devoted half of my career investigating and administering trials for all kinds of criminal cases firsthand to bring peace and security to the community I have worked in. However, for the other half of my career, I was uniquely positioned to handle international criminal matters, from negotiating treaties and resolutions on criminal matters to dealing with foreign law enforcement counterparts on mutual legal assistance and extradition. Having devoted more than three decades of my career to criminal justice in a mixture of both domestic and international work, I have naturally come to embrace the next chapter of my professional journey should be to contribute directly to the fight against impunity for the most serious crimes of concern to the international community.

ICC is committed to keep human suffering at the center of the pursuit of justice, and to have the Court's work translates into meaningful redress for those who have endured the worst. Such a mission is exactly in line with what I have set out to do in Japan as a prosecutor and government attorney, and I hope to continue in such path.

This strong aspiration, combined with my firm belief that ICC must be supported by the member state in this difficult time, and Japan's confidence in nominating me as its candidate with a shared conviction that the Court needs judges who can contribute to its legitimacy, its efficiency, and its outreach to regions that remain underrepresented in the Rome Statute system, is what motivates myself at this particular time.

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?

In my view, the ICC faces several interrelated challenges.

-Efficiency and the length of proceedings

This remain among the most persistent concerns. Victims who have waited years for justice are best served by proceedings that are focused, well-managed, and concluded within reasonable timeframes. Judges can contribute directly by exercising rigorous case management and consistently prioritizing decisions on the most material issues.

-Universality of the Rome Statute

Particularly in the Asia-Pacific region, there is a structural gap in the Court's global reach. This limits the Court's jurisdictional reach, its cooperation capacity, and its claim to represent the international community as a whole. While this is ultimately a matter for States, judges can contribute to universality of the Court indirectly through the quality and consistency of their decisions – decisions that build trust and demonstrate that the Court is a credible, fair, and impartial institution worth joining and supporting.

- State cooperation and enforcement

ICC remain structurally dependent on the trust States place in the Court. Without the State's cooperation, evidence gathering will come to a halt and fugitive will not be captured. This is a fundamental challenge the Court faces since its existence. However, while it is the OTP or Registry who formally submits cooperation requests, I believe judges too have a role to play – through their decisions on

cooperation-related matters — in reinforcing the practical and legal foundations that make State cooperation meaningful and effective. In this area, I bring a perspective shaped by direct professional experience. As a specialist in international mutual legal assistance, I have repeatedly encountered situations in which bilateral or multinational treaties — however carefully drafted — proved insufficient in themselves to secure cooperation in practice. Treaty provisions set the framework, but behind every request lies an individual case, and behind every case, an individual human being. Bridging that gap requires not only legal expertise but also an understanding of how cooperation actually functions at the practitioner level.

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

As a criminal law practitioner with more than three decades of experience in Japan's justice system, I bring a perspective that I believe would contribute meaningfully to the effectiveness, legitimacy, and diversity of the Court.

In Japan, prosecutors participate in criminal investigations — gathering evidence, independently or through instructing the police, directing inquiries, interviewing suspects and witnesses including victims directly, and making charging decisions — before presenting cases at trial. At trial, it is the prosecutor who has the leading role, and will present the case, make legal arguments, submit the evidence and will question and cross examine the witnesses. Such dual role has given me a comprehensive understanding of the criminal process from its earliest stages through to judgment. For the ICC, where the relationship between investigation, prosecution, and adjudication is central to the fairness and efficiency of proceedings, this kind of end-to-end practical experience is directly relevant.

Also, Japan's legal system is very distinctively unique in its historical and structural makeup. Shaped by civil law before WWII and common law traditions imported after WWII, it is genuinely hybrid. This background has equipped me with the ability to engage fluently with legal concepts, procedural frameworks, and evidentiary rules drawn from both traditions. The ICC itself, with its Rome Statute procedure blending elements of civil and common law, is similarly hybrid in nature — and it is precisely in such an environment that my experience navigating between legal cultures would be most directly relevant. I believe I can serve as a bridge among judges from diverse legal backgrounds, helping to identify common ground, facilitate mutual understanding, and contribute to the coherent development of the Court's jurisprudence.

