

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: Ana PEYRO LLOPIS

Date: 30 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?**

We are living in an unprecedented time, when the ICC is being challenged as never before. It is especially during such challenging times that an institution should not just deliver; it should excel. It should do so for justice - to put an end to impunity; for the sake of the victims of the most serious international crimes; for the reputation of the institution, which is at stake; and for the States that made this Court possible, continue to support it, and pay for it. My motivation is to strengthen the founding mission of the International Criminal Court ("ICC") at this critical juncture by bringing to the Court professional excellence, integrity, and resolve.

I bring over 26 years of professional experience in public international law and international criminal justice, in senior positions and with results of the highest quality. I have developed my expertise in these fields from the main relevant perspectives: Academia, Government and International Organizations - both at headquarters and in the field. These perspectives have allowed me to acquire a unique expertise and to develop a comprehensive approach to the

most difficult and sensitive questions of international law that relate to international criminal justice. I believe that this expertise is particularly relevant in the current context and would be most beneficial to the judicial work of the Court.

Throughout these 26 years, I have demonstrated my commitment to the ethical dimension behind international law, and to the universal values that those working in this field are defending. I have been directly confronted during my career with the suffering of victims of international crimes, in particular when deployed in the field in regions where international crimes had been committed; and I have witnessed the positive impact that credible avenues towards justice have on these victims and their communities. For me, this is a powerful motivation to seek to contribute to the fight against impunity, this time from a judicial perspective.

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?

While certain major challenges will need to be addressed by States Parties, judges can also contribute to addressing certain of the greatest institutional and legal challenges that the Court is facing and will most probably continue to face over the next years. A first set of suggestions (below) refers to some general challenges that judges could contribute to addressing. The second set of possible contributions from judges focuses on challenges relating to the Court's proceedings.

Suggestions relating to the Court in general

Public international law perspective: There is a point of increasing relevance in the Court's decision-making: namely, the important role that public international law in general plays in the consideration and solution of particularly sensitive questions (e.g. questions of jurisdiction of the Court, immunity of heads of state, obligations of States Parties to cooperate) and more generally in the analysis of public international law instruments (e.g. treaty law, U.N. resolutions). The ICC is not only a court; it is also an international organization, established through the Rome Statute, a treaty to be interpreted in line with the rules that are codified in the Vienna Convention on the Law of Treaties. Moreover, pursuant to Article 21, the Statute (a Treaty) is the primary applicable law, and "applicable treaties and the principles and rules of international law" are a secondary source. Certain of the Court's analyses of issues of public international law have been criticized. More detailed and thorough analysis, elaboration and development of public international law issues, including from the perspective of customary international law, could help to strengthen the Court's legal reasoning. Well-developed analyses of issues of public international law that may arise in the course of the Court's work will ultimately prevent criticism of the Court's decisions and so help to reinforce its authority and legitimacy. Having judges with the

necessary qualifications and skills to contribute to realizing this objective will be fundamental over the next years.

Integrity: Credible accountability mechanisms should be in place, including for elected officials, to respond to complaints. These mechanisms should ensure procedural fairness and certainty for all involved when allegations of misconduct arise and should address complaints expeditiously. A process that lasts too long will inevitably impact negatively on the institution, independently of the result.

Governance: The Chambers Practice Manual has become a key tool for monitoring judicial productivity, including timelines (e.g. by stating a typical target of four to six months from the first appearance to the confirmation hearing). It could be developed further to continue consolidating best practices as standards that judges should follow, in particular by reinforcing structural discipline through clear, stable and predictable practices (see the recent Nuremberg Academy Document Containing the Charges to Expedite Proceedings at the ICC, and its recommendations for early and consistent judicial gatekeeping in ICC pre-trial proceedings, in particular at the confirmation stage).

Victims: While victims' participation in the proceedings has been clarified and significantly improved over the years, victims' reparations remain contentious and have led to disappointment of the victims themselves, and of their communities. There are ongoing discussions on how better to address this matter, bearing in mind that the time for required reparations is very long, and the funds are limited (see Question 9 below).

Capacity-building/Dissemination: It is important to continue strengthening initiatives to gather interest in the Court's work, including with academic communities (e.g. ICC Academic programme), as well as for the promotion and respect for international criminal law.

Challenges relating to Court's proceedings:

Efficiency and length of the proceedings: Investigations at the ICC by their nature deal with broad and complex situations, which involve processing huge amounts of information. However, when a specific case against an individual is being prepared, its scope should be identified as precisely as possible and as early as possible, to facilitate more efficient and faster proceedings. In this regard, the *ad hoc* International Criminal Tribunal for Rwanda experience showed that proceedings became more efficient when focusing on specific charges for specific events, when compared to the cases that tried to encompass broader situations.

Consensus and collegiality in decision-making: While dissenting and separate opinions are expressly mentioned in the Rome Statute, and while they allow judges to present their

individual reasoning, as reflected in the Chambers Practice Manual they should only be issued once every effort to arrive at judicial consensus has been exhausted, as a measure of last resort, and they should in any event be written using respectful language and in a spirit of collegiality. Ultimately, the potentially adverse impact of separate opinions on judicial coherence and on the credibility of the Court should be considered. I would suggest caution and economy in issuing separate opinions when they are concurring. Aiming at reaching consensus and collegial decisions will strengthen both the authority of the decision, and counter perceptions of weakness relating to the legal reasoning and the decision itself.

