

# 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: Deo John NANGELA**

## **Motivation:**

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

My decision to seek election as a judge of the International Criminal Court (ICC) at this stage of the Court's development is informed by three realities which, in my view, define this important moment in the Court's evolution: **trust, efficiency and resolve.**

**First, it is a moment of trust.** The International Criminal Court requires experienced judges who administer justice independently, impartially and efficiently, while remaining attentive to the rights of accused persons, the interests of victims, affected communities and the wider international community. For more than twenty-five years, I have served the criminal justice system in my country in different capacities—as a prosecutor, an academic, a trial judge and, currently, as a Justice of Appeal. These complementary roles have provided me with a comprehensive understanding of what those who engage with the justice system expect: proceedings that are fair, impartial, transparent and worthy of public confidence.

Throughout my judicial career, I have sought to apply the law faithfully and without fear or favour, ensuring that every person appearing before the Court receives equal justice. My experience has taught me that judicial legitimacy depends not only on the correctness of legal decisions, but also on the fairness of the process by which they are reached. The Rome Statute entrusts the ICC with a unique responsibility: to deliver justice through fair trial guarantees for accused persons while recognising the rights and interests of victims and communities affected by the gravest crimes. It is this responsibility that motivated me to accept my nomination. If elected, I would endeavour to apply the Rome Statute with fidelity, fairness and efficiency so that justice is not only administered in The Hague but is also recognised and experienced by the communities it is intended to serve.

**Second, it is a moment of efficiency.** Justice delayed carries significant human and institutional consequences. Witnesses' memories fade, victims endure prolonged uncertainty, accused persons remain subject to unresolved proceedings, and confidence in the administration of justice is diminished. Having served both as a prosecutor and as a trial judge before joining the Court of Appeal, I have witnessed these consequences first-hand. My experience has impressed upon me the importance of effective case management, timely delivery of judgments and procedural discipline without compromising fairness or due process.

The responsibilities of an ICC judge extend beyond the interpretation of legal provisions. They include ensuring the fair and expeditious conduct of proceedings under Article 64 of the Rome Statute, safeguarding the rights of accused persons under Article 67, and facilitating meaningful participation and protection of victims in accordance with Article 68. Balancing these responsibilities requires sound judicial management, careful legal reasoning and an unwavering commitment to fairness. These are qualities that I have sought to cultivate throughout my judicial career and would continue to bring to the Court.

**Third, it is a moment of resolve.** The ICC operates in an increasingly complex legal and geopolitical environment. It therefore requires judges who possess independence, integrity and the courage to apply the law impartially, regardless of political pressure or public opinion. Equally, the Court's effectiveness depends upon the continued confidence and cooperation of States Parties acting within the framework established by the Rome Statute. The United Republic of Tanzania has supported the International Criminal Court since its establishment as a State Party to the Rome Statute. My own candidature reflects my longstanding commitment to the rule of law, judicial independence, accountability and equal justice before the law. If elected, I would faithfully discharge the responsibilities entrusted to me under the Rome Statute and contribute to preserving the Court's integrity, independence and credibility. I would also endeavour to strengthen the Court's complementary role as a court of last resort, intervening only where national jurisdictions are unwilling or unable genuinely to investigate or prosecute the gravest crimes of concern to the international community.

**In summary:** these three considerations—**trust, efficiency and resolve**—define both my motivation for seeking election and the values that would guide my service on the International Criminal Court. They reflect the professional experience I have acquired over more than twenty-five years in criminal justice, my commitment to the rule of law and my belief that international criminal justice must always be independent, fair, efficient and

principled. If elected, I would strive to contribute to a Court whose decisions command confidence because they are grounded in law, delivered with integrity and responsive to the legitimate expectations of victims, accused persons, States Parties and the international community.

**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 greatest ICC's institutional and legal challenges over the next decade will revolve on a number of things:

**First is about relevance and legitimacy.** The issue of relevance is fundamental. It addresses the rationale for the existence of the Court as an institution, anchoring itself on the question: Does the ICC still matters to the victims, and to the communities affected by atrocities and to the State Parties? If the Court's impact is unfelt by the people and if justice takes too long, the Court's relevancy and legitimacy is put at risk.

**So, what could be the Judges' contribution as part of the solution?**

**One, judges must promote efficiency while safeguarding due process.** Delay remains one of the greatest threats to the credibility of international criminal justice. Effective judicial case management, disciplined procedural timelines, and appropriate use of technology are essential. At the same time, efficiency cannot come at the expense of the rights of the accused, the fairness of proceedings, or the integrity of the judicial process. A credible Court must combine efficiency with fairness, independence with accountability, and legal rigour with a genuine commitment to justice.

**Two,** the court's work must strengthen and demonstrate its victim-community centered approach. The success of the ICC cannot be measured solely by the number of convictions obtained. It must also be assessed by whether victims experience justice as timely, meaningful and responsive to their suffering. This includes meaningful participation of victims in proceedings, effective implementation of reparations, and judicial decisions that are clear, practical and understandable to affected communities. As a judge, I would contribute by providing clear and principled guidance on the interpretation and application of victims' rights, particularly under Articles 68 and 75 of the Rome Statute. Judicial decisions should recognise the realities faced by victims while maintaining the essential balance between victims' interests and the rights of the accused. Justice must be both legally sound and capable of producing a meaningful impact beyond the courtroom.

**Three,** judges must protect their independence, impartiality and integrity of the Court as an institution. The ICC's authority depends fundamentally on public confidence that its decisions are based solely on law and evidence, rather than political considerations. Judges must therefore uphold highest ethical standards and strengthen the institution's accountability mechanisms within and outside. Doing so will build trust and the confidence of the global public. Outwardly, the judges should do so by issuing independent but impartial decisions, laden with clarity and consistency of reasoning. Externally, this requires decisions that are independent, impartial, transparent and supported by clear and consistent reasoning. The Court's jurisprudence must demonstrate that the law applies equally to all situations and actors, regardless of political influence or geopolitical circumstances. Whether cases involve powerful States, vulnerable communities, or

politically sensitive situations, the Court must consistently demonstrate that accountability is determined by law and not by political considerations.

Ultimately, the ICC's future legitimacy will depend on whether it can remain a Court that is independent, fair, efficient and connected to the people it was created to serve. Judges have a vital role in ensuring that the Court not only delivers justice according to law but also maintains the trust and confidence necessary for international criminal justice to endure.

## **Second is about sanctions**

Sanctions, travel bans and political attacks against ICC officials are no longer hypothetical; they have become part of the Court's operating environment. Such measures have been directed against ICC judges, prosecutors and Registry officials, and more recently have extended to attacks on the Court as an institution. These developments threaten not only the personal security and welfare of individual officials but also the independence and authority of the Court.

## **What could be the Judges' contribution as part of the solution?**

Sanctions and similar forms of political pressure are serious challenges because they seek to undermine both judicial independence and public confidence in the Court. While judges cannot control the political environment, they can ensure that such pressures do not influence the discharge of their judicial functions. Judges must therefore remain firm, courageous and steadfast in applying the law independently and impartially. They must ensure that cases within the Court's jurisdiction are adjudicated objectively, that the law is applied consistently, and that every decision is supported by clear, transparent and well-reasoned legal analysis. Ultimately, the Court's legitimacy rests not on political approval but on its fidelity to the Rome Statute, due process, and principled judicial decision-making.

## **Third is about cooperation and enforcement in a hostile political environment:**

The ICC has no police force. Every arrest warrant, transfer of a suspect and request for evidence depends upon the cooperation of States and, increasingly, regional organisations and other international partners. That dependence is becoming more challenging rather than less. Non-cooperation and selective cooperation undermine the Court's effectiveness. Some influential States remain outside the Rome Statute system, while others cooperate inconsistently according to political considerations. These realities present a significant challenge to the Court's ability to fulfil its mandate both now and in the future.

## **What could be the Judges' contribution as part of the solution?**

*One*, it is important to distinguish between the responsibilities of States Parties and those of the Court. Cooperation and enforcement are governed principally by Part IX of the Rome Statute. As a judge, my responsibility is to make clear and legally sound findings where allegations of non-cooperation arise. Where appropriate, and in accordance with Article 87(7) of the Rome Statute, the Court may refer findings of non-compliance to the Assembly of States Parties or, where the situation was referred by the United Nations Security Council, to the Security Council itself. Any enforcement measures thereafter fall outside the Court's judicial mandate.

*Two*, notwithstanding the above, judges should continue to produce clear and authoritative decisions **explaining** why cooperation is legally required under the Rome Statute. Such decisions strengthen legal certainty, reinforce the rule of law, and remind States Parties of their treaty obligations undertaken in good faith under the Rome Statute, consistent with the principle of *pacta sunt servanda* reflected in the Vienna Convention on the Law of Treaties.

#### **Fourth is about complementarity and the reality of domestic justice systems**

National courts bear the primary responsibility for investigating and prosecuting Rome Statute crimes. This principle of complementarity lies at the heart of the Rome Statute system. In practice, however, many States lack the legal capacity, institutional resources or political will to investigate and prosecute complex atrocity crimes effectively. Others may undertake superficial or selective proceedings designed primarily to shield perpetrators while claiming compliance with the complementarity principle. These realities continue to pose one of the ICC's greatest institutional challenges.

#### **What could be the Judges' contribution as part of the solution?**

Judges are the final interpreters of the complementarity principle. Over the next decade they can:

*One*, continue to clarify what constitutes genuine national proceedings. Through detailed and carefully reasoned decisions, judges can develop jurisprudence that evaluates not merely the existence of domestic proceedings but their genuineness, independence, impartiality, scope and effectiveness, while paying due regard to victims' interests.

*Two*, contribute to positive complementarity through appropriate judicial dialogue with national judiciaries. Within the limits of **judicial** independence, exchanges on jurisprudence and legal **principles** can assist domestic courts in strengthening their capacity to investigate and prosecute Rome Statute crimes consistently with international standards.

#### **Fifth is resources, workload, and strategic prioritization.**

The ICC's workload continues to expand. The Office of the Prosecutor is addressing an increasing number of situations and investigations while confronting emerging forms of criminality, including cyber-enabled conduct and environmental harm. At the same time, budgetary constraints remain persistent, as States Parties are often reluctant to increase financial contributions. The growing volume of digital evidence, increasingly sophisticated criminal networks, and the demands of victim participation and reparations place considerable pressure on the institution.

#### **What could be the Judges' contribution as part of the solution?**

In my view, judges contribute primarily by ensuring that proceedings are managed efficiently without compromising fairness or due process. Active judicial case management, realistic procedural timetables, early identification of contested issues and the appropriate use of technology can significantly reduce unnecessary delay and costs. While judges

cannot determine the Court's budget, they can ensure that available judicial resources are utilised effectively in the administration of justice.

**Sixth is substantive law challenges:** The Rome Statute was visionary when adopted, but international criminal law continues to evolve alongside changing patterns of criminality. Digital technologies are increasingly used to coordinate atrocities, disseminate incitement, manipulate evidence and facilitate criminal conduct. Environmental destruction associated with armed conflict and persecution has emerged as an important justice concern. At the same time, slavery, sexual and gender-based crimes, and crimes affecting children require increasingly sophisticated, survivor-centred jurisprudence and evidentiary approaches.

#### **What could be the Judges' contribution as part of the solution?**

*One*, interpret the Rome Statute dynamically while remaining faithful to its text, object and purpose. Existing crimes should be interpreted consistently with the Statute to address contemporary forms of criminal conduct where the legal elements are satisfied.

*Two*, continue to develop robust jurisprudence on digital and electronic evidence by clarifying **standards** relating to authenticity, reliability, admissibility and chain of custody, thereby ensuring that modern methods of committing crimes do not escape accountability.

*Three*, continue to strengthen jurisprudence concerning sexual and gender-based crimes, crimes against children and other vulnerable victims by adopting evidentiary approaches that remain faithful to fair trial guarantees while recognising the particular challenges associated with these offences.

*Four*, where supported by the evidence and the applicable law, interpret existing crimes in a manner that **recognises** environmental destruction as capable of constituting war crimes, crimes against humanity or persecution where the legal elements of those offences are established.