From the perspective of diversity, I am the only candidate from Asia-Pacific region for this election cycle. The underrepresentation of Asia-Pacific perspectives in the Court's judiciary is a genuine gap, and I believe my background and my international experience across divergent legal traditions, and my regional networks – would contribute meaningfully to the diversity and legitimacy of the bench.

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.

As a line prosecutor, at the Tokyo, Osaka, Chiba, and Nagasaki District Prosecutors Offices (1995–2001), I conducted investigations and trials across a wide range of criminal cases, including violent crimes (murder, robbery, gang-rape, kidnapping, assault), financial crimes (fraud, bid-rigging, bribery of local government officials), and cases involving sexual and gender-based violence and crimes against children. At any given time, I was assigned to up to 10 to 20 investigation cases simultaneously. As a trial prosecutor, I administered approximately 20 cases per week. Over nearly ten years in these roles, I interviewed or examined thousands of suspects and victims.

Japanese prosecutors are expected to interview both suspects and victims before making an indictment, and to examine them at trial where necessary. This direct engagement with individuals at every stage of proceedings – investigation, prosecution, and trial – gave me extensive practical experience in the management of complex and sensitive cases, the evaluation of evidence, and conducting adversarial proceedings before judges.

As a lead prosecutor in the Special Investigation Department of the Tokyo District Public Prosecutors Office (2009–2011 and 2014–2015), I handled highly complex economic crime investigations and prosecutions, including: a foreign bribery case involving a Japanese company operating and paying bribes across three countries;; stock price manipulation and securities fraud cases; and money laundering investigations requiring overseas evidence collection and coordination with foreign authorities. I also successfully located and extradited an overseas fugitive in a tax evasion case.

At the Supreme Public Prosecutors Office (2021–2022), I handled appellate cases at the Supreme Court, advised district prosecutors on complex lay judge cases, instructed Public Security Divisions nationwide on strengthening investigative efforts to combat money laundering, and provided guidance on organized crime investigations.

As Chief Prosecutor of the Asahikawa District Prosecutors Office (2022–2023), I directed the disposition of approximately 2,000 cases per year, providing instruction and guidance to more than 80 prosecutors and staff.

In terms of managing lengthy and complex proceedings, my experience in the Special Investigation Department involved investigations that extended over many months, some of the cases were politically sensitive, some cases required coordination across multiple jurisdictions, and most cases involved large volumes of documentary evidence. As for cases I have handled in trial, I could recall a gang related multiple murder cases that have lasted more than a year. The trial took place once or twice every month in the biggest court room in Osaka District Court because of the large number of accused and its great publicity. I also took upon trial of a tax evasion case that have been going on for 5 years the longest running criminal trial in Osaka district court at that time.

I have also argued at the Supreme Court as well and since Supreme Court cases take many years of proceeding to reach the Supreme Court, the case files are typically voluminous and the issues complex. Being appointed in the Trial division of the Supreme Prosecutors Office, I have drafted documents for final appeal to the Supreme Court that ran to over 100 pages several times.

A particularly challenging legal and procedural issue I encountered involved the collection of evidence located overseas, in complex economic crime investigations. Evidence held in foreign jurisdictions with different legal standards and requirements, and by navigating these differences – through mutual legal assistance channels and through direct coordination with foreign authorities – required creative and careful legal analysis, and reinforced my understanding of the practical importance of robust cooperation frameworks.

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.

My engagement with the Rome Statute or international criminal law has taken the form of legislative, advisory, and diplomatic work rather than courtroom application.

Rome Statute and its domestic implementation: While serving as First Secretary (Legal Attaché) at the Japanese Embassy in Washington D.C. (2005–2008), I advised the Ministry of Justice on the drafting of Japan's Act on Cooperation with the International Criminal Court — Japan's domestic implementing legislation for the Rome Statute. This work required close study of the Rome Statute's provisions and the modalities through which States cooperate with the Court.

International criminal law in the context of mutual legal assistance: In my work at the International Affairs Division, Criminal Affairs Bureau, I processed numerous MLA and extradition cases with international criminal dimensions, including a piracy case involving a Japanese tanker off the coast of Somalia and complex multi-jurisdictional money laundering investigations.