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

I believe my specific professional background, expertise and personal experience would contribute to the effectiveness, legitimacy and diversity of the Court for the following reasons.

I bring extensive expertise in a wide range of fields of public international law, in particular in international humanitarian law, international human rights law and international criminal law, as well as in the legal framework applicable to questions of international peace and security (for example, the U.N. Charter and law of international organizations). In addition to my academic background, I have been applying public international law in practice, in legal departments in government and in international organizations, both at headquarters and in the field. I also bring other abilities and qualifications which are fundamental in complex multicultural and multilingual settings.

(a) Comprehensive expertise in public international law and international criminal justice

I am currently a Principal Legal Officer in the Office of Legal Affairs (OLA) of the U.N. Secretariat, leading teams providing legal advice on issues of public international law related *inter alia* to conflict and post-conflict situations, including international humanitarian law, international human rights law and international criminal law. I joined OLA in 2015 as team leader, providing and supervising the provision of legal advice on matters concerning all U.N., U.N.-assisted and U.N.-related criminal courts and tribunals, namely:

- the International Criminal Court (“ICC”);
- the *ad hoc* International Criminal Tribunals for the former Yugoslavia and Rwanda (“ICTY” and “ICTR”);
- the International Residual Mechanism for Criminal Tribunals (“IRMCT”);
- the Special Tribunal for Lebanon (“STL”);
- the Residual Special Court for Sierra Leone (“RSCSL”);
- the Extraordinary Chambers in the Courts of Cambodia (“ECCC”); and
- the Special Criminal Court for the Central African Republic (“SCC”).

Regarding the ICC, the advice that I have provided has covered all questions relating to the implementation of the Relationship Agreement between the U.N. and the ICC (pursuant to Article 2 of the Statute), including in relation to the sharing of U.N. information with the Court¹. Having worked directly and extensively with the ICC, I have a deep understanding and knowledge of the Court and its work.

I have been Acting Director of the Department of Legal Affairs of UNRWA, where I advised on the legal aspects of the humanitarian crisis stemming from the 2021 armed conflict in Gaza, including legal questions in the fields of international humanitarian law, international human rights law, international refugee law, international criminal law, and privileges and immunities.

In 2024, I was appointed Acting Special Adviser and Head of the Investigative Team to support domestic efforts to hold the Islamic State in Iraq and the Levant (Da'esh) accountable for international crimes committed in Iraq (UNITAD). I finalized criminal investigations relating to acts committed by ISIL (Da'esh) in Iraq that may amount to war crimes, crimes against humanity and genocide. This involved assessing the evidence of such acts that UNITAD had collected, preserved and stored. As Head of UNITAD, I personally supervised, reviewed and made final legal determinations on analytical reports and case-assessments, for their eventual use in fair and independent criminal proceedings.

Prior to joining the United Nations, I was a researcher and professor of public international law at the most prestigious universities (e.g. Université Paris 1 (Panthéon-Sorbonne), New York University, Institut d'Études Politiques de Paris - "Sciences-Po", Universidad Autónoma and Universidad Complutense de Madrid). As a Professor, I taught general courses in public international law and specialized courses in international humanitarian law, international human rights law and international criminal law, including specific seminars on international humanitarian law for the military at the Spanish Ministry of Defence and seminars on international human rights law and violence against women for judges from different legal traditions in the context of Council of Europe programmes. I was the director of the Spanish branch of a European research team on the rights of detainees in international law, funded by the European Union Commission. My authority in the field of public international law is well evidenced by my many publications, including a book that won the Suzanne Bastid prize in 2005 for the best doctorate in public international law in the French language. I have also

¹ Please note that, while campaigning for a judicial position at the International Criminal Court, I have recused myself from all matters relating to the Court. I have formally filed such recusal with the United Nations Ethics Office to avoid any conflict of interest between my official functions as an independent United Nations official and my candidacy for the ICC. See Question 17, below.

published in the field of international criminal justice, including a book on universal jurisdiction for crimes against humanity.

I worked as a Senior Legal Adviser at the Spanish Ministry of Justice, in which capacity I routinely provided advice on public international law-related questions, including international human rights law, international humanitarian law and international criminal law, as well as on questions of criminal justice more broadly (for example, the drafting of domestic legislation relating to international crimes and the provision of judicial cooperation in criminal matters). I was part of the teams representing Spain before various United Nations human rights committees and for the Universal Periodic Review.

(b) Strong skills in complex environments

My career is marked by a resolute approach that has enabled me to manage teams and address legal challenges in complex environments through the scrupulous application of the applicable rules, while being mindful of the specific context of each situation. In this regard, the ICC is both a Court and an international organization, which requires a clear understanding of its particularities. I have already worked in complex environments, including during field missions, where I had to refine and strengthen the qualities of impartiality, independence, and accountability for my actions and behaviour. As a lawyer and an international civil servant, it has been central to my work to discharge my functions with independence and to be impartial in my legal reasoning and decision-making.

Over the course of my career, I have developed the ability to negotiate and to find solutions to the most challenging questions and situations. I have negotiated many international instruments, both as a national and an international civil servant, including in highly sensitive situations.

Having worked in senior positions in the legal departments of international organizations, I am used to multicultural and multilingual settings and to working with different legal traditions. I have practised international law professionally in English and French, as well as in Spanish. I am bilingual in Spanish and French and fluent in English. I also have an excellent knowledge of Italian. Being able to work fully and effectively, not only in the two working languages of the Court, but also in my mother tongue, which is highly relevant to the ongoing work at the Court, is another asset that I could bring.