#### **Seventh is about Reparations.**

Reparations remain one of the ICC's most significant and enduring challenges. Questions concerning the forms of reparations, representation during reparations proceedings, implementation and available resources are likely to remain central to the Court's work over the coming decade.

#### **What could be the Judges' contribution as part of the solution?**

*One*, recognising the limited resources available for reparations, judges should continue to consider collective reparations where these are capable of delivering meaningful and equitable benefits to affected communities, while remaining guided by the circumstances of each case and the rights of individual victims.

*Two*, judges should continue developing clear jurisprudential principles governing collective and individual reparations, evidentiary standards, prioritisation and implementation. Such guidance assists both the Trust Fund for Victims and the Registry in implementing reparations that are legally sound, practical and responsive to victims' needs.

*Three*, judges should issue orders that facilitate the identification, preservation and, where appropriate, tracing of assets for the benefit of reparations. At the same time, reparations jurisprudence should continue to recognise that reparations are not merely financial awards but also measures that restore dignity, acknowledge harm and contribute to rebuilding affected communities. The Court's jurisprudence in *Lubanga* and *Katanga* provides important guidance in this regard and should continue to inform the progressive development of reparations under the Rome Statute.

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

My professional background, expertise and personal experience are grounded in a profound respect for the rule of law. I firmly believe that public power must always be exercised in accordance with clear, predictable and impartial legal norms, and that no individual or institution is above the law. If elected to serve on the International Criminal Court, I would strive to uphold these values in every aspect of my judicial work.

*First*, I would contribute a strong foundation in legal reasoning, statutory interpretation and the careful balancing of competing rights and obligations. Throughout my career as an academic, prosecutor and judge, I have consistently approached legal questions with intellectual rigour and fidelity to the law. This experience would enable me to contribute to maintaining the Court's reputation as an independent judicial institution whose decisions are guided by legal principle rather than political considerations.

*Second*, I would bring well-developed analytical skills acquired through many years of teaching, adjudicating and legal research. My professional experience has trained me to analyse complex legal and factual issues systematically, distinguish evidence from assumption, and evaluate competing arguments against both legal doctrine and underlying principle. I do not seek outcomes that are merely expedient or popular; rather, I strive for decisions that are coherent, legally sound and capable of withstanding careful scrutiny over time.

*Third*, I would contribute extensive courtroom management experience and a strong commitment to procedural fairness. Having served both as a trial judge and now as a Justice of Appeal, I appreciate the importance of conducting proceedings efficiently while ensuring that every party receives a fair hearing. I regard due process, transparency, equality of arms and the obligation to provide clear and reasoned decisions not as procedural formalities but as the very foundation of judicial legitimacy.

*Fourth*, I would bring to the Court a demonstrated commitment to integrity and ethical conduct. Judicial legitimacy depends not only on technical competence but also on the character and independence of those entrusted with judicial office. Throughout my career, I have been careful to avoid conflicts of interest, to decide cases impartially, and to explain my reasoning transparently. I recognise that every judicial decision contributes to public confidence in the institution, and I approach that responsibility with humility, independence and accountability.

*Fifth*, I would contribute positively to the Court's collegiate environment. My experience as a Justice of Appeal has required me to deliberate with fellow judges, to respect differing legal perspectives, and to participate constructively in reaching collective decisions while maintaining my own judicial independence. I have learned the importance of persuading, and equally of being persuaded, through principled legal reasoning. My academic career and judicial service have also enabled me to work with people from diverse cultural, professional and social backgrounds, fostering openness, mutual respect and inclusivity. These experiences have strengthened my appreciation of diversity of thought and reinforced my belief that collegial deliberation enhances the quality and legitimacy of judicial decision-making. Beyond my professional experience, my personal journey has exposed me to different communities, cultures and social realities. This has taught me to listen carefully, avoid preconceived assumptions and appreciate the broader human context in which legal disputes arise. These qualities would assist me in contributing to a Court whose work affects individuals and communities from many different regions of the world.

**In summary:** I would offer the Court not merely a list of professional qualifications, but a coherent combination of judicial experience, academic scholarship and personal integrity. I would bring disciplined legal analysis, practical experience in resolving complex criminal cases, unwavering respect for the rule of law, and a commitment to fairness, independence and collegiality. I would seek to ensure that every decision is firmly grounded in law, informed by sound reasoning and delivered with integrity, thereby contributing to the Court's mission of administering international criminal justice fairly, impartially and effectively.

**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.**

I have worked extensively as a criminal law practitioner, with experience spanning prosecution, trial judge and currently as appellate judge, these being roles I have played in domestic criminal proceedings. My work has involved complex, multi-party litigation, high-volume caseloads, and matters raising novel procedural and substantive issues.

- **As a prosecutor**, I was involved in prosecuting complex, multi-accused prosecutions, including a case involving illegal, unreported, and unregulated (IUU) fishing (commonly referred to as the “*Samaki’s case*”).<sup>1</sup>

The case was of complex nature since, originally, the charges involved 37 accused persons of multiple nationalities, and expert witnesses from outside the country. As lead prosecutor, apart from preparing for my trial strategy, I had to observe the integrity and

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<sup>1</sup> *Republic v. Hsu Chin Tai & Others* (2012) TZHC 524.

fairness of investigation and the prosecution process and discharge my duty to prove the case beyond reasonable doubt. In so doing, I had to strictly adhere to the procedural guarantees for proper investigation of cases such as having interpreters for all accused persons, ensuring that the accused persons are not mistreated, coerced, threatened, induced, tortured or compelled to incriminate themselves. I also informed them of their right to apply for bail and had to invoke the mechanisms of requesting legal mutual assistance and witness protection.

Although the case was lost at an appellate level, it left an indelible lesson to my professional life as a prosecutor since it taught me that a Prosecutor is not simply an advocate for conviction but has an objective role in ensuring justice.

All such procedural steps, though done at domestic settings, have their parallel under the Rome Statute, in particular under Article 54(1)(a) (duty to act impartially as a prosecutor), Article 54(1)(b) (duty to respect the rights of the accused while fully respecting the interests and personal circumstances of victims and witnesses); Article 54(3) (e) (duty to protect confidential information while balancing defence rights to fair trial), Article 55 (rights of suspects); Article 66 (duty to respect the accused person's presumption of innocence), Article 67(2) and Rules 76-84 of REP (duty to disclose to the defence all evidence in prosecutor's control). All these Articles of the Rome Statute requires the prosecutor to observe the due process of the law, this being part and parcel of what fair trial means.

- **As a trial judge**, I presided over a significant murder case<sup>2</sup> arising from the killing of three park rangers at Katavi National Park (to be referred to hereafter as the *Katavi case*). Approximately 200 villagers participated in the attack, although only nine accused persons were prosecuted. Among them was the 9<sup>th</sup> accused, a local militia (*Sungusungu*) leader, who had convened a village meeting after his cattle had been impounded by park rangers for grazing unlawfully within the park. At that meeting, he instructed the villagers to recover the impounded cattle and money. During the execution of those instructions, the villagers killed the three park rangers.

In the course of the hearing, the prosecution team argued that, by virtue of his leadership role and his convening of the meeting, the 9<sup>th</sup> accused should bear criminal responsibility for the subsequent murders.

In determining the case, I carefully assessed the criminal liability of each accused individually rather than attributing collective responsibility to all participants. Upon evaluating the evidence, I found that the prosecution had failed to establish beyond reasonable doubt that the 9<sup>th</sup> accused had ordered, authorized, encouraged, intended or otherwise contributed to the commission of the murders. The evidence demonstrated that his intention was limited to recovering the impounded cattle and money and not to causing the deaths of the park rangers. I therefore acquitted him of the murder charges.

Although the case did not involve the application of the Rome Statute, it required an approach that closely parallels the principles of individual criminal responsibility recognized in ICC jurisprudence. In particular, it underscored that criminal liability cannot be founded solely on leadership status or association with a group but must instead be established through proof of the individual's own conduct, contribution and mental element.

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<sup>2</sup> *The Republic v. Kija Jilunga Maduka @ Mahela and 8 Others* [2025] TZHC 30.

These are principles consistently reflected in ICC jurisprudence, including *Prosecutor v. Lubanga*, *Prosecutor v. Katanga*, *Prosecutor v. Ntaganda* and *Prosecutor v. Bemba*.

- **As an appellate judge**, I have developed the ability to work effectively within a collegiate judicial environment. My role requires me to engage constructively with the views of fellow judges, to respect any of their differing legal opinions, and to contribute to reasoned deliberations while maintaining my independence and impartiality.

I have learnt that judicial decision-making is strengthened through open-minded discussion, careful consideration of competing perspectives, and the willingness both to persuade and to be persuaded by sound legal reasoning. These experiences have reinforced the values of collegiality, judicial independence and impartiality, all of which are essential to the effective functioning of a domestic appellate or international multi-judge tribunal such as the International Criminal Court.

**5. Please describe any experience you have applying:**

- **The Rome Statute-**

**Response:**

While I have not had the opportunity to apply the Rome Statute directly in the adjudication of cases, I am familiar with its provisions and their application through leading ICC decisions such as *Prosecutor v. Bemba*, *Prosecutor v. Ntaganda*, and *Prosecutor v. Ongwen*. I also appreciate that the effective functioning of the ICC depends significantly on the cooperation of States, as reflected in Part 9 of the Rome Statute, particularly Article 86, which obliges States Parties to cooperate fully with the Court in its investigations and prosecutions.

Comparable considerations have arisen in my judicial experience. In *Samaki* (supra), for example, the proceedings involved accused persons who were foreign nationals and witnesses from outside Tanzania. This required the Court to facilitate consular access where appropriate and to coordinate the attendance of foreign witnesses through established legal channels. In addition, I ensured that competent language interpreters were provided throughout the proceedings so that the accused could fully understand and participate in the trial. These measures were essential to safeguarding the fairness and integrity of the proceedings and to ensuring that justice was not only done but was also seen to be done.

The same principles underpin proceedings before the ICC. The Rome Statute requires close cooperation between the Court and States in securing evidence, witnesses and other forms of judicial assistance, while also guaranteeing the rights of the accused, including the right to interpretation and translation under Article 67. My experience in managing proceedings involving foreign nationals and cross-border elements has therefore provided practical insight into issues that are equally significant in international criminal proceedings.

- **International criminal law-**

**Response:**

Although I have not directly adjudicated a case involving the doctrine of command responsibility under Article 28 of the Rome Statute, there have been instances in which I have dealt with analogous issues concerning leadership, authority and individual criminal responsibility. In *Katavi's case* (supra), for example, I examined the nature and scope of the authority exercised by the 9<sup>th</sup> accused and assessed whether the instructions he issued could attract criminal responsibility for the subsequent conduct of others. Upon evaluating the evidence, I concluded that the prosecution had failed to establish that he had ordered, authorized, intended or otherwise contributed to the commission of the murders, and I accordingly acquitted him. While this did not involve the application of command responsibility as understood under the Rome Statute, it required a careful assessment of issues comparable to those arising in cases concerning superior responsibility, particularly the relationship between authority, control and individual criminal liability.

In addition, I have adjudicated numerous cases involving murder, rape, gang rape and other serious offences. Although these offences were prosecuted under domestic criminal law, they also constitute underlying acts that may amount to genocide, crimes against humanity or war crimes when committed in the circumstances defined by international criminal law. My experience in determining issues of intent, participation, witness credibility and evidentiary sufficiency is therefore directly relevant to the adjudication of international crimes.

Furthermore, in one of the decisions of the Court of Appeal of Tanzania<sup>3</sup>, of which I am a member, considered the statutory requirement for the Director of Public Prosecutions' consent before the commencement of certain prosecutions. Although this mechanism is not identical to the Rome Statute framework, it performs a comparable gatekeeping function by subjecting the initiation of criminal proceedings to prior legal scrutiny. In a similar manner, Article 15(3) of the Rome Statute requires the Prosecutor, when acting *proprio motu* under Articles 13(c) and 15, to obtain authorizations from the Pre-Trial Chamber before commencing an investigation. In both systems, prior oversight serves as an important safeguard to ensure that prosecutorial powers are exercised in accordance with the law and in the interests of justice, albeit through different institutional mechanisms.