International treaty negotiations: I participated as a member of the Japanese delegation in the negotiation of The United Nations Convention against Corruption (UNCAC), which incorporates international criminal law standards relating to corruption and asset recovery. I also led the negotiation of the Japan-US Mutual Legal Assistance Treaty (MLAT), the first bilateral MLAT for Japan, and participated in the negotiation of the Japan-Republic of Korea MLAT.

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

While I have not served as a judge, I have drafted, authored or contributed to a number of significant legal instruments and publications:

Legislative drafting: After concluding negotiation on the Japan's first ever mutual legal assistance treaty with the United States, I drafted the law to amend our "Act on International Assistance in Investigation". The main points of the amendment law included 1) allowing receiving requests for assistance not via diplomatic route but through

designated central authority, 2) introduced power of inquiry for the Minister of Justice, 3) introduced new set of procedure for transfer of sentenced inmate for testimony, 4) criminalized submission of false certification. After the passage of the new amended law in 2004, I have authored commentary for the amended law for both internal use and for public release. I have authored a commentary for Japan US MLAT for internal use.

I contributed to the drafting of Japan's Act on Cooperation with the International Criminal Court, the implementing domestic legislation for the Rome Statute which incorporated almost word for word, majority of the amended parts I have drafted for Act on International Assistance in Investigation (2),3),4) of the above to be exact). The legislation passed in 2007.

Having participated in Japan's first ever asset sharing negotiation with Switzerland, Japan was required to come up with a legislation that will allow Japan in the future to share confiscated assets with another country in order to assure reciprocity. I have contributed to the drafting of the law to amend "Act on punishment of organized crime and control of proceeds of crime" in 2006, where a provision was added allowing confiscated assets that usually go into national treasury can be shared with another country upon request.

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, the principal obstacles to meaningful victim participation and reparations before the ICC fall into several categories.

Access to legal representation: Victim participation before the ICC is mediated primarily through legal representatives. Where victims lack access to competent, adequately resourced legal counsel, their participation will be meaningless. However, ICC proceedings are conducted far from the affected communities, in languages most victims do not understand and in accordance with rules that non-lawyers are not familiar with. Judges should be attentive to whether legal representation arrangements are sufficient and whether that representation is effective in practice.

Protective measures and safety: Many victims of serious crimes — particularly sexual and gender-based violence, crimes against children, and crimes committed in ongoing conflict situations — face genuine risks if they participate openly in proceedings. The Court has a range of protective measures available, including face and voice distortion, pseudonyms, the presence of a psychologist or family member during testimony, and the use of physical screening. Judges should apply these measures proactively, not merely reactively, to create conditions in which victims feel genuinely safe to participate.

Reparations: The ICC's reparations framework, while innovative, has been slow to deliver tangible results for victims. Judges should approach reparations proceedings with the same rigor and urgency as the trial itself, engaging early with the Trust Fund for Victims and ensuring that reparations orders are concrete, enforceable, and genuinely responsive to the harms suffered.

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

ICC proceedings are conducted far from affected communities, in languages most victims do not understand, and in accordance with procedural rules that are unclear to non-lawyers. Outreach to communities is essential to bridge this distance.

First, it is essential that affected communities are aware of their rights within the justice system, understand the process, and feel a sense of ownership over the proceedings. Second, once that awareness is in place, practical and physical access to the proceedings must be ensured. For example, the ICC's Access to Justice project is designed to facilitate such access. In the Ongwen case, the Court provided equipment to communities in the

areas where the alleged crimes occurred so they could follow the hearings. It is vital that the Court continue these efforts to bring the proceedings closer to affected communities.

Judges can contribute by ensuring that decisions on victim participation are communicated clearly and by supporting outreach activities that explain proceedings to affected communities in accessible terms.

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

When I was a line prosecutor at the Tokyo, Osaka, Chiba, and Nagasaki District Prosecutors Offices early in my career, I regularly handled cases involving victims of sexual and gender-based violence, domestic violence, child molestation, child pornography, rape, kidnapping, and stalking. In these cases, I worked directly with victims and witnesses – interviewing them, taking their statements, and examining them at trial where necessary.

Working with victims of such crimes requires sensitivity to the trauma they have experienced and attentiveness to the risk of re-traumatization through repeated questioning. While the term "trauma-informed" was not then in common use in Japanese prosecutorial practice, the practical requirements were clear: victims needed to be treated with dignity and respect; their accounts needed to be elicited in a manner that allowed them to speak freely rather than being shaped by leading questions; and their safety and privacy needed to be protected.