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 (questions 4-6)

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:

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

Legal advisory work, including treaty interpretation and institutional practice

At the United Nations, I have provided, and supervised the provision of, legal advice on issues of public international law related *inter alia* to conflict and post-conflict situations, including international humanitarian law, international human rights law and international criminal law. This has included legal advice in relation to all international and hybrid criminal courts and tribunals (see Question 3 above). Such advice relies heavily on treaty interpretation and institutional practice. As mentioned above, as Acting Director of the Department of Legal Affairs of UNRWA, I also advised on legal questions in the fields of international humanitarian law, international human rights law, international refugee law, international criminal law, and privileges and immunities.

I have extensive experience in drafting, and supervising the drafting of, legal opinions on complex questions of public international law. This has routinely required the preparation and exposition of legal analyses and the making of legal determinations. I have done so in the context of the provision of legal advice as well as when drafting legal submissions to international courts and tribunals and to international committees and other bodies. As an example, in recent advisory proceedings at the International Court of Justice, I led the team of lawyers that prepared written and oral statements to be submitted to and made before the Court (on 27 February and 28 April 2025, respectively).

In addition to the foregoing specific experience from a multilateral perspective, during my time as Senior Legal Adviser at the Spanish Ministry of Justice, I provided advice on complex questions of public international law, including on international humanitarian law, international human rights law, and international criminal law, in particular in the context of judicial cooperation in criminal matters. These included terrorism cases in Spain and third

countries, where such cooperation had to be considered in conjunction with international human rights obligations and standards (e.g. questions relating to fair trial, torture, and the death penalty). During that time, I was part of the teams representing Spain before various United Nations human rights committees and for the Universal Periodic Review, which involved interpretation of relevant treaties and provision of legal advice on international human rights law.

As a legal scholar, I have written many articles, as well as two books on public international law (see Question 8 below). In that capacity, I have taught specialized courses in public international law, including treaty law, international humanitarian law, international human rights law and international criminal law.

Litigation and investigations

My professional experience has constantly exposed me to the judiciary and to litigation and investigations. At the Ministry of Justice of Spain, my main clients were members of the judiciary. My functions focused on questions of judicial cooperation in the context of criminal proceedings. I also had to address amendments to the regulatory framework applicable to the judiciary, which required mastering relevant substantive and procedural rules, in particular to align them with international instruments.

At the United Nations, as head of the team charged with matters concerning all international criminal courts and tribunals, I had to closely monitor their proceedings. My functions included, as part of the implementation of the Relationship agreement between the U.N. and the ICC, overseeing the submission of information and evidence sought by the Office of the Prosecutor and defence counsel for use in proceedings before the ICC. I have also prepared, and supervised the preparation of, submissions to U.N. administrative tribunals to defend the interests of the Organization (UNRWA Disputes Tribunal), to the International Court of Justice (submissions on behalf of the U.N. in advisory proceedings) and investigative materials to be used in the context of domestic judicial proceedings (evidence, analytical reports and case-assessments with UNITAD).

I was the Senior Legal Adviser in charge of reviewing the terms of reference (statutory framework) of non-judicial accountability mechanisms established by U.N. intergovernmental organs to investigate and collect evidence of international crimes. These included the International, Impartial and Independent Mechanism to assist in the investigation and prosecution of persons responsible for the most serious crimes under International Law committed in Syria (the IIIM), the Investigative Team to promote accountability for crimes committed by Daesh/ISIL in Iraq (UNITAD), and the Independent Investigative Mechanism for Myanmar (the IIMM). Such review was made in line with international criminal law and procedural standards, as applicable.

I have also been deployed as Acting Special Adviser and Head of the Investigative Team to promote accountability for crimes committed by Da'esh/ISIL in Iraq (UNITAD). In this capacity, I personally supervised, reviewed and made final legal determinations on analytical reports and case assessments relating to acts committed by ISIL (Da'esh) in Iraq that may have amounted

to war crimes, crimes against humanity and/or genocide. My review and determinations were based, first and foremost, on international criminal law and international humanitarian law, including determinations relating to the existence of an armed conflict and the identification of the parties to the conflict.

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.

In addition to the provision of legal advice within the institutions I have been working for, which was mostly confidential, please find below a record of relevant academic publications:

BOOKS

1. Force, ONU, *Organisations régionales. Répartition des responsabilités en matière coercitive*, Brussels, Bruylant, coll. Droit international, 2012, 518 p.
2. *La compétence universelle en matière de crimes contre l'humanité*, Brussels, Bruylant, 2003, VII + 178 p.