- **International humanitarian law-  
Response:**

While I have not adjudicated a case directly involving the application of international humanitarian law, I am familiar with its underlying principles and legal framework. I am aware that many of the fundamental rules codified in the Geneva Conventions of 1949 reflect or embody norms that have attained the status of *jus cogens* under customary international law.

In essence, the Geneva Conventions constitute the cornerstone of international humanitarian law (IHL). Their primary purpose is not to determine whether the use of force is lawful (*jus ad bellum*), but rather to regulate the conduct of hostilities (*jus in bello*) and to protect persons who are not, or are no longer, participating in armed conflict. As one of the principal sources of *jus in bello*, the Geneva Conventions regulate, among other matters, the conduct of hostilities, the protection of civilians, the humane treatment of prisoners of

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<sup>3</sup> *Lengawo Moisar Kitesho @ Leken & Others v Republic* [2026] TZCA 791.

war, the protection of the wounded, sick and shipwrecked, and restrictions on certain methods and means of warfare.

Although I have not had the opportunity to apply these principles in a case involving war crimes, my academic background in criminal law, including international criminal law, together with my judicial experience in evaluating evidence and determining individual criminal responsibility, provides a strong foundation for the application of these principles where they arise in proceedings before an international criminal tribunal.

In the *Katavi's case* (supra), for example, though not a case involving war crimes for which one could directly rely on, there were parallels that could be drawn therefrom regarding examination of the nature and scope of the authority exercised by the 9<sup>th</sup> accused who was a traditional local militia commander (*Sungusungu*) and whether the instructions he issued could attract criminal responsibility for the subsequent conduct of his subordinates. That a parallel view applies even when one is dealing with issues of war crimes for which international humanitarian laws and Article 28 of the Rome Statute apply in relation to commanders' responsibilities.

- **Domestic legislation incorporating international crimes**

In our jurisdiction, the principal legislative framework relevant to international criminal law includes the *Prevention of Terrorism Act*, the *Penal Code, Cap. 16* (which criminalizes the offence of piracy), and the Mutual Assistance in Criminal Matters Act. Throughout my career as a prosecutor, an academic, and now as a judge, I have acquired extensive practical and academic experience in the interpretation and application of these statutes. This experience has enhanced my understanding of the investigation, prosecution, and adjudication of offences that have both domestic and transnational criminal law dimensions.

- **the Jurisprudence of the ICC or ad hoc tribunals-**

While I have not directly used the ICC jurisprudence in the course of deciding or prosecuting cases, I became familiar with its jurisprudence during my academic career, where I taught criminal law, including international criminal law. Consequently, I am well acquainted with the functioning of the International Criminal Court (ICC), the Rome Statute, and the Court's jurisprudence. As I have pointed out earlier in relation to *Samaki case* (supra), *Katavi case* (supra) and *Kitesho case* (supra), there are instances in which principles developed within our domestic criminal justice system bear parallels with those applied by the ICC. In *Kitesho case* (supra), for example, the Court of Appeal of Tanzania considered the requirement for the Director of Public Prosecutions' consent before the commencement of certain prosecutions. Although this requirement is not identical to the ICC framework, it performs a comparable gatekeeping function by subjecting the institution of criminal proceedings to prior legal scrutiny.

In a similar vein, under Article 15(3) of the Rome Statute, where the Prosecutor seeks to initiate an investigation proprio motu, authorization from the Pre-Trial Chamber is required before the investigation may proceed. While the two mechanisms arise from different legal systems and serve distinct institutional purposes, both reflect the principle that the initiation of criminal proceedings may, in appropriate circumstances, be subject to prior oversight as a safeguard against arbitrary or unfounded prosecutions.

- **Universal jurisdiction-**

I am aware that the principle of universal jurisdiction in international criminal law permits a State, in exceptional circumstances, to investigate and prosecute certain serious international crimes irrespective of where the crimes were committed or the nationality of the accused or the victim. The rationale underlying this principle is that such crimes are considered offences against the international community as a whole, thereby giving every State a legitimate interest in ensuring that their perpetrators do not enjoy impunity. Crimes commonly falling within universal jurisdiction include genocide, crimes against humanity, war crimes, torture, and piracy.

Although the Tanzanian Penal Code is primarily founded on the principle of territorial jurisdiction, it also criminalises certain offences, such as piracy, that are recognised under international law as attracting universal jurisdiction. Furthermore, several of the constituent offences that may amount to international crimes — such as murder and rape — are equally recognised and prosecuted under domestic criminal law.

While these offences do not, in themselves, attract universal jurisdiction, the legal principles governing their proof and adjudication often provide a useful foundation for understanding their treatment when they are charged as underlying acts of genocide, crimes against humanity, or war crimes. In my judicial practice, I have presided over numerous murder and rape cases. In relation to rape, Tanzanian jurisprudence recognises that the testimony of the complainant, if found to be credible and reliable, may be sufficient to sustain a conviction without the need for corroboration. My experience in assessing such evidence as both a trial and appellate judge has enhanced my appreciation of the careful evaluation of witness credibility, a principle that is equally important in the adjudication of international crimes.

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

In the course of my judicial and prosecutorial career, I have authored and contributed to numerous judicial decisions, legal opinions, and pleadings that demonstrate both my technical competence and my ability to handle complex, high-stakes matters. The following example is particularly illustrative:

- **Rape Cases:**

I have presided over and contributed to decisions involving allegations of rape, matters that required careful assessment of sensitive witness testimony, forensic evidence, and the application of statutory and constitutional safeguards protecting both victims and accused persons. These cases demanded meticulous legal analysis, impartial evaluation of evidence, and strict adherence to due process. One notable example is an appeal case to which I was a member of the appellate panel.<sup>4</sup> That appeal involved a complaint by the appellant that, although he was a minor at the time of the proceedings, he was charged, tried, and convicted as an adult for the offence of rape. The appeal raised significant

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<sup>4</sup> *Peter Mwashilindi v Republic* [2026] TZCA 147.

constitutional and procedural issues concerning the determination of age, the right to a fair trial, and the burden of proof.

The Court found that the trial court had failed to properly determine the appellant's age after the issue had been raised, resulting in serious procedural irregularities that undermined the fairness of the proceedings. We reaffirmed the principle that the prosecution bears the burden of proving every disputed element of its case beyond reasonable doubt, including any fact placed in issue that is material to the legality of the proceedings. The Court held that, once the appellant challenged the assumption that he was an adult, he was under no obligation to prove his age; rather, it remained the prosecution's duty to establish that fact through credible evidence. Owing to the resulting violation of the appellant's constitutional right to a fair trial, the Court quashed the conviction and ordered his immediate release.

This decision demonstrates my ability to address complex legal questions involving constitutional rights, evidentiary burdens, procedural fairness, and the protection of vulnerable persons, while ensuring that the criminal justice process remains faithful to the rule of law.

- **Murder Cases:**

My work in murder appeals and trials has required rigorous analysis of intent, causation, evidentiary sufficiency, and the proper application of the criminal standard of proof. These matters demanded careful synthesis of extensive factual records, assessment of witness credibility, and reasoned application of legal principles in cases carrying the gravest consequences for both the accused and society.

A notable example is an appeal case for which I participated in its determination and co-authored the judgment as a member of the appellate panel.<sup>5</sup> The respective appeal centred on whether the prosecution's case, founded largely on circumstantial evidence, had established guilt beyond reasonable doubt. The judgment systematically examined each evidentiary circumstance before assessing whether, taken cumulatively, the evidence formed a complete and unbroken chain pointing exclusively to the guilt of the accused. In doing so, the Court reaffirmed the established principles governing the evaluation of circumstantial evidence while demonstrating a disciplined analytical methodology that ensured each evidentiary link was independently tested before reaching an overall conclusion. This structured approach is consistent with the evidentiary methodology commonly employed by international criminal tribunals when assessing whether the totality of the evidence satisfies the applicable standard of proof.

**Complex Criminal Litigation:** In the *Katavi Case* (supra), I served as the presiding High Court Judge in proceedings involving complex legal and factual issues of considerable public importance. I authored the judgment, addressing both procedural and substantive questions while ensuring that the proceedings complied with constitutional

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<sup>5</sup> *Regina d/o Alex @ Siyo v. Republic* [2025] TZCA 469.

\*\*\*[NB: all local decisions for cases cited herein may be accessed online from <https://tanzlii.org/en/> .

guarantees of fairness and due process. The case demonstrates my ability to manage complex litigation, analyse competing legal arguments, and deliver clear, well-reasoned judgments in matters attracting significant public scrutiny.

**Environmental Protection:** The *Samaki Case* (supra), discussed earlier, illustrates my experience as a prosecutor in complex environmental litigation. I prepared the pleadings, developed the prosecution strategy, led the presentation of evidence, and advanced the legal arguments before the court. The case required the integration of scientific and documentary evidence with statutory environmental protections, demonstrating my ability to marshal complex evidence, develop coherent legal arguments, and discharge the prosecutorial function with independence, objectivity, and professionalism.

Collectively, these matters demonstrate the breadth of my experience as both a judge and a prosecutor. They illustrate my ability to resolve legally and factually complex disputes, evaluate evidence rigorously, produce clear and principled judicial reasoning, and uphold the rule of law in matters involving significant individual rights and substantial public interest.

**(Questions 7 & 8- N/A)**

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

Victim participation in proceedings before the ICC is principally governed by Article 68(3) of the Rome Statute, which permits victims whose personal interests are affected to present their views and concerns at appropriate stages of the proceedings in a manner that is not prejudicial to, or inconsistent with, the rights of the accused and a fair and impartial trial. Victim participation serves several important objectives. It promotes victims' dignity and recognition, enhances public confidence in international criminal justice, contributes to the establishment of the truth, strengthens the legitimacy of judicial proceedings, and facilitates reparations and restorative justice. These objectives, however, can only be realized where victim participation is meaningful.

Meaningful victim participation extends beyond allowing victims merely to appear before the Court as witnesses. Rather, it requires participation that is effective, informed and genuinely enables victims to present their views and concerns on matters affecting their personal interests while preserving the accused's fair trial rights under Article 67 of the Rome Statute. Victims are therefore recognized not merely as sources of evidence but as independent participants in proceedings within the limits prescribed by Article 68(3). Depending on the circumstances of each case and subject to the authorizations of the Chamber, meaningful participation may include submitting observations through legal representatives, attending hearings, presenting views on issues affecting their personal interests, seeking leave to present evidence where appropriate, requesting permission for

their legal representatives to examine witnesses, participating in reparations proceedings, and benefiting from protective measures where their security or privacy is at risk.

Despite these guarantees, a number of practical and legal obstacles continue to hinder meaningful victim participation before the ICC.

**First**, the sheer number of victims presents one of the greatest institutional challenges. Proceedings concerning atrocity crimes frequently involve hundreds or even thousands of victims. For example, over one hundred victims participated in Lubanga, while several thousand victims were admitted to participate in *Bemba case*, *Ntaganda case* and *Ongwen case*. Allowing each victim to participate individually would inevitably render proceedings unmanageable and significantly prolong trials. Consequently, the appointment of Common Legal Representatives has become an institutional necessity for effective case management. While this approach promotes efficiency, it also has disadvantages. Individual victims may feel disconnected from proceedings because they cannot communicate regularly with their representatives, and common legal representatives may be unable to obtain detailed instructions from every victim they represent. The challenge, therefore, lies in striking an appropriate balance between efficient proceedings and meaningful individual participation.

**Secondly**, language barriers continue to limit effective participation. Although the Court's working languages are English and French, most victims neither speak nor understand these languages. As a result, many victims encounter difficulties in understanding court documents, application procedures and developments in proceedings. This inevitably limits their ability to exercise their participatory rights effectively. While the Court already provides interpretation services, greater use of multilingual application forms, improved translation of essential procedural documents, expanded outreach activities, and the deployment of artificial intelligence-assisted translation technologies could substantially improve accessibility without compromising judicial efficiency.

**Thirdly**, geographical distance and limited resources remain significant barriers. Most victims reside in conflict-affected areas located thousands of kilometers from the seat of the Court in The Hague. Many have limited access to transport, internet services, legal assistance or financial resources, thereby restricting their ability to engage with proceedings. Although Article 3(3) of the Rome Statute permits the Court to sit elsewhere whenever it considers it desirable, the ICC has hardly or exceptionally conducted proceedings outside The Hague. Greater use of in situ hearings where appropriate, strengthened field offices, expanded digital participation mechanisms, and enhanced outreach programmes would significantly improve the Court's accessibility and strengthen its legitimacy among affected communities.