When I became Chief Prosecutor of Asahikawa District Prosecutors Office, I supervised the investigation and trial of various sexual and gender-based violence. During the course of the investigation or trial, I have always instructed my staff prosecutors to pay careful consideration to the victims, especially for their safety and privacy and sometime contacted attorney of the victim personally to make sure they are well informed of the development of the investigation or trial. I have also encouraged my staff to receive training for forensic interviews, which is communication method to prevent trauma of repeating the stories to investigators.

Also, in my capacity as Director of UNAFEI, I have organized international training seminars addressing topics including human trafficking, gender-related issues in criminal justice, and the treatment of offenders requiring special consideration.

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.

As a prosecutor, my primary professional responsibility was to investigate and prosecute crime. However, prosecutors in Japan — as in other serious legal systems — are bound to respect and uphold the rights of the accused including fair trial rights (Article 37 of the Constitution prescribes “In all criminal cases the accused shall enjoy the right to a speedy and public trial by impartial tribunal”) throughout the process, and I have always done just that.

Presumption of innocence: Japanese criminal procedure, as reformed under the post-war constitutional order, embodies a strong presumption of innocence. As a prosecutor, I was trained to approach every case with the understanding that the burden of proof lay entirely with the prosecution, and that an acquittal was the correct outcome where that burden was not met. I never received any complaint or challenge from defence counsel that I had violated their client's rights of defence.

Equality of arms and disclosure: Rights of the defence are prescribed in the Constitution and Criminal Procedure Law of Japan. As a prosecutor, when investigating cases and conducting trials, I was consistently mindful of respecting the rights of defence counsel as my counterpart in adversarial proceedings. Disclosure obligations were taken seriously; I was aware that any improper withholding of evidence was not only a violation of the rights of the accused but a threat to the integrity of the proceedings themselves.

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?

I think that making decisions on the basis of only the law and your conscience, free from influence of political considerations, personal relationships, or institutional pressures or any kind of outside influence and approaching issues in non-biased and balanced way is what high moral character, impartiality and integrity mean in practice. Such qualities must be demonstrated continuously through professional conduct, and they must be visible not only to colleagues but to all those whose interests the institution serves.

Throughout my career, I have tried upholding such qualities.

As a prosecutor, I was aware that our investigations attracted media attention and public interest, particularly when I was in the Special Investigation Department. The pressure to succeed — or to be seen to succeed — is real in such environments. My approach was always to focus on what the evidence could legitimately establish, and to resist pressures that would distort that analysis.

When I was Chief Prosecutor, Head of Asahikawa District Prosecutors Office (2022–2023), I led the investigations and trials within its jurisdiction. I instructed dispositions of approximately 2,000 cases per year by providing instruction and guidance to more than 80 staff prosecutors and assistants in the office.

As a leader overseeing many prosecutors and staff, I was conscious that my role was not merely to direct operations, but to foster a culture of integrity, accountability, and respect for the rights of staff within the office. The promotion of being appointed as Director of UNAFEI proves that I have done my job sufficiently.

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

- disciplinary proceedings;
- allegations of misconduct;
- allegations of harassment, bullying, discrimination, abuse of authority, or sexual misconduct;
- investigations concerning professional ethics; or
- allegations of fraud

If yes, please explain the circumstances and outcome.

No. I have never been investigated for, charged with, or otherwise been the subject of any disciplinary, administrative, civil, or criminal proceedings involving allegations of corruption, criminal or administrative negligence, misconduct, including sexual harassment, or any matter calling into question my professional or ethical standing.

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?

As a prosecutor in the Special Investigation Department of the Tokyo District Public Prosecutors Office, our investigations into high-profile cases — including corruption cases by politicians or public servant, or financial crime involving large corporation — regularly attracted intense media coverage. The cases handled by the Special Investigation Department are among the most prominent in Japan, and the teams working on them operate under significant public scrutiny and institutional expectation.

In that environment, there was constant pressure — from media attention, from institutional reputation, and from the expectations of superiors — to produce prosecutorial results. The pressure to proceed with a case, or to frame it in a particular way, was overwhelming.