ARTICLES, BOOKS CHAPTERS

1. "La renovación y la revitalización de la Asamblea General de Naciones Unidas: interacciones con la Secretaría de Naciones Unidas", in *La Asamblea General de las Naciones Unidas: entre continuidad y renovación, L'Assemblée générale des Nations Unies; entre continuité et rénovation - Colloque de Toulouse de la Société Française pour le Droit International et de la Asociación Española de Profesores de Derecho Internacional y de Relaciones Internacionales*, Paris, Pedone, 2026 (in press)
2. Commentary on "Article 9", in *Vienna Conventions on the Law of Treaties: A Commentary*, Oxford University Press, 2026 (in press) [co-author with Prof. Maurice Kamto]
3. "The UN75 Declaration, Our Common Agenda and the Development of International Law", *International Review of the Red Cross*, 2022, vol. 104, n° 920/921, pp 2170-2181
4. "Preventing and Combating Domestic Violence against Women. A learning resource for training law enforcement and justice officers", Council of Europe, January 2016, <https://rm.coe.int/16806ee727>
5. "À propos de 'La décision de l'OUA de ne plus respecter les sanctions décrétées par l'ONU contre la Libye : désobéissance civile des états africains à l'égard de l'ONU' de Kalala Tshibangu (1999-II) : Universalisme et régionalisme : le retour des révoltes régionales", *Revue belge de droit international*, 2015/1-2, pp. 325-334
6. "Delito de piratería", in *Memento práctico Francis Lefebvre*, Madrid, Ediciones Francis Lefebvre, 2015, pp. 1887-1890
7. "Transnational Corruption", *Oxford Bibliographies in International Law*, New York, Oxford University Press, 2014 [<http://oxfordbibliographies.com>]

8. “Les Nations Unies et la lutte contre la corruption”, in *Regards croisés sur les Nations Unies*, Paris, Pedone, 2014, pp. 149-162
9. “La lutte contre le terrorisme en Espagne : des instruments internationaux au service des intérêts nationaux”, in *La lutte contre le terrorisme dans le droit et la jurisprudence de l’Union européenne*, Paris, Lextenso éditions, 2014, pp. 429-445
10. “L’identification de l’organisation internationale et la protection de ses signes distinctifs”, in *Droit des organisations internationales* (ed.: Lagrange, Evelyne), Paris, Lextenso éditions, 2013, pp. 657-665
11. “La protección de víctimas en la Unión Europea: la Orden Europea de Protección”, *Revista Española de Derecho Europeo*, n° 46/2013, pp. 9-28
12. “Le Sahara occidental face à la compétence universelle en Espagne”, in *Sahara occidental. Quels recours juridictionnels pour les peuples sous domination étrangère?* (ed.: Chapaux, Vincent) Brussels, Bruylant, 2010, pp. 61-74
13. “Delitos contra la comunidad internacional”, in *Memento Experto Reforma Penal 2010*, Madrid, Ediciones Francis Lefebvre, 2010, pp. 619-630
14. “Le rôle des organisations européennes dans la lutte contre le financement du terrorisme”, in *La lutte contre le financement du terrorisme : perspective transatlantique. The Fight against terrorist financing: a transatlantic perspective* (ed.: Sorel, Jean-Marc), Brussels, Bruylant, 2010, pp. 79-92
15. “La lutte contre le terrorisme: instruments et institutions”, in *Juger dans l’état de droit* (ed.: Hennebel, Ludovic & Vandermeersch, Damien), Brussels, Bruylant, 2009, pp. 263-350
16. “L’extradition et l’entraide judiciaire”, in *Juger dans l’état de droit* (ed.: Hennebel, Ludovic & Vandermeersch, Damien), Brussels, Bruylant, 2009, pp. 405-476
17. “Los mecanismos de control del cumplimiento de las obligaciones previstas en el Protocolo de Kyoto”, in *El régimen internacional sobre el cambio climático en el Derecho Internacional y comunitario: dificultades de aplicación y sinergias normativas* (ed.: Remiro Brotons, Antonio/Fernández Egea, Rosa), Madrid, Fundación BBVA, 2009, pp. 61-85
18. *Petit Manuel de la jurisprudence de la Cour internationale de justice*, Paris, Pedone, 5ème éd., Paris, Pedone, 2008, XVI + 1008 p. (ed.: Pierre-Michel Eisemann, Vincent Coussirat-Coustère & Photini Pazartzis) [co-author]
19. “Réforme des Nations Unies et rôle des organisations régionales dans le maintien de la paix”, in *La ONU y el Mantenimiento de la Paz en el siglo XXI. Entre la adaptación y la reforma de la Carta*, Valencia, Tirant lo Blanch, 2008, pp. 433-464
20. “Le rôle du secteur privé dans le mécanisme de contrôle du protocole de Kyoto”, in *L’observance : quel contrôle de l’application du Protocole de Kyoto sur les gaz à effet de serre ?* (ed.: Sandrine Maljean-Dubois), Brussels, Bruylant, 2007, pp. 90-107
21. “Le mécanisme d’observance du Protocole de Kyoto au regard des mécanismes de contrôle du Comité des droits de l’homme”, in *L’observance : quel contrôle de l’application du Protocole de Kyoto sur les gaz à effet de serre ?* (ed.: Sandrine Maljean-Dubois), Brussels, Bruylant, 2007, pp. 294-311

22. "Le régime applicable à l'emblème des organisations internationales", *Annuaire Français de Droit International*, 2007, pp. 515-534
23. "Le domaine de la sécurité collective: entre anarchie et fiction", in *Mélanges en l'honneur de Jean Salmon*, Brussels, Bruylant, 2007, pp. 553-575
24. "Collective Security and the International Enforcement of International Law: French and American Perspectives", French and American Perspectives Symposium, *Maine Law Review*, vol. 58, n°2, 2006, pp. 543-564
25. "Le mécanisme d'observance du protocole de Kyoto : un mécanisme de contrôle dur au sein d'un instrument flexible", <http://www.esil-sedi.org/english/pdf/PeyroLlopis.PDF>
26. "La place du droit international dans la jurisprudence récente de la Cour suprême des Etats-Unis", *Revue générale de droit international public*, 2005, n°3, pp. 609-642
27. "Après Avena : l'exécution par les Etats-Unis de l'arrêt de la Cour internationale de Justice", *Annuaire Français de Droit International*, 2005, pp. 140-161
28. "The Place of International Law in Recent Supreme Court Decisions", Global Law Working Paper, NYU School of Law, 2004, 53 pp., http://www.nyulawglobal.org/workingpapers/GLWP_0405.htm

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?