**Fourthly**, lengthy proceedings undermine meaningful participation. ICC investigations and trials often extend over many years, during which victims may relocate, lose contact with their legal representatives, experience participation fatigue, or even pass away before proceedings conclude. Such delays weaken victims' confidence in international justice and diminish the practical value of their participation. While complex international prosecutions inevitably require time, more robust case management, greater procedural efficiency, and increased reliance on written submissions where appropriate would assist in reducing unnecessary delays without compromising fairness.

**Fifthly**, security concerns continue to discourage victims from participating. Victims who cooperate with the Court may be exposed to intimidation, retaliation or reprisals by accused persons, their associates or armed groups. In many conflict situations,

insecurity persists long after investigations commence. Consequently, effective witness protection measures, confidentiality orders and relocation programmes remain indispensable to meaningful participation.

*Sixthly*, managing victims' expectations remains a persistent challenge. Victims frequently expect that participation will directly influence prosecutorial decisions, lead to convictions, or guarantee reparations. However, the Rome Statute establishes a clear distinction between victim participation and the prosecutorial function. Decisions regarding investigations, charges and prosecutions remain within the independent mandate of the Prosecutor. Likewise, participation under Article 68(3) does not automatically entitle victims to reparations under Article 75. Clear communication from the Court regarding the scope and limitations of participatory rights is therefore essential to avoid unrealistic expectations and subsequent disappointment.

*Seventhly*, inconsistencies in the interpretation of Article 68(3) have generated uncertainty. The requirement that victims' "personal interests" be affected has not always been interpreted uniformly across different Chambers. Some decisions have adopted a relatively broad understanding of participation, while others have taken a more restrictive approach concerning matters such as disclosure, questioning witnesses and participation in procedural applications. Although judicial discretion is inevitable, greater consistency would enhance legal certainty. This may be achieved through increased reliance upon Appeals Chamber jurisprudence and the adoption by Trial Chambers of early case-management directions clearly defining the scope, procedure and timing of victim participation in each case. Such directions should also ensure that participatory rights remain compatible with the accused's right to a fair trial under Article 67.

*Finally*, reparations continue to present both legal and practical challenges. ICC jurisprudence has revealed differing approaches to individual and collective reparations, largely influenced by the number of victims, the availability of assets, and practical limitations in implementation. Greater coherence in reparations jurisprudence should be encouraged through consistent reliance on Appeals Chamber guidance and the development of harmonized principles by Trial Chambers. Furthermore, preparations for reparations should begin at the earliest stages of investigations. The Office of the Prosecutor, the Registry and the Trust Fund for Victims should work in parallel to identify victims, preserve evidence of harm, locate and preserve assets where possible, and establish mechanisms that facilitate the effective implementation of reparations following conviction.

In conclusion, meaningful victim participation remains one of the most innovative contributions of the Rome Statute to international criminal justice. Nevertheless, its effectiveness continues to be constrained by institutional, procedural and practical challenges, including the scale of victim participation, language barriers, geographical distance, resource limitations, lengthy proceedings, security concerns, inconsistent jurisprudence and difficulties surrounding reparations. Addressing these challenges requires not only adequate resources but also coherent judicial interpretation, effective case management, enhanced outreach, technological innovation and a continuing commitment to balancing victims' participatory rights with the accused's right to a fair and expeditious trial. Such reforms would strengthen both the legitimacy and the effectiveness of the ICC's system of victim participation.

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

A reading of Articles 67, 68, 75 and 79 of the Rome Statute demonstrates that the International Criminal Court (ICC) is designed not only to administer justice but also to command legitimacy among those whom it serves. Read together, these provisions protect the rights of the accused, recognise victims' participatory rights, provide for reparations, and establish mechanisms for victim assistance. Ensuring that proceedings before the ICC remain accessible and meaningful to affected communities, while fully respecting the rights of the accused, is therefore of paramount importance. This includes enabling communities affected by atrocity crimes to follow proceedings and, where permissible under the Rome Statute, to participate therein through their legal representatives.

To achieve this objective, effective language and outreach services are indispensable. Interpretation and translation services, coupled with outreach initiatives through trusted local radio stations and other appropriate media, can facilitate affected communities' understanding of and access to ongoing proceedings. Similarly, simplified procedures that permit collective representation of victims, the use of technology to facilitate virtual consultations between victims and their legal representatives, and, where appropriate, the transmission of proceedings to affected communities, are practical means of enhancing accessibility without compromising the rights of the accused. Such measures reinforce public confidence in the administration of justice while preserving the integrity and fairness of the proceedings.

I am aware that Article 68 safeguards the victims' rights to participate in proceedings where their personal interests are affected, whereas Articles 66 and 67 guarantee the accused's presumption of innocence and fair trial rights. Articles 75 and 79 further complement this framework by providing for reparations and establishing the Trust Fund for Victims. The Rome Statute therefore seeks to achieve a careful balance between protecting the accused and recognising the legitimate interests of victims and affected communities.

Victims and affected communities may participate collectively through common legal representatives. This is not a novel concept to me, as it bears some procedural resemblance to representative proceedings recognised in my domestic jurisdiction, although it serves a distinct purpose within the framework of the ICC. Of paramount importance is that legal representatives should not act as though they are a second prosecutor, nor conduct themselves in a manner that undermines the rights of the accused. The objective is to maintain a proper balance by ensuring that proceedings remain fair to the accused while also being accessible and meaningful to victims and affected communities. It follows, therefore, that accessibility and fairness are complementary rather than competing values.

The accused is entitled to a fair trial under Article 67 of the Rome Statute, while victims are, by virtue of Article 68(3), entitled to have their views and concerns presented and considered where their personal interests are affected, provided that such participation is not prejudicial to or inconsistent with the rights of the accused or the requirements of a fair and impartial trial. Respect for these complementary rights enhances confidence in the administration of international criminal justice.

In such a scenario:

**First**, the judge's role is to ensure that proceedings remain transparent, respectful and understandable without sacrificing impartiality or due process. Judges must also deliver clear and reasoned decisions. Indeed, one of the most important contributions a judge makes is the writing of judgments that clearly explain what evidence was accepted or rejected, why the law was applied in a particular manner, why the accused was convicted or acquitted, and, where applicable, the basis upon which reparations are awarded. Although affected communities may disagree with the outcome of a case, they are more likely to accept the Court's decision if they understand the reasoning behind it. As famously observed, "Justice should not only be done, but should manifestly and undoubtedly be seen to be done." That principle applies not only to the parties before the Court but also to affected communities observing the proceedings.

**Second**, judges must respect the distinct institutional roles within the Court. They should not become spokespersons for the Court. Outreach and public engagement are primarily the responsibility of the Registry. Nevertheless, judges facilitate meaningful engagement by conducting proceedings openly where appropriate, ensuring that interpretation and translation services are available, delivering judgments in clear and accessible language, and providing concise oral summaries of their decisions capable of being accurately communicated through the Registry's outreach programmes. This preserves judicial independence and impartiality while promoting public understanding of the Court's work.

**Third**, judges must manage proceedings efficiently and fairly. Justice delayed can undermine confidence in the administration of justice just as much as injustice itself. Judges contribute to efficiency by managing disclosure effectively, discouraging unnecessary delays, determining procedural applications promptly, and ensuring that proceedings remain focused on genuinely disputed issues. Efficient case management benefits everyone: the accused, who is entitled to a trial without undue delay; victims awaiting justice; and affected communities seeking certainty and accountability.

**Fourth**, judges should remain conscious of the broader human impact of atrocity crimes without departing from their judicial role. While judges remain conscious of the immense suffering experienced by victims and affected communities, they must never determine cases on the basis of public opinion, community expectations or victims' emotions. Their duty is to apply the law impartially to the evidence before them. At the same time, judges should appreciate that every decision has implications for public confidence in the administration of justice. That awareness should be reflected in the care with which judgments are reasoned, the dignity shown to all participants, and the respect afforded equally to victims, witnesses and the accused.

In essence, maintaining the appropriate balance is the key. Accessibility should never come at the expense of the accused's fundamental rights. Proceedings cannot become more meaningful by lowering evidentiary standards, weakening the presumption of innocence, or yielding to public pressure. Rather, meaningful justice is achieved through proceedings that are independent, impartial, fair, transparent, understandable and respectful of the dignity of every participant. It is through maintaining this balance that the ICC continues not only to administer justice but also to strengthen its legitimacy before victims, affected communities, the accused and the international community alike.

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

A victim-centred or trauma-informed approach in judgeship is a judicial approach that recognises the impact trauma may have on victims and survivors of crime while ensuring that an accused person's right to a fair trial is fully protected. It does not mean favouring one party or lowering the standard of proof. Rather, it requires judges to conduct proceedings in a manner that promotes fairness, dignity and equal access to justice for all participants. Throughout my judicial career, I have consistently been conscious of the importance of applying this approach so that the justice system does not inadvertently compound the harm already suffered by vulnerable individuals.

In cases involving rape, sexual violence and offences against children, I have consistently ensured that the identity of victims is protected in accordance with the law by using initials or coded references in proceedings and judgments. There are judgments I co-authored, some of which may illustrate this practice.<sup>6</sup> Such protection is particularly important in matters involving children, where even seemingly insignificant identifying details may expose them to long-term psychological harm or social stigma. Where authorised by law, I have also ensured that access to identifying information is appropriately restricted, thereby safeguarding victims' dignity, privacy and emotional wellbeing without compromising the transparency of judicial proceedings.

In addition, I take deliberate steps to ensure that courtroom proceedings are conducted in a manner that minimises the risk of secondary trauma. Courtrooms can be intimidating environments, particularly for survivors of gender-based violence or individuals who have lost close family members through violent crime. One of the cases which I presided over as a trial judge may offer an illustration.<sup>7</sup> The matter concerned a domestic violence incident that ultimately resulted in a conviction for the lesser offence of manslaughter. During the proceedings, the accused became visibly distressed while recounting the circumstances of the offence. The evidence disclosed a prolonged history of domestic abuse, which provided important context for understanding both the offending and the appropriate sentence. I briefly adjourned the proceedings to allow her to regain her composure before continuing with the hearing. Although procedurally modest, such measures demonstrate respect for the dignity of those appearing before the court and help ensure that justice is administered fairly and humanely.

Having considered the applicable legal principles, the respondent's unequivocal plea of guilty, the prolonged domestic violence she had endured, her personal circumstances and the interests of her four young children, I concluded that an absolute discharge was the appropriate sentence. My decision was reached after weighing all relevant mitigating and aggravating factors within the applicable sentencing framework. The trauma-informed approach did not replace established sentencing principles; rather, it enabled the court to evaluate those principles with a proper appreciation of the psychological and social context in which the offending occurred.

Similarly, in cases involving children, I routinely order *in camera* hearings where the law permits, in order to shield children from unnecessary public exposure and reduce

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<sup>6</sup> See *Optatus Elias @ Paulo @ Opi v. Republic* [2024] TZHC 8458, *Paschal Ambroz @ Ntinda & Another v. Republic* [2024] TZHC 10421, and *Jofrey Yangson Mwashitete v. Republic* [2026] TZCA 96.

<sup>7</sup> *Republic v Prisca Tenganamba @ Anthony* [2024] TZHC 239.

psychological pressure. I also regard effective courtroom management as an essential component of trauma-informed adjudication. I consistently remind legal representatives that witnesses, particularly vulnerable witnesses, must be examined with courtesy, dignity and respect for their fundamental rights. While robust cross-examination remains an essential feature of a fair trial, it should never become abusive, intimidating or unnecessarily humiliating.

Witness protection is another area in which trauma-informed principles guide my judicial decisions. Where authorised by law and appropriate to the circumstances of the case, I have directed protective measures such as testimony behind screens, evidence by video link and restrictions on direct cross-examination by an unrepresented accused where such questioning would expose vulnerable witnesses to intimidation or further trauma. In one gender-based violence case, for example, a witness expressed a genuine fear of retaliation by the alleged perpetrator. Allowing her to testify through a video link enabled the court to receive her evidence safely while fully preserving the accused's right to challenge that evidence through the established legal process.