My response to such pressure was to remain focused on the fundamental question that must guide every prosecutorial decision: decisions based solely on the law and the evidence, articulated with sufficient clarity to be defensible to any audience, and free from the influence of the political significance of the case or the parties.

Similarly, as a representative of Japan in international forums — including OECD peer reviews and FATF evaluations — there was pressure to defend Japan's positions and practices and win understanding of international community while facing sharp criticism. My approach to such settings was to engage substantively with the arguments, to acknowledge where improvements were needed, and to commit to reform where reform was warranted. This approach, I believe, ultimately served Japan's interests better than defensive posturing.

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?

The ICC has faced sustained and serious concerns regarding workplace culture, including allegations of bullying, harassment, and abuse of authority. These concerns are not peripheral to the Court's mission; they go to the heart of its legitimacy as an institution that exists to uphold the highest standards of justice and human dignity.

Judges play a distinct but important role in addressing these issues. While the Registry bears primary institutional responsibility for the management of staff, judges exercise authority over their own chambers and have significant influence over the culture of the Court through the example they set.

The most important contribution judges can make is to model the conduct they expect of others — treating all staff, including legal assistants, interns, and administrative personnel,

with dignity and respect; being transparent about the standards they apply; and being prepared to respond promptly and seriously to concerns raised within their chambers. Judges should also support the introduction of structural accountability mechanisms. I believe that upward feedback mechanisms — whereby staff can evaluate their supervisors, including judges — are essential to prevent abuse of authority and to ensure that those in positions of power remain accountable to those they lead. Finally, judges can contribute through their broader institutional voice — including in the plenary of judges — to advocate for policies and practices that promote a respectful, inclusive, and accountable workplace culture throughout the Court.

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.

As Chief Prosecutor of the Asahikawa District Prosecutors Office (2022–2023) and as Director of UNAFEI (December 2023–July 2026), I have managed personnel of more than 50 to 80 people. It was my responsibility to provide them with a respectful workplace, deal with any complaint and respond to any misconduct.

I was mindful that a healthy workplace culture requires consistent leadership by example and that it cannot be mandated by policy alone.

To fulfill my responsibility, I have organized staff meeting regularly to identify if there are any issues such as uneven workload. Taking advantage of such meeting, I would try to locate areas where workflow can be streamlined and would address the staff to be mindful of the work life balance. I have held meeting with my staff individually twice every year, to ask of any concern they may have professionally or privately. I have checked regularly of the hours of work and the number days of paid leave to determine if any staff are suffering of overburdened 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;
- crimes against children; and

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

In the case of *Prosecutor v. Jean-Pierre Bemba Gombo*, the Trial Chamber's judgment established crucial precedents regarding command responsibility for sexual violence crimes. Bemba, a military commander, was held accountable for rape and sexual violence committed by troops under his command during operations in the Central African Republic between 2002 and 2003. The significance of this case extends beyond the individual conviction; it sent a powerful message that commanders cannot turn a blind eye to sexual violence perpetrated by their subordinates. The Trial Chamber's reasoning emphasized that sexual violence was not merely incidental to the conflict but constituted a deliberate strategy employed against civilian populations. Although the Appeals Chamber ultimately overturned the conviction on grounds related to the standard of appellate review and alleged procedural errors, the trial-level findings remain influential in understanding command responsibility for sexual violence.

Building on earlier jurisprudence, including the trial judgment in Bemba (later overturned on appeal), *Prosecutor v. Bosco Ntaganda* yielded the ICC's first convictions for rape and sexual slavery to become final on appeal. The Trial Chamber found—and the Appeals Chamber upheld—that he was guilty of rape and sexual slavery as both war crimes and crimes against humanity, including where these crimes were perpetrated against child soldiers within his own armed group. The judgment is significant in recognising the dual victimisation of child soldiers: they were victims of conscription and use in hostilities, and also of rape and sexual slavery.