Victims, through their legal representatives and the activity of the Office of the Public Counsel, have become an important procedural actor, despite not formally being a party to pre-trial, trial, and appellate proceedings. Victims' participation at various stages of the proceedings is specifically provided for in the Statute, the rationale being that victims should be able to present their views and concerns to the Court at stages of proceedings in which their personal interests are affected.

In the absence of any detailed framework on victims' participation, the judges have gradually clarified matters, which has led to the current situation, where the participation of victims is well established. However, inconsistent jurisprudence in this regard has been criticized,

and if elected, I would pay special attention to supporting the harmonisation of practices between the chambers in relation to the modalities of victims' participation.

I also believe that, to ensure meaningful victim participation, it is advisable to initiate legal representation of victims during the early stages of the proceedings, and in particular as soon as an arrest warrant or summons to appear is issued, so as to facilitate their early involvement. The judges of the Court will decide at what stage(s) victims are entitled to participate in proceedings, starting from the Preliminary examination and investigations stage, where the judges can decide that victims affected by the situation should be entitled to participate to express their views and concerns.

Victims' participation at the reparations stage is crucial for determining appropriate reparation measures. They have the right to submit requests for reparations. As mentioned earlier (see Question 2 above), the length of the reparations phase remains problematic, despite the establishment of a special chamber for that purpose. This has led to disappointment of the victims themselves, and of their communities. There are ongoing discussions on how better to address this matter, bearing in mind that the time for required reparations is very long, and the funds are limited. In this regard, it is fundamental to find ways to reduce timelines. In my experience with victims of international crimes, time is of the essence to locate victims (e.g. identification information can quickly become obsolete), notably in volatile environments and where access to the territory is not easily obtained. Specific efforts could be devoted to this objective, in particular increasing financial contributions (from public and private donors) to accelerate the work for the identification of the victims.

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

Judges have the responsibility of ensuring that a balance between the rights of an accused person and the rights of victims is maintained at every stage of the proceedings. The Statute allows victims' views and concerns to be presented in a manner that is not prejudicial to or inconsistent with the rights of the accused. The key point for the judge is, accordingly, to ensure that victims can intervene and assert their views where their interests are involved, without their becoming a second prosecutor. During the trial, questions from the representative for the victims should therefore not duplicate those of the Office of the Prosecutor. Neither should victims' participation cause any unreasonable delay in the conduct of the proceedings.

More generally, the Court should endeavour to reach out and engage with affected communities so that they can understand and participate in the justice process where

possible. International criminal judicial proceedings are complex. Therefore, directly engaging with these communities, at an early stage and in their local languages, is fundamental to addressing their concerns and providing information to promote understanding throughout the stages of judicial proceedings.

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

I have incorporated victim-centered or trauma-informed approaches during my professional work, in particular in relation to violence against women.

At the Spanish Ministry of Justice, I developed orders and protocols for the implementation of the 2004 Spanish Law on violence against women, which focused on women's protection. During that time, I was also one of Spain's participants to the European Union Council working party on judicial cooperation in criminal matters (COPEN), which among others discussed the Directive on the European protection order, adopted on 13 December 2011 (Directive 2011/99/EU), and which forms part of a coherent and comprehensive set of measures on victims' rights. While at the Ministry, I also advised on the drafting of the 2011 Council of Europe Convention on preventing and combating violence against women and domestic violence (the Istanbul Convention). Between 2012 and 2015, while working as a consultant for the Council of Europe, I trained judges in Romania, Morocco and Tunisia on responding to violence against women. I also worked as a consultant for public sector foundations of the Spanish cooperation system to advise governments and conduct trainings for judicial operators on violence against women.

As Acting Special Adviser of UNITAD, I supervised the collection of evidence in the context of criminal investigations relating to acts committed by ISIL (Da'esh) in Iraq that may amount to war crimes, crimes against humanity and genocide. In this context, UNITAD had a specialized unit to support witnesses and victims providing testimonies, which I supervised as head of the team, having to take decisions in relation to protective measures as the mission was closing. In particular, UNITAD conducted interviews of victims and witnesses, and I personally supervised, reviewed and made final legal determinations in relation to those interviews and assessed the possibility of sharing them for eventual use in fair and independent criminal proceedings. This was always done with a victim-centered approach, ensuring that the consent of victims and witnesses was respected and that their protection was not compromised.

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.**

During my time in Academia in Spain, I was the director of the Spanish branch of the European Prison Litigation Network, funded through a grant agreement from the European Commission (JUST/2013/JPEN/AG/4558). The Network included lawyers and academic institutions from six different European countries. Our research focused on the rights of detainees in international human rights law, including rights of the defence. I have also taught and trained extensively on international human rights law, including with regard to the right to a fair trial and the need to ensure the rights of the defence.