I also work closely with social welfare officers where their statutory involvement assists the court in addressing the needs of vulnerable persons. Their professional assessments often provide valuable insight into the welfare of victims and children affected by litigation. For example, in a child custody dispute involving allegations of abuse, I directed that a social welfare officer undertakes a home assessment and provide appropriate support during the child's participation in the proceedings. This ensured that the child's best interests remained a central consideration throughout the case while providing the court with objective information upon which to base its decision.

My commitment to a trauma-informed approach extends beyond the courtroom. During a prison inspection, I encountered a woman who was being held on remand together with her infant child in conditions that raised concerns about the child's welfare. The mother was visibly distressed, and the circumstances called for prompt attention. Within the limits of my judicial authority, I directed that the relevant social welfare authorities assess the child's welfare, that the proceedings be prioritised where legally permissible, and that the prison administration review the arrangements for women accommodated with infants. The experience reinforced my conviction that the administration of justice must remain responsive to the circumstances of vulnerable persons while respecting the limits of judicial authority.

Across these experiences, my guiding principle has been that the administration of justice should not inflict avoidable secondary trauma on those who come before the courts. A trauma-informed approach recognises that victims and vulnerable witnesses often participate in judicial proceedings while carrying profound emotional and psychological burdens. By integrating respect for dignity, appropriate privacy protections, careful courtroom management, procedural flexibility, where permitted by law, and effective collaboration with relevant support agencies, I strive to ensure that every person appearing before the court is treated with fairness, humanity and respect, while remaining faithful to the rule of law and the principles of a fair trial.

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

- **equality of arms;**

- **disclosure obligations;**
- **presumption of innocence;**
- **granting interim release;**
- **protection against undue delay; and**
- **the rights of detained persons.**

- **Equality of Arms**

Equality of arms is a fundamental component of the right to a fair trial in criminal proceedings. It requires that the prosecution and the defence each be afforded a reasonable opportunity to present their respective cases under conditions that do not place either party at a substantial disadvantage. The principle does not demand identical rights or resources; rather, it seeks to ensure procedural fairness by maintaining an appropriate balance between the parties throughout the criminal process. At its core, equality of arms safeguards the integrity of judicial proceedings by ensuring that justice is administered fairly and impartially.

My experience in safeguarding this principle has been shaped by many years of judicial service, during which I have consistently sought to ensure that justice is not only done but is manifestly seen to be done. Whether sitting as a trial judge or as a member of an appellate bench, I have regarded equality of arms as a practical judicial obligation rather than an abstract legal doctrine. It has guided my assessment of criminal proceedings whenever questions have arisen concerning the fairness of the process afforded to an accused person.

In numerous criminal appeals, I have encountered cases in which the prosecution's evidence initially appeared compelling, yet closer examination revealed that the accused had not been afforded a fair opportunity to challenge that evidence or that a proposed remedy would itself compromise the fairness of the proceedings. In such circumstances, I have not hesitated to intervene where doing so was necessary to preserve the balance that the criminal process demands. I may as well cite one appeal which I dealt with as an example.<sup>8</sup> The appeal arose from a conviction for offences under the Wildlife Conservation Act. Upon reviewing the record, I found that the appellant's arraignment before the trial court had been conducted in breach of a mandatory procedural requirement, rendering the entire proceedings a nullity. The prosecution nevertheless invited the Court to order a retrial.

Although the appeal succeeded on procedural grounds rather than on the merits of the evidence, I considered the broader interests of justice before determining whether a retrial would be appropriate. The appellant had specifically challenged the sufficiency of the prosecution's evidence, but because the conviction was quashed on a point of law, the Court did not reach that ground of appeal. In those circumstances, ordering a retrial would

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<sup>8</sup> See *Felix Philipo Felix v Republic* [2024] TZHC 10962.

have risked enabling the prosecution to strengthen evidential deficiencies that had already become apparent while depriving the appellant of the benefit of those deficiencies.

In declining to order a trial *de novo*, I was guided by the well-established principle that a retrial should only be directed where it serves the interests of justice and does not occasion prejudice to the accused. The circumstances before me suggested that a fresh trial would have disturbed the procedural balance between the parties and would therefore have been inconsistent with the principle of equality of arms. I accordingly quashed the conviction, set aside the proceedings and sentence, and declined to order a retrial.

That decision illustrates an approach I have consistently adopted throughout my judicial career: procedural remedies should not themselves become instruments of unfairness. While a retrial may in appropriate circumstances serve the interests of justice, it should never be ordered where its practical effect would be to confer an unfair procedural advantage upon one party at the expense of the other.

My commitment to equality of arms is equally reflected in a judgment of the Court of Appeal which I took part to prepare as a member of the appellate panel.<sup>9</sup> The appellant complained that he had been convicted and sentenced without being afforded the opportunity to call a witness, without meaningful consideration of his defence, and without being given an effective opportunity to be heard.

In addressing those complaints, I reaffirmed that an accused person's right to be heard is a fundamental element of a fair trial and an indispensable attribute of equality before the law. It is a settled principle that every party to judicial proceedings, regardless of their nature, must be afforded a fair and equal opportunity to present his or her case. Denial of that opportunity strikes at the heart of procedural fairness because it undermines the balance that equality of arms is intended to preserve.

The same approach has informed my consideration of appeals involving contested identification evidence. In such cases, I have consistently emphasised that the defence must be afforded the same procedural footing as the prosecution in challenging the reliability and credibility of identification evidence. Trial courts must evaluate such evidence with scrupulous care, avoiding manifest error while ensuring that neither party enjoys an unfair procedural advantage. Where I have found that this balance has been compromised, I have not hesitated to intervene in order to restore the fairness of the proceedings.

My judicial experience has therefore reinforced the understanding that equality of arms extends beyond formal procedural compliance. It requires that both parties enjoy a genuine and effective opportunity to participate in the proceedings under conditions of fairness. The principle remains one of the cornerstones of the right to a fair trial and one that has consistently guided my approach to the administration of criminal justice. It is equally a principle that underpins the conduct of proceedings before international criminal

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<sup>9</sup> See *William Chacha @ Makena v Republic* [2025] TZCA 202.

tribunals, where maintaining public confidence in the fairness and impartiality of the judicial process is of paramount importance.

- **Disclosure Obligations**

The prosecution's duty of disclosure is an indispensable safeguard of the right to a fair trial. It is closely connected to the principle of equality of arms because an accused person cannot effectively exercise the right to challenge the prosecution's case without adequate knowledge of the evidence relied upon against him or her. Meaningful disclosure enables the accused to prepare an effective defence, prevents trial by ambush, and promotes transparency and confidence in the administration of criminal justice. It follows that the obligation to disclose relevant material is not a procedural formality but an essential component of due process.

Throughout my judicial career, I have regarded disclosure as one of the principal safeguards against unfairness in criminal proceedings. I have encountered appeals in which accused persons were tried and convicted without receiving complete witness statements or without being furnished with sufficiently clear particulars of the charges they were required to answer. In such circumstances, I have consistently taken the view that criminal proceedings cannot be regarded as fair where an accused person is required to defend himself or herself without a proper understanding of the case presented by the prosecution. Accordingly, I have emphasized that trial courts bear a continuing responsibility to ensure that accused persons are adequately informed of both the nature of the charges against them and the evidence intended to support those charges. Compliance with that obligation should be apparent from the record of the proceedings, for only then can an appellate court be satisfied that the accused was afforded a genuine opportunity to prepare and present a defence.

In my experience, the importance of disclosure does not diminish merely because an accused person has entered a plea of guilty. On the contrary, a plea of guilty can only be regarded as valid where it is entered voluntarily, knowingly and unequivocally. An accused person cannot make an informed decision whether to admit or contest a charge without first understanding the factual basis upon which the prosecution relies. This principle is illustrated by a decision of our Court of Appeal of Tanzania,<sup>10</sup> where, being a member of the appellate panel, I underscored the importance of ensuring that an accused person fully understands the case against him before criminal responsibility is admitted through a plea of guilty. In that decision, I reaffirmed that procedural fairness requires transparency throughout the criminal process and that disclosure obligations remain relevant notwithstanding the entry of a guilty plea.

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<sup>10</sup> See *Bahati Stephano Mgala v Republic* [2026] TZCA 176.

Where I have found that disclosure was materially deficient, I have not hesitated to grant an appropriate remedy depending upon the circumstances of the particular case. In some instances, that has required quashing convictions founded upon unfair proceedings; in others, directing that proper disclosure be undertaken before proceedings continue or ordering a retrial where doing so would not prejudice the accused and would otherwise serve the interests of justice. The remedy has always depended upon the nature of the defect and its impact upon the fairness of the proceedings. My approach has consistently been informed by the understanding that disclosure is not intended to confer an advantage upon either party. Rather, it serves to maintain procedural equality by ensuring that both the prosecution and the defence participate in criminal proceedings on a sufficiently informed basis to enable the court to determine the issues fairly and impartially. In that respect, effective disclosure remains one of the essential safeguards through which equality of arms is realized in practice.

My judicial experience has therefore reinforced my conviction that a fair trial begins with transparency. Only where an accused person has been adequately informed of the case to be met can the subsequent proceedings be regarded as genuinely fair. This understanding accords equally with the broader principles governing international criminal justice, where effective disclosure remains indispensable to protecting the rights of the accused while preserving the integrity and legitimacy of judicial proceedings.

- **Presumption of Innocence**

The presumption of innocence is one of the cardinal principles of criminal justice and a cornerstone of the right to a fair trial. It requires that every accused person be treated as innocent unless and until the prosecution proves guilt beyond reasonable doubt before a competent and impartial court. The burden of proof rests entirely upon the prosecution and never shifts to the accused. The role of the accused is not to establish innocence but to challenge the sufficiency and reliability of the prosecution's case. This principle safeguards individual liberty, preserves the integrity of the criminal process, and ensures that convictions are founded on credible and legally admissible evidence rather than suspicion or conjecture.

Throughout my judicial career, I have consistently regarded the presumption of innocence as a constitutional guarantee that must be jealously protected at every stage of criminal proceedings. Whether sitting as a trial judge or on appeal, I have approached every case on the premise that the prosecution bears the full burden of proving each element of the offence charged beyond reasonable doubt. My decisions have therefore reflected a consistent determination to ensure that no accused person is convicted unless the evidence satisfies the exacting standard required by law. A decision that illustrates this approach is *The Republic v Malocha Kanji @ Venance and Moris Togwa*,<sup>11</sup> a judgment that I delivered while sitting as a trial judge. The prosecution alleged that the accused persons had participated in the commission of a serious criminal offence. Upon evaluating the evidence,

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<sup>11</sup> [2024] TZHC 5613.

I found that the prosecution had failed to establish the case against the first accused beyond reasonable doubt and consequently acquitted him.

In reaching that conclusion, I emphasized that the mere presence of an accused person at the scene of a crime cannot, without more, justify a conviction. Criminal responsibility must be established through cogent and credible evidence demonstrating the accused's participation in the offence. Suspicion, however strong, cannot substitute for proof. I further reaffirmed that an accused person is under no obligation to prove his innocence. His duty is only to raise such doubt as may undermine the prosecution's case, and where reasonable doubt remains, the law requires that it be resolved in favour of the accused. That reasoning reflects the constitutional doctrine of the presumption of innocence, which remains one of the most important safeguards against wrongful conviction.

The same principle has guided my work on appeal. I have overturned convictions where the record disclosed that trial courts had, expressly or by implication, proceeded on the assumption of guilt rather than requiring the prosecution to discharge its burden of proof. In reviewing such cases, I have consistently examined whether the trial court evaluated the evidence objectively, considered the defence fairly, and applied the correct standard of proof before recording a conviction. Similarly, in appeals involving contested identification evidence, I have emphasized the need for particular caution before sustaining a conviction. Identification evidence, while often compelling, carries an inherent risk of error if not carefully scrutinized. I have therefore insisted that trial courts evaluate such evidence against the totality of the circumstances and ensure that any conviction is supported by reliable corroborative evidence where appropriate. This approach reflects my conviction that the presumption of innocence demands rigorous judicial scrutiny of the prosecution's evidence before criminal liability may properly be imposed.