In the case of *Prosecutor v. Dominic Ongwen*, a former commander in the Lord's Resistance Army in Uganda, he was convicted of an unprecedented range of sexual and gender-based crimes that expanded the boundaries of international criminal law. Most notably, in the Ongwen case, forced pregnancy was, for the first time, charged as a standalone crime against humanity under Article 7(1)(g) of the Rome Statute; and forced marriage was charged as an “other inhumane act” under Article 7(1)(k), leading to the ICC's first convictions on these counts. It is worth noting that whereas early ICC practice on gender-based crimes tended to focus primarily on the categories of rape and sexual slavery, the Court has come to assess such conduct more holistically—considering the overall picture, context, and essence of the crimes—rather than confining itself to those categories alone. While “other inhumane acts” should not be expanded without limit, it is important to scrutinize the elements carefully and to characterize crimes with sufficient flexibility to capture the essence of the criminal conduct at issue.

As noted above, the ICC's accumulated case law exemplifies gender-competent and intersectional approaches to investigation and adjudication. Going forward, I hope to contribute to the continued development of such jurisprudence.

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

In my view, there are two types of challenges: ones particular to sexual and gender-based violence and ones common to ICC cases overall.

Evidentiary challenges: Victims of sexual and gender-based violence are often reluctant to testify, for reasons of safety, stigma, community pressures and trauma. The evidence available for sexual and gender-based violence is frequently testimonial, which requires the victims to testify in court to give evidence. However, victims of sexual violence, including their families, often face stigma and social pressure that consequently discourage victims from participating in court proceedings. Even when the victims are able to appear in court, they are subjected to questioning designed to test the credibility of their testimony, and it is not uncommon for them to suffer secondary victimization. Chambers must be equipped to manage these dynamic sensitively without compromising the rights of the accused.

Non-cooperation challenge: The ICC has no police force or legal enforcement organ of its own, so it depends on states—particularly the State in which the crimes were committed—to collect evidence, secure crime scenes, and execute arrests and searches. Without such cooperation from the State, ICC investigators may be denied access, witnesses can be intimidated or unreachable, and physical or digital records remain out of reach. This dependence can slow or even stall cases when states are unwilling or unable to assist for political, security, or capacity reasons.

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?

It is the Prosecutor's function and responsibility to investigate, assess the facts and the complexity of the case, and formulate the appropriate charges capturing the true nature and identity of the crime.

Pursuant to Article 61 of the Rome Statute, the Pre-Trial Chamber holds a hearing to confirm the charges the Prosecutor seeks to bring to trial. If the Chamber determines that the evidence submitted by the Prosecutor does not meet the threshold for confirmation, or that the evidence appears to establish a different crime, the Chamber may, as provided in Article 61(7)(c)(i) and (ii), request that the Prosecutor consider conducting further investigation or

amending the charges. For example, in the case of Jean-Pierre Bemba Gombo, the Pre-Trial Chamber adjourned the hearing and requested that the Prosecutor consider submitting an amended document containing the charges, as the evidence appeared to establish a different mode of liability, namely command responsibility under Article 28 of the Statute.

Furthermore, once the trial has commenced, facts that was not apparent at the pre-trial stage may come to light and if it becomes evident that the charged facts deviate from the true identity of the case, the Trial Chamber may, pursuant to Regulations of the Court, Regulation 55, change the legal characterization of facts to accord with the crimes under articles 6, 7, 8 or 8 bis, or to accord with the form of participation of the accused under articles 25 and 28, without exceeding the facts and circumstances described in the charges and any amendments to the charges.

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 integral at the ICC. Promoting raising awareness and understanding of the mission of the ICC is essential to strengthen the universality of the Court because the the Court's effectiveness depends on the universality and the cooperation from both States Parties and non-States Parties.

The Judiciary can contribute to ICC outreach by raising awareness and understanding of the mission of the ICC among the civil society, namely universities and other educational institutions through various events such as symposiums or lectures. I am confident that I can contribute to this aspect of outreach to enhance the universality of ICC within the Asian-Pacific as the only candidate from the region.

Communicating with the affected community is also an important aspect of the ICC outreach. By communicating with affected communities in a clear and accessible manner, the Court can help those communities understand its mandate, its procedures, and the scope of its work.

That said, it is important to recognize that preliminary examinations are conducted under the authority of the Prosecutor, and outreach activities relating to this phase should accordingly be led by the Office of the Prosecutor.

At the same time, a degree of institutional communication between the Office of the Prosecutor and the judiciary is valuable, provided that it is carefully managed so as not to compromise judicial independence or impartiality.