While I was working in the Ministry of Justice of Spain, in the context of the preparation of a draft law on the recognition and comprehensive protection of victims of terrorism, we prepared language relating to the provision of assistance, including free legal aid, not only to victims, but also to associations dedicated to ensuring the rights of the defence. I also represented Spain in negotiations of the Council Framework Decision 2009/299/JHA enhancing the procedural rights of persons subject to criminal proceedings, to facilitate judicial cooperation in criminal matters and, in particular, to improve mutual recognition of judicial decisions between Member States. The Framework Decision recalled the obligation to respect fundamental rights and fundamental legal principles as enshrined in Article 6 of the European Convention of Human Rights, including the right of defence of persons subject to criminal proceedings, as well as the obligations that are incumbent upon judicial authorities in this respect.

While working at the U.N., I have frequently had to prepare materials to be shared with defence counsel in the context of international criminal proceedings before international courts and tribunals, including the ICC. In doing so, I have always striven to respond as fully as possible to requests from defence counsel, consistently with safeguarding the legally recognized interests of the U.N.

The ability to challenge an accusation in a criminal trial effectively implies an appropriate degree of 'equality of arms'. Ensuring that an accused has recourse to effective counsel and access to sufficient funds to present his/her defence is fundamental. Having worked and interacted with the different parts of all international and hybrid criminal courts and tribunals, I am very much familiar with their modalities for management of the defence and their legal aid. In particular, during the negotiation of the Addendum to the Agreement between Cambodia and the U.N. on the Transitional Arrangements and the Completion of

Work of the ECCC (I led the initial negotiations on the U.N.'s side), questions relating to the equality of arms had to be considered.

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?

The requirement of high moral character seems to derive from article 2 of the Statute of the International Court of Justice, which refers to “independent judges” who are “persons of high moral character”. This requirement has also been described as behaviour and personal status compatible with holding judicial office. In other words, beyond the qualifications relating to impartiality and integrity, the purpose is to ensure that there is not any feature about a candidate (both professionally and personally) that could pose difficulties to the Court if the candidate were to be appointed as a judge (e.g. bankruptcy).

Candidates for election to the Court should be principled, both professionally and personally. In this regard, I believe that I have a consistent record of principled behaviour, with my decisions being made within existing regulatory frameworks and with common sense so as to ensure reasonable and fair results. I have always resisted pressure from other actors, both internal and external. This, I have particularly demonstrated in my work in U.N. field missions (see a specific example in my response to Question 16 below).

In settings where confidentiality is fundamental, being of high moral character assists in respecting this principle. I have constantly endeavoured to maintain a balance between, on the one hand, transparency and the basic requirement of natural justice that clear and reasoned explanations be given for all decisions and, on the other hand, respect for confidentiality and the need to exercise the utmost discretion to avoid harm to others.

Last but not least, I have always been accountable for all my actions and decisions, as nobody is above scrutiny – for example, by consistently agreeing to be the subject of 360-degree performance assessments.

High moral character is not just an inherent quality: it is something that has to be constantly exercised, reaffirmed and reassessed, to ensure that nothing is compromising it or could be perceived as doing so. It requires a certain state of mind and skills, which I believe that I have developed and exercised throughout my professional career.

It also requires anticipation, to prevent any situation from arising that could affect, or reasonably be perceived as affecting, one's high moral character and integrity. For example, since my time as a civil servant for the Government of Spain, I have refrained from making any public pronouncements that might adversely reflect on my status as a civil servant or on the institution that I serve (e.g. by limiting my use of social media).

As another example, I note that as a U.N. official at the director level, in addition to the obligations of independence in my work deriving directly from the U.N. Charter, I have been required to file annual financial disclosure statements. These include certification that my assets and economic and outside activities, as well as those of my spouse and dependent children, do not pose a conflict of interest with my official duties or the interests of the U.N.

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**

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?

As an international civil servant, I have often faced political, institutional, or personal pressure that could have affected my professional independence, in particular when working in U.N. field missions. I have always addressed such challenging situations without compromising certain fundamental principles which also support the judicial function, in particular independence in the work of the judiciary and impartiality in its decision-making. I believe that a certain temperament is also needed to face those situations, involving a certain behaviour, patience, sensitivity and emotional intelligence.

As a specific example, I will note my time as head of a mission in the field, trying to ensure an orderly end to its operations and closure after the local authorities had requested its departure from the country. Pressure came from different actors, and for different reasons. There was pressure from certain communities and civil society organizations to finalize investigations relating to international crimes committed against specific communities of victims. From my perspective, it was important to ensure that the work products of the mechanism were balanced in that regard, and that the reasons for the early closure and departure were well communicated. It was also fundamental to reassure victims and witnesses by confirming that the information they had shared would be securely preserved and only used in line with their consent. There was also pressure from State actors regarding the sharing with local authorities of the evidence collected by the mission. The pressure increased over time, including threats of prosecution of my team, which I had to counter through different means to ensure the safety of the staff, of the information collected, and ultimately of the reputation of the Organization. I handled this situation without ever compromising the applicable legal framework, including international law and U.N. policies (e.g. respecting the need for the consent of those who had provided information in confidence), which in practice meant that not all documents could be shared, despite the pressure to do so. It required many discussions to explain the rationale of my decisions and to secure the safe transfer of the archives of the mission outside of the country, while finding compromises where possible and as appropriate.