My judicial experience has consistently reinforced the principle that the presumption of innocence is not merely a procedural rule but a substantive guarantee of justice. It protects individuals from arbitrary conviction, preserves public confidence in the administration of justice, and ensures that the coercive power of the State is exercised only where criminal responsibility has been established in accordance with law. The same principle lies at the heart of international criminal justice and remains fundamental to proceedings before the International Criminal Court. My approach, both at trial and on appeal, has always been guided by the conviction that the burden of proof rests exclusively upon the prosecution and that any reasonable doubt must invariably inure to the benefit of the accused.

- **Granting Interim Release**

The right to interim release is an important safeguard of the right to liberty and the presumption of innocence. In my jurisdiction, interim release ordinarily arises in the context of bail pending trial or, where appropriate, bail pending appeal. While the grant of bail is subject to the applicable constitutional and statutory framework, I have consistently regarded it as an integral component of a fair criminal process rather than a privilege to be granted or withheld arbitrarily. The determination of an application for interim release requires the court to strike a careful balance between the rights of the accused and the legitimate interests of the administration of justice.

Throughout my judicial career, I have approached applications for bail on the understanding that pre-trial detention should never become punitive. An accused person who has not been convicted is presumed innocent and should not be deprived of liberty

unless there are lawful and compelling reasons justifying continued detention. Accordingly, I have consistently sought to ensure that decisions on interim release are based on objective legal criteria rather than the gravity of the allegations alone. This approach is reflected in *Catherine Michael Mashalla & Others v Republic*<sup>12</sup>, where I considered the constitutional and legal principles governing the grant of bail. In that decision, I emphasized that the right to bail is not merely a procedural entitlement but an important manifestation of the constitutional presumption of innocence. I observed that courts are required to determine bail applications with appropriate sensitivity, balancing the individual rights of the accused against the interests of justice in each particular case.

In reaching that conclusion, I recognized that the judicial function is neither to favour the accused nor the prosecution but to maintain a proper equilibrium between competing interests. On the one hand, the court must safeguard the liberty of a person who has not been convicted of any offence; on the other, it must take account of legitimate concerns such as the risk of absconding, interference with witnesses or evidence, the protection of victims, and the proper administration of justice. My decisions have consistently reflected that balanced approach. Where I have found that bail was refused on vague, speculative or punitive grounds, I have intervened to correct the error. In my view, pre-trial detention should never be employed as a means of exerting pressure upon an accused person, nor should it impair his or her ability to prepare an effective defence. Decisions restricting liberty must therefore be supported by lawful, proportionate and objectively justifiable reasons.

My domestic judicial experience closely aligns with the principles governing interim release before the International Criminal Court. Article 60 of the Rome Statute entrusts the Pre-Trial Chamber with determining applications for interim release by persons who have either voluntarily appeared before the Court pursuant to a summons or have been surrendered under an arrest warrant. In doing so, the Chamber is required to assess, among other considerations, the factors identified in Article 58, including whether continued detention remains necessary to ensure the person's appearance at trial, to prevent interference with investigations or judicial proceedings, or to prevent the continued commission of crimes within the Court's jurisdiction. The balancing exercise required under Articles 58 and 60 mirrors the approach that has informed my own judicial practice. In both domestic and international proceedings, the court must reconcile the fundamental right to liberty with the necessity of safeguarding the integrity of the judicial process. Neither interest is absolute; each must be evaluated carefully in light of the particular circumstances of the case. The ultimate question is whether continued detention remains necessary and proportionate having regard to the legitimate objectives pursued.

My experience has therefore reinforced the principle that interim release decisions must always be grounded in fairness, proportionality and respect for the rule of law. Whether determining applications for bail in domestic proceedings or considering the standards embodied in the Rome Statute, I have consistently understood judicial discretion to be one that must be exercised cautiously, transparently and on the basis of clearly established legal principles. In my view, the careful protection of personal liberty, while ensuring the proper administration of justice, is indispensable to maintaining public confidence in the fairness and legitimacy of criminal proceedings.

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<sup>12</sup> [2024] TZHC 1119.

- **Protection against Undue Delay**

The right to be tried within a reasonable time is an essential component of the right to a fair trial. Justice delayed not only undermines public confidence in the administration of justice but may also prejudice the ability of an accused person to prepare and present an effective defence. Prolonged and unjustified delays may result in the loss of evidence, the unavailability of witnesses, diminished recollection of events, and unnecessary deprivation of liberty. The obligation to ensure that criminal proceedings are conducted without undue delay therefore rests upon all institutions involved in the administration of criminal justice, including the courts.

Throughout my judicial career, I have regarded the timely disposition of criminal proceedings as a fundamental judicial responsibility. In determining criminal appeals, I have consistently scrutinized delays occurring at every stage of the process, from arrest and arraignment to trial and appeal. Where such delays have been unexplained or unjustifiable, I have not hesitated to intervene in order to safeguard the fair trial rights of the accused and to preserve the integrity of the criminal justice system. One decision illustrating this approach is *Director of Public Prosecutions v Focus Malindi*,<sup>13</sup> a judgment of the Court of Appeal which I authored. The appeal required the Court to consider the consequences of an unexplained delay in arraigning the respondent after his arrest.

Upon reviewing the record, I concluded that no satisfactory explanation had been advanced for the delay, notwithstanding the constitutional and statutory obligation to bring an arrested person before a court within the time prescribed by law. In dismissing the appeal, I emphasized that unexplained or intentional delay in bringing an accused person before a court cannot be tolerated, particularly where the delay has the effect of prolonging detention or otherwise prejudicing the accused. I observed that the prompt arraignment of an accused person is not merely a procedural requirement but a substantive safeguard against arbitrary detention and an essential element of a fair criminal process. A failure to comply with that obligation inevitably weighs against the fairness of the proceedings and may, depending on the circumstances, justify judicial intervention.

My approach has consistently been informed by the understanding that delay may itself disturb the balance between the prosecution and the defence. While the prosecution ordinarily has access to the investigative machinery of the State, an accused person who remains in prolonged detention or who faces unnecessary delays in the commencement or determination of proceedings may find his or her ability to prepare a defence significantly impaired. Delay therefore has implications not only for expedition but also for equality of arms and the effective enjoyment of other fair trial rights.

In appropriate cases, I have adopted such remedies as the circumstances require, including directing that, proceedings be expedited, ordering retrials where the interests of justice so demand and where no prejudice would result, or granting relief where the delay itself constituted a violation of the accused's rights. The choice of remedy has always depended upon the nature of the violation and its effect upon the fairness of the proceedings. My overriding concern has been to ensure that justice is administered promptly without compromising either fairness or due process. This approach is consistent with international criminal justice. Although proceedings before international courts often involve exceptional factual and legal complexity, the accused nevertheless remains entitled to trial

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<sup>13</sup> [2025] TZCA 305.

within a reasonable time. Article 64(2) of The Rome Statute recognizes this principle by requiring proceedings to be conducted fairly and expeditiously while fully respecting the rights of the accused. My judicial experience has reinforced the importance of striking an appropriate balance between careful judicial scrutiny and the need to avoid unnecessary delay that may prejudice either the accused or the proper administration of justice.

Accordingly, I have consistently regarded the protection against undue delay as more than an administrative objective. It is a substantive guarantee that preserves personal liberty, promotes public confidence in the administration of justice and ensures that criminal proceedings remain both fair and effective. My judicial philosophy has therefore been guided by the conviction that justice delayed is indeed justice denied, and that courts bear a continuing responsibility to ensure that criminal cases are determined within a reasonable time consistent with the demands of fairness and the rule of law.

- **Rights of Detained Persons**

The protection of the rights of detained persons is an indispensable aspect of the right to a fair trial and the rule of law. A person's detention, whether before or during trial, does not diminish his or her inherent dignity or extinguish the legal protections guaranteed by the Constitution and the law. On the contrary, detention places a heightened responsibility upon judicial authorities to ensure that the fundamental rights of those deprived of their liberty are respected and effectively protected.

Throughout my judicial career, I have regarded the protection of detained persons as a continuing judicial responsibility extending beyond the determination of criminal liability. The administration of justice requires courts to remain vigilant in safeguarding the rights of persons in custody, ensuring that detention is lawful, humane and consistent with constitutional and statutory guarantees. In my decisions, I have therefore consistently approached allegations concerning the treatment of detained persons with the seriousness they deserve, recognizing that the legitimacy of the criminal justice system depends not only upon securing convictions where appropriate but also upon respecting the dignity and rights of those who stand accused. In the exercise of my judicial functions, I have rejected reliance on confessional statements where the surrounding circumstances raised concerns regarding coercion, oppression or other forms of improper treatment. The voluntariness and reliability of evidence are essential to a fair trial, and I have consistently maintained that evidence obtained in violation of fundamental rights undermines both the integrity of the proceedings and public confidence in the administration of justice. The search for truth can never justify disregard for the basic rights of the individual.

Similarly, I have insisted upon strict compliance with statutory requirements governing the production of arrested persons before a court within the prescribed time. Unlawful or prolonged detention without judicial oversight is incompatible with the rule of law and erodes the procedural safeguards upon which a fair criminal process depends. Whenever issues of unlawful detention have arisen before me, I have sought to ensure that appropriate judicial remedies were available in accordance with the law.

My commitment to the protection of detained persons has also been informed by practical judicial experience outside the courtroom. During my tenure as Judge-in-Charge, I regularly conducted prison inspections in accordance with my supervisory responsibilities. Those visits provided valuable insight into the conditions under which detainees and convicted prisoners were held and reinforced the importance of judicial oversight in safeguarding their rights. They also afforded an opportunity to engage directly with prison authorities and other responsible officials on matters affecting the welfare and treatment of

persons deprived of their liberty. During those inspections, I consistently reminded prison and law enforcement authorities that detention does not deprive an individual of his or her humanity. Every detained person remains entitled to humane treatment, respect for personal dignity and the protection of the law. Judicial oversight serves not only to identify deficiencies where they exist but also to reinforce public confidence that the criminal justice system operates in accordance with constitutional values and internationally recognized human rights standards.

My experience has therefore strengthened my conviction that the protection of detained persons is not a matter of administrative convenience but an essential element of a fair and humane system of criminal justice. It reflects the broader principle that every person, irrespective of the allegations made against him or her, is entitled to equal protection of the law and to treatment consistent with respect for human dignity. This understanding equally underpins the framework of international criminal justice, where the rights of persons in detention remain subject to continuous judicial supervision and protection.

- **Concluding Reflections**

My judicial experience has consistently demonstrated that fair trial rights are not abstract ideals but practical guarantees that must be upheld through principled and impartial decision-making. Whether determining questions relating to equality of arms, disclosure obligations, the presumption of innocence, interim release, protection against undue delay or the rights of detained persons, I have sought to ensure that every decision reflects the fundamental values of fairness, due process and respect for the rule of law. Across my work as both a trial and appellate judge, I have endeavoured to balance the interests of the prosecution, the rights of the accused and the legitimate expectations of victims and society, recognising that the proper administration of criminal justice depends upon maintaining public confidence in the fairness and independence of judicial decision-making. My jurisprudence reflects a consistent commitment to ensuring that criminal proceedings are conducted transparently, that procedural safeguards are respected, and that judicial discretion is exercised impartially and in accordance with the law.

Although domestic and international criminal proceedings operate within different legal frameworks, they are founded upon common principles: the independence and impartiality of the judiciary, equality before the law, respect for human dignity, and the protection of fundamental fair trial rights. Throughout my judicial career, these principles have not merely informed my decisions—they have shaped my understanding of the judicial function itself.

**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?**

Throughout my career as a prosecutor, public official, academic and judge, I have regarded high moral character, impartiality and integrity not as abstract ideals but as daily obligations that determine how justice is administered. These qualities are demonstrated through conduct, not merely professed.

High moral character requires sound judgement, ethical courage and an unwavering commitment to doing what is right, even when it is inconvenient. Before joining the judiciary, while serving as Director of Compliance at the Fair Competition Commission, a company under investigation for alleged breaches of competition law sent cartons of beer to our offices as a Christmas gift. I immediately directed the company to collect the consignment because accepting any benefit from a party under investigation would have compromised the integrity of the institution and public confidence in its work. That experience reflects the ethical standards I have maintained throughout my judicial career.

Impartiality requires independence from external influence and the discipline to decide every case solely on the evidence and the law. In the *Katavi case (supra)* which attracted significant public interest following the killing of park rangers, there was considerable pressure to hold all the accused persons criminally responsible. I nevertheless acquitted one accused because the prosecution had failed to establish his individual criminal liability beyond reasonable doubt. I also declined to substitute an alternative charge that had not been brought by the prosecution, as doing so would have infringed his right to a fair trial. That decision illustrates my commitment to deciding cases according to legal principle rather than public expectation or prosecutorial pressure.

Integrity is reflected in transparency, accountability and fidelity to due process. Throughout my judicial service, I have ensured that proceedings are conducted fairly, that every party has a full opportunity to be heard, and that my judgments clearly explain the legal and factual basis for my decisions. On one occasion, while presiding over a commercial dispute involving influential litigants, unfounded allegations were made in an attempt to force my recusal. Having found no lawful basis for stepping aside, I continued to hear the matter and determined it impartially in accordance with the evidence and the law. Yielding to such pressure would have compromised judicial independence and undermined public confidence in the administration of justice.

My judicial philosophy is founded on the belief that justice must be principled, transparent and humane. Every decision I make is guided by the facts, the law and respect for the dignity and rights of those who appear before the court. I believe that a judge's decisions should command confidence not because they are popular, but because they are lawful, reasoned and demonstrably fair. These principles have guided my career and continue to shape my service on the bench.

**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.**

I fully understand the nature and seriousness of disciplinary proceedings, allegations of misconduct, harassment, bullying, discrimination, abuse of authority, sexual misconduct, breaches of professional ethics, and allegations of fraud or other dishonest conduct. These matters concern the integrity, independence, ethical standards, and professional conduct expected of judicial officers and are fundamental to maintaining public confidence in the judiciary and the International Criminal Court.

I confirm that I have never been subjected to disciplinary proceedings, nor have I been the subject of allegations or investigations relating to misconduct, professional misconduct, harassment, bullying, discrimination, abuse of authority, sexual misconduct, breaches of professional ethics, fraud, or any other form of dishonest or unethical conduct.

Throughout my career in public service and the judiciary, I have discharged my responsibilities with integrity, independence, impartiality, honesty, and respect for the rule of law. I have consistently upheld the highest ethical and professional standards expected of a judicial officer and have conducted myself in a manner that preserves public confidence in the administration of justice.

**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.**

I confirm that I have never been the subject of disciplinary proceedings, disciplinary action, suspension, or investigations relating to professional misconduct, harassment, bullying, discrimination, abuse of authority, sexual misconduct, fraud, or any other form of unethical or improper conduct.

Throughout my career, I have discharged my judicial and public responsibilities with integrity, independence, impartiality, professionalism, and respect for the rule of law. I have consistently adhered to the highest ethical and professional standards expected of a judicial officer and have conducted myself in a manner that promotes public confidence in the administration of justice.

Accordingly, I have never been the subject of allegations or findings that would call into question my professional conduct, ethical standards, or suitability for judicial office.

**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?**

During my judicial service, I have not experienced direct political interference or personal pressure that compromised, or sought to compromise my professional independence. However, I have encountered indirect institutional and personal pressure. One notable instance arose while I was serving as a judge in the Commercial Division of the High Court, where parties in a high-value commercial dispute applied for my recusal,

alleging bias. Although recusal applications are legitimate procedural mechanisms, in this case the application also had an indirect effect of placing considerable personal and institutional pressure on the court and sought to influence the course of the proceedings.

I carefully considered the application and declined to recuse myself, guided solely by the principles of judicial impartiality, the applicable law, and my duty to ensure that judicial processes are not manipulated for strategic advantage. My decision was subsequently reviewed and upheld by the Court of Appeal, affirming the correctness of my approach.

This experience reinforced my commitment to judicial independence. Throughout my career, I have remained steadfast in ensuring that every decision is based exclusively on the law, the evidence, and constitutional principles, free from political, institutional, or personal influence.

## **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?**

Bullying, harassment (including sexual harassment), discrimination, retaliation, and abuse of authority are unacceptable forms of workplace conduct that undermine the dignity of individuals, weaken trust, and adversely affect the effectiveness and credibility of an institution. Within the ICC, I understand that such conduct is incompatible with the Court's values, ethical standards, and institutional framework.

Although ICC judges do not have direct managerial responsibility for the administration of the Court, they nevertheless have an important leadership role in promoting a respectful and healthy working environment, particularly within their own chambers.

**First**, judges should lead by example. Through their own conduct, they should consistently demonstrate integrity, professionalism, humility, fairness, and respect in all their interactions with colleagues, Court staff, counsel, and parties appearing before the Court. The behaviour of judges sets the tone for the culture within their chambers and contributes to the overall working environment of the Court.

**Second**, judges should ensure that their chambers provide a safe, respectful, and inclusive workplace. They should treat legal officers, judicial assistants, interns, and administrative staff with dignity and courtesy, establish clear expectations of professional conduct, and foster an environment in which staff feel comfortable raising concerns without fear of retaliation.

**Third**, where judges become aware of behaviour that may constitute bullying, harassment, discrimination, retaliation, or abuse of authority, they should not ignore it. While respecting confidentiality and due process, they should ensure that concerns are appropriately referred through the Court's established reporting and accountability mechanisms and cooperate fully with any institutional processes.

**Fourth**, judges should uphold the confidentiality that is essential to the judicial function. This includes protecting the confidentiality of judicial deliberations as well as handling workplace concerns with discretion and sensitivity, while ensuring that confidentiality is never used to shield inappropriate conduct from proper institutional scrutiny.

**Fifth**, judges should continually reinforce the Court's ethical values by promoting accountability, mutual respect, equality, and professionalism in their daily work. Their leadership helps foster a culture in which every member of the Court is treated fairly and can perform their duties free from intimidation, discrimination, or harassment.

Ultimately, while the responsibility for investigating and addressing misconduct lies with the appropriate institutional bodies, judges play a vital role in preventing such conduct through ethical leadership, respectful management of their chambers, and unwavering commitment to the values of dignity, integrity, independence, impartiality, and accountability. In doing so, they contribute significantly to maintaining public confidence in the ICC and its mission to deliver justice.

**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.**

In my professional career, particularly during my service as Director of Compliance at the Fair Competition Commission and as Zonal Judge-in-Charge, I had responsibility for managing teams and contributing to an institutional culture founded on accountability, fairness, and mutual respect. As a member of the management team at the Fair Competition Commission, I participated in developing workplace practices that promoted respectful communication, professional conduct, and the consistent application of institutional policies. I also presided as a member, in disciplinary matters meant to enforce the workplace's order and decorum.

One experience that particularly illustrates this involved a disciplinary matter in which I served as a member of the disciplinary panel. Throughout the proceedings, I ensured that the staff member concerned was given a fair opportunity to be heard, that the process remained confidential, and that the applicable disciplinary tools and procedures were applied consistently and impartially. My objective was to ensure that the process was both fair and respectful, thereby maintaining confidence in the institution's disciplinary framework.

As a member of management team, I also supported diversity, equity, and inclusion by advocating for objective and transparent approaches to staff assessments, development and promotion, ensuring that decisions were based on merit and established institutional

criteria. As a member of the management team, I encouraged open communication and supported initiatives that enabled staff to raise concerns through appropriate institutional channels without fear of unfair treatment.

Similarly, as a Sumbawanga High Court Zonal Judge-in-Charge, I had the responsibility of overseeing the ethical conduct of both judicial officers and non-judicial staff within the Zone. During my tenure, I actively promoted a professional and respectful workplace culture by supporting the Judiciary's e-case management policy, encouraging judicial officers and staff to embrace the new system, and ensuring its effective implementation. The successful adoption of the system enhanced efficiency, consistency, and accountability in the discharge of judicial functions.

I also convened and chaired regular zonal meetings for judicial officers and staff, where I consistently emphasised the importance of integrity, diligence, impartiality, the avoidance of corrupt practices, and treating all court users with dignity and respect. These engagements fostered a shared commitment to ethical conduct, professionalism, and continuous institutional improvement.

Overall, these experiences reinforced my belief that a healthy workplace culture is built through fairness, transparency, accountability, and respect. Whether serving in a management or judicial capacity, I have consistently sought to create an environment in which individuals are treated with dignity, their views are heard impartially, and institutional integrity is protected and strengthened through principled and accountable leadership and service.

## **Thematic and Intersectional Expertise**

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

- **sexual and gender-based crimes;**
- **crimes against children; and**
- **gender-competent and intersectional approaches to investigations and adjudication?**

The ICC's jurisprudence on sexual and gender-based crimes (SGBCs) has evolved significantly, broadening both the legal recognition of such offences and the evidentiary approaches used to establish them. A major milestone was the **Ntaganda's** judgment, in which the Court held that *rape and sexual slavery committed by members of an armed group against their own members can constitute war crimes*. This decision closed a significant accountability gap by rejecting the notion that victims are excluded from protection under international humanitarian law solely because they belong to the same armed group as the perpetrators. The Court has also clarified that *sexual violence need not be proved through evidence of physical force or resistance alone*. Instead, it has recognised that coercion may arise from the broader circumstances of armed conflict, including fear, detention, abuse of power, and coercive environments. In addition, *ICC chambers have increasingly relied on survivor testimony, expert evidence, patterns of conduct, and*

*contextual evidence to establish the commission of SGBCs, thereby strengthening the evidentiary framework for prosecuting these offences.* Collectively, these developments have enhanced accountability by recognising the full spectrum of gender-based harms contemplated by the Rome Statute.

In relation to crimes against children, the ICC's jurisprudence has *expanded both the legal recognition of child-specific harms and the methods used to prove them.* The Court's judgment in **Lubanga's case** established important *standards for identifying and proving the conscription, enlistment, and use of children under the age of fifteen to participate actively in hostilities.* It affirmed the value of diverse forms of evidence, including expert testimony, psychological assessments, and documentary material from international organisations, in establishing these crimes.

The **Ongwen's** judgment further advanced the Court's protection of children by *recognising the multiple and overlapping harms experienced by child victims, particularly those subjected to sexual slavery, enslavement, forced pregnancy, and forced marriage.* Importantly, the Court *treated forced marriage as an "other inhumane act" distinct from sexual slavery because it involved the imposition of conjugal status and associated social obligations.* The Court also emphasised that *children's experiences must be assessed in light of their age, dependency, vulnerability, and exposure to coercive environments, rather than by applying adult-centred assumptions about autonomy or consent.* These developments have enabled the Court to better capture the full scope of violence suffered by children during armed conflict.

The ICC has also increasingly incorporated gender-competent and intersectional perspectives into its adjudication of international crimes. Judicial decisions demonstrate a growing appreciation of how gender intersects with factors such as age, ethnicity, disability, social status, and conflict-specific power relations to shape victims' experiences of violence. The Court has recognised that *women, men, girls, and boys may all be victims of sexual and gender-based crimes, while acknowledging that stigma, cultural norms, unequal power relations, and fear of reprisals may influence reporting, testimony, and access to justice.*

In assessing evidence, the ICC's chambers have increasingly *adopted contextual interpretations of coercion and have avoided reliance on gender stereotypes when evaluating credibility or victim behaviour.* Although these developments are reflected in the Court's jurisprudence, they have also been reinforced by the Office of the Prosecutor's Policy Paper on Sexual and Gender-Based Crimes and the Policy on Children, which promote survivor-centred, trauma-informed, and multidisciplinary investigative approaches. While these policy documents do not constitute jurisprudence, they have informed investigative practice and complement the Court's evolving judicial interpretation of gender and intersectionality.

Overall, the ICC's jurisprudence is increasingly developing towards a more comprehensive and context-sensitive understanding of sexual and gender-based crimes, crimes against children, and the intersectional nature of victimisation. Through landmark judgments such as **Ntaganda**, **Lubanga**, and **Ongwen**, the Court has expanded legal protections, refined evidentiary standards, and promoted more inclusive approaches to adjudication. Together with complementary prosecutorial policies, these developments have strengthened accountability and ensured that investigations and judgments more accurately reflect the lived experiences of victims and survivors.