Separately, I would note that I have participated in sensitive international negotiations where my legal temperament and my mental strength were being tested. For example, in a specific negotiation, my counterparts tried to destabilize me by exposing confidential information from my Office in their possession which, in their view, contradicted my legal position. I always remained calm in those situations, contextualizing the information and responding with specific and accurate legal analyses.

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?

A number of forms of behaviour and actions from ICC judges could contribute to the improvement of the workplace culture at the Court:

Promoting integrity: In addition to leading by example (see my answer to Question 13), credible accountability mechanisms should be in place, including for elected officials, to respond to complaints. These mechanisms should ensure procedural fairness and certainty for all involved when allegations of misconduct arise and should address complaints

expeditiously. A process that lasts too long will inevitably impact negatively on the institution, independently of the result.

Working as part of a team: I am used to working as part of a team, both as a team member and as a team manager, with teams ranging from a few lawyers (in academia, at the Ministry of Justice and at the U.N.) to larger teams, including heading a team of more than 200 personnel in Iraq (UNITAD). In all the teams that I have led, I have actively encouraged open and lively discussion of the legal issues involved in any task or assignment. Getting teams to work together and open up, share, listen and engage has contributed, in my experience, to a healthier working environment. In addition, it has enriched discussion, made it easier to anticipate counterarguments, and ultimately led to more refined and reasoned analyses. Understanding the reasoning behind the different positions at stake is fundamental to engaging in a respectful and constructive discussion and to finding consensus where possible.

Encouraging consensus and collegiality in decision-making:

Throughout my career, whether in the legal office of an international organization or within a domestic authority, reaching consensus has been the objective. It has been necessary to find ways to overcome differences and find a common legal position, first, through thorough research and analysis, and second, by using language that accommodates and reflects as far as possible the different viewpoints and sensitivities at stake. A readiness on the part of all parties involved to consider alternative opinions, and to compromise where possible, is necessary.

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 mentioned in the previous question, I am used to working as part of a team, both as a team member and as a team manager. As head of office or entity, I have been in charge of the implementation of policies relating to diversity, equity and inclusion, and I responded to misconduct allegations against certain members of my teams within existing frameworks and mechanisms. Also, in close coordination with the *Chef de Cabinet* of the President of the STL, I personally worked on the establishment of the accountability mechanism for the STL judges. The difficulties that we had to confront did not relate to its establishment, but to its

practical implementation. This required lengthy discussions to ensure that the mechanism was as precise as possible and that it was endorsed by all interested parties, before including it in the revised terms and conditions of the judges' contracts.

During my more than 26 years of professional experience, I have worked effectively in diverse and multicultural environments. I have been working in OLA since 2015 with lawyers of around 50 different nationalities, from different legal traditions and with different cultural backgrounds. I have, furthermore, been deployed for prolonged periods of time in Jerusalem (with UNRWA) and in Baghdad (with UNITAD), where I had to lead multicultural legal teams and liaise with local institutions and lawyers. I have also frequently been deployed as the OLA lawyer in support of negotiations in every region of the world and have had to adapt to the different cultural environments in which the negotiations were taking place. Understanding and respecting different legal traditions and cultural approaches to sensitive legal questions has been a key element of my work in a multicultural environment. I believe that such experience has assisted me in promoting respectful workplaces, improving the workplace culture and addressing power imbalances, in particular in complex professional environments in the field. More generally, I have always paid particular attention to staff wellbeing, including through proactive direct interactions with all staff members, on an individual basis when possible.

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?**

The Rome Statute provides for a number of sexual and gender-based crimes ("SGBC") and crimes against children. The Rules of Procedure and Evidence have included major advances in relation to gender-competent and intersectional approaches, in particular for the provision of evidence of sexual violence. The ICC Prosecutor's Office adopted a Policy Paper on Sexual and Gender-Based Crimes in 2014, and a Policy Paper on Crimes Against or Affecting Children in 2016 aimed at improving the effectiveness of investigations.

As far as the ICC jurisprudence is concerned, various chambers of the Court have issued important decisions regarding SGBC and crimes against children, which have sometimes also addressed intersectional situations, including, most recently:

- El Hishri Confirmation Decision (16 July 2026): Pre-Trial Chamber confirmed all charges of crimes against humanity and war crimes brought by the Prosecutor and concluded that there are substantial grounds to believe that Mr. El Hishri is responsible, among others, for rape, attempted rape and other forms of sexual violence;
- Haibatullah Akhundzada and Abdul Hakim Haqqani Warrants of arrest Decision (8 July 2025): Pre-Trial Chamber considered that there are reasonable grounds to believe that each suspect bears responsibility for ordering, inducing or soliciting the crime against humanity of persecution on gender grounds against girls, women and other persons non-conforming with the Taliban's policy on gender, gender identity or expression; and on political grounds against persons perceived as "allies of girls and women".

These decisions build on prior important jurisprudence in this regard, including:

- Al Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud Confirmation of Charges Decision (30 September 2019, 13 November 2019): first ever confirmation of a charge for the crime of gender-based persecution;
- Ntaganda Appeals Judgment on Jurisdiction (15 June 2017): finding that rape and sexual violence, committed against child soldiers in the accused's own armed group, constitute war crimes, thereby reinforcing the prohibition of sexual violence;
- Ntaganda Trial Judgment (8 July 2019) and Sentencing Judgment (7 November 2019), confirmed on appeal on 30 March 2021: first ever (confirmed on appeal) conviction for SGBC, and elaboration of sentencing principles regarding SGBC.
- Ongwen Trial Judgment (4 February 2021) and Sentence (6 May 2021) and Ongwen Appeal Judgments (15 December 2022): first ever conviction for the crime of forced pregnancy and corresponding clarification of the elements of the crime; first conviction for forced marriage as other inhumane act before the ICC and articulation of why it is a distinct crime from sexual slavery and enslavement, as well as recognition that forced marriage is a gendered crime; various other relevant findings related to SGBC and crimes against children;

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

The challenges include: understandable reluctance of SGBC victims to come forward and share their experiences due to the stigma that still surrounds these crimes; charging thus far has predominantly focused on women and girls as victims and investigating and consequently charging sexual violence committed against male victims continues to pose a challenge; children victims and witnesses may have additional difficulties communicating on the facts.

It is important that prosecutors and judges addressing SGBC and crimes against children use an intersectional, trauma-informed, and survivor-centered approach to fully understand and take steps to address the specific trauma of these victims.

Judges should use all tools available in the Statute and the Rules of Procedure and Evidence to ensure that victims and witnesses of SGBC and children can present their evidence in court effectively. For example, Article 56 of the Statute could be used to allow victims of sexual violence and children to be heard in closed sessions as early as the pre-trial phase and to avoid their re-victimization during the trial. Used in the Ongwen case to preserve evidence of vulnerable witnesses (direct victims of SGBC), this procedure ensures better protection for vulnerable victims, while safeguarding the rights of the accused, since statements would be made before judges and in adversarial proceedings. Also, Rule 70 of the Rules of Procedure and Evidence stipulates that consent can never be inferred from the words or behavior of a victim where their ability to freely give genuine consent has been impaired, or where they are incapable of giving genuine consent. Consent cannot either be inferred from the silence or lack of resistance of the victim of alleged sexual violence.

There are some best practices that can inspire the Court's work. In this regard, I have proven legal expertise in the fields of sexual and gender-based violence, and in relation to crimes committed against children, based on my professional experience both at the domestic and international levels.

At the Spanish Ministry of Justice, I developed orders and protocols for the implementation of the 2004 Spanish Law on violence against women. While at the Ministry, I also advised on the drafting of the 2011 Council of Europe Convention on preventing and combating violence against women and domestic violence (the Istanbul Convention).

Between 2012 and 2015, while working as a consultant for the Council of Europe, I trained judges in Romania, Morocco and Tunisia on responding to violence against women, based on Spain's best practices. I also worked as a consultant for public sector foundations of the

Spanish cooperation system to advise governments and conduct trainings for judicial operators on violence against women.

As Acting Special Adviser of UNITAD, I supervised investigations of international crimes committed by ISIL (Da'esh) in Iraq, which particularly affected women and girls. Some of the reports of those investigations describe the details of the abduction, enslavement, and oppression that ISIL practised against women and girls in Iraq, providing a legal analysis of such crimes, within the framework of international criminal law and international humanitarian law.

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 ICC has the necessary tools, which derive from the Rome Statute, to address the complexity of crimes targeting victims on the basis of intersecting identities and to charge on a combination of grounds. Both the definition of international crimes in the Rome Statute (Articles 6-8) and the legal tools judges have to deliver their decisions (e.g. Articles 74 and 78 of the Rome Statute, and Rules of Procedure and Evidence) take into account such complexity. It is therefore important to ensure that the full potential of such tools is being used to charge in a manner that reflects the different aspects of the victim's identity, where possible and as appropriate.

The 2021 *Ongwen* case is an example where intersecting identities, in particular gender and age, were taken into account by the Trial Chamber, to ultimately find Mr. Ongwen guilty of, among others: i) sexual and gender based crimes, namely, forced marriage, torture, rape, sexual slavery, enslavement, forced pregnancy and outrages upon personal dignity he committed against certain women; and ii) the crime of conscripting children under the age of 15 into the Sinia brigade and using them to participate actively in hostilities. The Appeals Chamber confirmed in 2022 the decisions of the Trial Chamber.

While also addressing intersecting identities (gender and religion), the 2024 *Al Hassan* judgment of the Trial Chamber only convicted Mr. Al Hassan for religious-based persecution, and acquitted him for gender-based persecution. The judgment was issued along with individual decisions from all three judges reflecting differences on conclusions and legal reasoning.

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?

While the role of the judiciary is limited, and judges should avoid any action that may adversely reflect on their status, or on the integrity, independence and impartiality that are required by that status, some general considerations can be made.

The first one relates to the need to ensure that the process, and in particular the hearings, are understood by the public. The President of the Chamber can play a key role in this regard, by explaining and guiding the process in an accessible manner.

Another general consideration relates to the dissemination of the work of the Court in different languages, in particular non-official languages widely spoken in the communities affected by situations before the Court, and the Court's subsequent jurisprudence. In these cases, if resources are not made available, other options, including automatic means of translation, should be considered to promote knowledge of the Court and its work. In the preamble to the Statute, States Parties are expressly mindful of the multitudes that have been victims of unimaginable atrocities that deeply shock the conscience of humanity. Being able to render justice effectively includes being able to communicate the Court's work with the victims in specific cases.

Finally, it is important to continue strengthening initiatives to gather interest in the Court's work, including with academic communities, as well as for the promotion and respect for international criminal law.