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

Despite significant developments in the ICC's jurisprudence regarding sexual and gender-based crimes (SGBCs), accountability for such crimes, crimes against children and other international crimes, continues to face *substantial legal, practical, and political challenges*. One of the most significant obstacles remains the ICC's dependence on state cooperation.

**First**, the Court lacks its own enforcement mechanisms and relies on states to execute arrest warrants, surrender suspects, facilitate investigations, and protect witnesses.

**Second**, political considerations often outweigh legal obligations, particularly where suspects are senior political or military leaders. Sudan's long-standing refusal to surrender former President Omar al-Bashir, despite outstanding ICC arrest warrants, illustrates how non-cooperation can frustrate accountability and undermine the effective enforcement of international criminal law.

**Third**, investigating sexual and gender-based crimes presents additional challenges because these offences frequently occur in private, leave little or no physical evidence, and are often reported long after they have been committed. As such, survivors may be reluctant to come forward because of stigma, fear of retaliation, social exclusion, or psychological trauma, while memories may fade over time, making evidentiary collection more difficult.

**Fourth**, although the ICC's jurisprudence has adopted a broader understanding of coercion and increasingly accepts survivor testimony, expert evidence, and contextual evidence to establish these crimes, prosecutions often continue to depend heavily on witness testimony. This makes SGBC cases particularly vulnerable to witness intimidation, reprisals, and difficulties in proving criminal responsibility beyond reasonable doubt. It is noteworthy also that, when it comes to crimes against children, these pose their own evidentiary and procedural challenges.

**One**, child victims and witnesses are especially vulnerable to trauma, intimidation, and re-traumatization during investigations and court proceedings.

**Two**, investigators have to go an extra-mile of balancing.

**Three**, since it is paramount to establish age of the victims, the need to obtain reliable evidence with the obligation to protect children's welfare and best interests. Establishing the age of victims may also be difficult where birth registration systems are weak or documentation has been destroyed during conflict.

**Four**, for children who have been recruited into armed groups and/or subjected to sexual violence, they may experience long-term psychological harm that affects their ability or willingness to testify, requiring specialised child-sensitive investigative and judicial procedures.

The **fifth** challenge is in respect of implementation of gender-competent and intersectional approaches. This has largely remained uneven. Although the ICC has increasingly recognised that experiences of violence are shaped by intersecting factors such as gender, age, ethnicity, disability, social status, and conflict-specific power relations, translating these principles into consistent investigative and judicial practice remains challenging. National authorities and investigative teams may lack specialised expertise, adequate training, or sufficient resources to identify and investigate intersectional harms effectively. Cultural norms and discriminatory attitudes may further discourage reporting by women and girls, while the experiences of men, boys, persons with disabilities, and other marginalised groups may remain under-recognised or misunderstood. Consequently, some victims continue to face barriers to justice despite the Court's increasingly inclusive jurisprudence.

**Sixthly**, are the broader structural limitations that further impede accountability. The ICC's jurisdiction is restricted by the Rome Statute and often depends on state consent or referrals by the United Nations Security Council. Crimes committed by nationals of non-State Parties or on the territory of non-State Parties may fall outside the Court's jurisdiction unless referred to the Court by the Security Council, where political divisions and the veto power of permanent members can prevent referrals. In addition, chronic resource constraints, lengthy investigations, limited field presence, and restricted access to active conflict zones can delay proceedings and hinder the collection of reliable evidence. Investigations in situations such as Syria have demonstrated the practical difficulties of documenting atrocities where investigators cannot safely access crime scenes and must instead rely on refugee testimony, satellite imagery, and other indirect forms of evidence.

Overall, while the ICC's jurisprudence has significantly strengthened the recognition and prosecution of sexual and gender-based crimes, crimes against children, and gender-sensitive approaches to adjudication, important obstacles remain. Political resistance, inadequate state cooperation, evidentiary difficulties, witness intimidation, jurisdictional limitations, resource constraints, and the continuing effects of stigma and trauma all impede effective accountability.

The way out in addressing these challenges requires not only continued jurisprudential development but also stronger international cooperation, adequate resources mobilization, capacity building at all levels to strengthen specialised investigative capacity, and sustained commitment to victim-centred and intersectional approaches throughout the criminal justice process, be it at domestic or international levels.

**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?**

Crimes driven by intersecting identities require an approach that recognises those identities as inseparable. Gender, age, disability, ethnicity and sexual orientation do not operate independently; rather, they interact to shape how victims are perceived, targeted and harmed. As an ICC judge, my starting point would therefore be *to assess whether the investigation, the charges and the legal analysis presented by the parties properly reflect*

*the combined nature of those identities, rather than reducing victims to a single protected characteristic.*

**First,** I would *identify and apply the relevant legal tools* available under the Rome Statute. These include the substantive crimes under *Articles 6, 7 and 8*, particularly persecution under Article 7(1)(h) and sexual and gender-based crimes under Article 7(1)(g) and Article 8(2)(b)(xxii); Article 21, which requires the Court to interpret and apply the Statute consistently with internationally recognised human rights; Article 22, which requires criminal provisions to be interpreted strictly and prohibits extension by analogy; Article 68 on the protection and participation of victims and witnesses; and Article 75 on reparations. *These provisions provide the legal framework within which intersectional harms may be recognised and addressed.*

**Second,** I would *assess whether the evidence establishes that the perpetrators targeted victims because of the interaction of multiple identities rather than a single protected characteristic.* Understandably, my role as a judge is not to develop the investigation or advance the prosecution's case, but to determine whether the evidence before the Court satisfies the legal elements of the crimes charged. In doing so, I would carefully evaluate witness testimony, documentary and digital evidence, expert evidence and contextual material to determine whether characteristics such as gender, age, disability, ethnicity or sexual orientation operated together in shaping both the perpetrators' discriminatory intent and the victims' vulnerability. For example, a disabled woman belonging to a minority ethnic community may have been targeted not simply because she was a woman or because she had a disability, but because the combination of those identities made her particularly vulnerable to exclusion, dehumanisation and violence.

**Third,** I would *apply the substantive offences in a manner that captures the full criminality of the conduct.* Persecution under Article 7(1)(h) is particularly important because it criminalises the severe deprivation of fundamental rights on discriminatory grounds. Applying Article 21, I would interpret that provision consistently with internationally recognised human rights principles so that discriminatory intent is understood as potentially arising from the interaction of multiple protected characteristics.

At the same time, I would remain mindful of Article 22 and ensure that any interpretation remains firmly anchored in the text of the Rome Statute and does not extend criminal liability by analogy. Where supported by the evidence and reflected in the charges, I would consider persecution together with sexual and gender-based crimes under Articles 7(1)(g) and 8(2)(b)(xxii) so that the Court's legal characterisation reflects the complete nature of the offending. Consequently, for instance, sexual violence committed against adolescent girls from a marginalised ethnic community may constitute not only sexual violence but also persecution where the legal elements are established.

**Fourth,** I would *use the procedural tools available under the Rome Statute to ensure that victims with intersecting vulnerabilities can participate safely and effectively in the proceedings.* Pursuant to Article 68, I would ensure that appropriate protective measures are adopted so that victims and witnesses do not suffer further harm during the judicial process. Although Article 54 is directed primarily to the Prosecutor, it also provides an important benchmark when assessing whether investigations have adequately captured overlapping forms of victimisation. In this regard, I would also consider, where relevant,

the Office of the Prosecutor's policy papers on gender-based crimes, gender persecution and children as persuasive guidance, while recognising that they cannot alter the legal requirements of the Statute.

**Finally**, where convictions are entered, I would *use the Court's powers under Article 75 to ensure that reparations reflect the compounded harms experienced by victims with intersecting identities*. Rehabilitation, compensation and collective reparations should be tailored, where appropriate, to address the distinct impact of violence on victims whose experiences were shaped by multiple and overlapping forms of discrimination.

Ultimately, my objective would be to ensure that the *Court's legal characterisation reflects victims' lived experiences rather than reducing them to a single axis of discrimination*. By systematically applying the substantive, interpretive and procedural tools available under the Rome Statute, while respecting the principle of legality, I would seek to deliver a judgment that is legally rigorous, faithful to the evidence and responsive to the realities of intersectional victimisation.

## **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?**

**The ICC's Outreach** may be understood as a process by which the Court communicates directly with affected communities and other stakeholders to provide accurate, accessible and timely information about its mandate, proceedings and decisions, while fostering informed engagement, managing expectations, and facilitating meaningful access to justice without compromising the Court's independence or impartiality.

I view such a process as *an essential component of the administration of international criminal justice rather than simply a communications function*. It serves as a bridge between the Court and those most directly affected by the crimes within its jurisdiction, promoting transparency, fostering informed public understanding and strengthening the legitimacy of the Court's work. Importantly, outreach is not about generating support for the ICC or advocating for particular outcomes; rather, it is about ensuring that victims, affected communities, national authorities and the wider public understand the Court's mandate, procedures and limitations.

Equally, effective *outreach is a two-way process*. It enables the Court not only to communicate its work clearly but also to understand the concerns, expectations and misconceptions of affected communities, allowing its engagement to remain responsive while preserving its judicial independence. During preliminary examinations, outreach assumes particular importance because this is often the stage at which expectations can become unrealistic and misinformation can spread most easily. At that point, the Office of the Prosecutor has not decided whether the legal criteria for opening an investigation have been met, and it is therefore essential that communication remains factual, neutral and carefully calibrated. *Outreach should explain that a preliminary examination is an assessment of jurisdiction, admissibility and the interests of justice, including the principle of complementarity, rather than a decision that prosecutions will necessarily follow*. By clearly communicating the purpose and limits of the preliminary examination process, outreach helps victims and affected communities understand that the ICC's role is complementary to national jurisdictions and that domestic proceedings remain the primary

avenue for accountability where States are willing and able genuinely to investigate and prosecute.

Essentially, existing experiences from preliminary examinations, including those concerning Colombia and the Philippines, reveal that accurate and measured outreach can help manage expectations, counter misinformation and reduce the risks of political actors mischaracterising the Court's role or intentions. This is particularly important in politically sensitive situations where misunderstandings can undermine confidence in both the Court and domestic accountability processes. Providing clarity of information as early as possible is therefore paramount and that is always achieved through the ICC's outreach.

Outreach also plays a vital role in ensuring that victims are able to engage meaningfully with the Court. Because the ICC affords victims unique participatory rights, affected communities must receive clear and accessible information about the Court's mandate, the stages of proceedings, opportunities for participation, and the scope and limits of reparations. Effective outreach therefore contributes not only to public understanding but also to the practical realisation of victims' rights by enabling informed participation throughout the judicial process.

**The judiciary** has an equally important, albeit carefully circumscribed, role in outreach. Judicial independence and impartiality must remain paramount, and judges must avoid any conduct that could create an appearance of prejudging or compromising the fairness of proceedings. *Their role is therefore not to promote the Court or comment on pending cases, but to contribute to public understanding through the transparent exercise of their judicial functions.* This includes conducting proceedings publicly wherever appropriate, delivering clear, reasoned and accessible decisions, ensuring that public versions of judgments and orders are available where possible, and supporting carefully structured judicial engagement that explains the Court's procedures and jurisprudence without discussing the merits of on-going cases. For example, judgments explaining the confirmation of charges, acquittals, convictions or sentencing principles provide affected communities with a clear understanding of how the Court reached its conclusions and why particular legal outcomes followed. Such transparency enhances confidence in the fairness and integrity of the judicial process while fully respecting the limits imposed by judicial ethics and independence.

Ultimately, I regard *outreach as indispensable to the ICC's effectiveness and legitimacy. International criminal justice cannot be meaningful if it is understood only by lawyers in The Hague while remaining remote from the communities that have suffered the crimes.* Well-designed outreach enables victims and affected populations to understand both what the Court can achieve and what lies beyond its mandate, while also ensuring that the Court remains attentive to the perspectives of those it serves.

During preliminary examinations, outreach protects the integrity of the process by promoting clarity, neutrality and realistic expectations. The judiciary reinforces that objective through transparent, accessible and well-reasoned decision-making, while maintaining the independence and impartiality that are fundamental to the Court's credibility. In that way, outreach helps ensure not only that justice is done, but that it is understood, trusted and seen to be administered fairly.