

Questionnaire to Candidates for the Position of Registrar of the International Criminal Court

Conscious of the critical importance of the role of the Registrar of the ICC, we have prepared the following as a questionnaire for candidates for this position.

Please reply to some or all the following questions as comprehensively or concisely as you wish.

Name: Fatmata Binta Mansaray

Nationality: Sierra Leonean

1. Why do you wish to be elected as the Registrar of the International Criminal Court (ICC)?

I am a Sierra Leonean national and Registrar of the Residual Special Court for Sierra Leone (RSCSL). I have seen first-hand the impact of atrocity crimes during the decade long conflict in Sierra Leone and the disproportionate impact it has on women and children. I have also seen the tremendous impact a properly-run international justice institution can have on the fight against impunity, ensuring redress for the victims of these horrendous crimes and on supporting peace and stability. I wish to be elected Registrar to do what I can, based on the experiences I have in my own country and at the international level, to contribute to the global role the International Criminal Court (ICC) can play in ensuring justice for victims, through conducting fair trials, reaching out to victims and communities and demonstrating full respect for human rights.

2. Article 43 of the Rome Statute states that the Registrar shall be a person of *“high moral character, be highly competent and have an excellent knowledge of and be fluent in at least one of the working languages of the Court”* (French and English). Please describe briefly how you meet these criteria.

Throughout my 18 years of professional experience in public administration, including 14 years at the service of the Special Court for Sierra Leone (SCSL) and the RSCSL. I have worked with a wide variety of people and in a wide range of settings where my credibility, reliability and high moral character have been key in achieving success. This was recognised in my appointment by the UN Secretary-General as Registrar of the SCSL and RSCSL, which both have similar requirements as the ICC.

I am an English native speaker and I am fluent in French.

3. What do you believe are the most important achievements of the ICC in its first 15 years?

The ICC plays an incredibly important role in the advancement of international criminal justice and combating impunity in an increasingly challenging global environment. Despite many challenges, some of which I will address in the next question, the ICC as a whole has had several successes in its first 15 years, of which I will limit myself to three.

First, although practice lags behind policy, the ICC has contributed to an international environment in which an expectation of impunity is no longer the norm. Through the judgments it has issued in 6 cases (Lubanga, Ngudjolo, Katanga, Bemba, Bemba et al., Al Mahdi), through the issuance of arrest warrants against those at the highest level of power and through statements of support for what the ICC stands for, it has shown that impunity for certain crimes is no longer acceptable as a matter of law and as a matter of policy.

Second, the ICC has made important strides in improving its own efficiency. This is critical given the oft-quoted maxim of “justice delayed is justice denied”, which is frequently invoked to criticise international justice institutions. Such progress includes the efficient management of pre-trial proceedings and the development of a victims participation system that has facilitated the participation of thousands of victims in the proceedings. The progress all organs of the Court are making to improve efficiency, while less visible than other aspects of its work, is crucial to achieving its overall mandate and enhancing its positive impact both on the international criminal justice system and on victims and affected communities on the ground.

This last point also constitutes the third achievement I wish to highlight. While there is much work to be done in this respect, the ICC is having a positive impact on the ground in terms of demonstrating that the international community prioritises justice and redress for victims. Through adopting structures that directly addressing victims’ rights, through developing witness protection and support program in accordance with the Rome Statute and by steadily improving its outreach visibility and presence on the ground, the ICC is giving life to the vision of a Court that is committed to the victims and communities it serves. In so doing, it also ensures that the important developments and achievements of the Court, such as its decisions and judgments contribute to a sense of justice.

4. What do you believe are some of the major challenges confronting the ICC and Rome Statute system in the coming years?

The ICC is facing an increasingly challenging global political environment in which its reputation and hence its ability to be a beacon of justice is harmed. Whether through misconceptions about the ICC or active campaigns against it, irrespective of the reasons, the attacks on its reputation present a challenge for securing universality and cooperation, and has a negative impact on its operations at a time when people in different parts of the world are increasingly looking to the ICC as the last bastion of hope

for delivering justice. One of the main challenges the ICC will face in the coming years is turning the tide in its favour. This will require having a strong and strategic external relations, an effective outreach program, a solid base of support, particularly from its States Parties, and delivering exemplary justice and redress.

An additional challenge is that the ICC operates in a world with ever-increasing security risks for ICC staff and those with whom it engages, especially victims, witnesses and intermediaries. This is not new, but it will continue to grow for the Court due to one of its important recent achievements, namely that of strengthening its field presence. The challenge will be to ensure proper risk management protocols that promote the wellbeing of victims, witnesses, intermediaries and staff, while ensuring the ICC has the procedures and adequate resources in place to allow it to deliver justice and redress.

Having spent the last 15 years building itself and its cases, the ICC should now have to begin the process of disengaging from situation countries, without undermining its legacy or alienating victims or communities. How the ICC completes and closes its situations is as important to its global reputation as how it opens them and how it conducts itself while a situation remains active. While lessons can be drawn from other experiences, such as the SCSL which was the first international court to complete its mandate and transition to a residual mechanism, the ICC as a whole may need to confront this challenge based on specific circumstances in each situation country in order to ensure its legacy has as positive an impact as its work.

Finally, addressing the challenges facing the ICC, including the ones discussed above, will inevitably require sufficient resources. Having worked with courts that rely on voluntary contributions, I am mindful of the need to meet resource requirements through cost-savings and efficiency measures. In this regard, I have taken note of the concerns expressed in the last Report of the Committee on Budget and Finance on the work of its 29th session (ICC-ASP/16/15) and those of the States Parties on the ICC Programme Budget for 2018. It is evident from these reports that managing the resource requirements of the Court in a context where there is an overall desire to reduce costs will be a challenge. If I am elected Registrar, I will be capable of addressing this challenge.

5. What do you believe are some of the current challenges the Registry specifically faces and how would you address them? What are some of the qualitative indicators you might consider when assessing the performance of the Registry and what would you suggest to enhance efficiencies?

The main challenge of the Registry, as for all international courts and tribunals, is to ensure effective and efficient servicing of the Presidency, Chambers and Office of the Prosecutor and the Defence while at the same time ensuring that the needs of victims, witnesses, affected communities and other stakeholders *vis à vis* the ICC are met. This involves maintaining and strengthening a climate of trust with States Parties, affected communities and all other stakeholders; ensuing transparent and reliable budget

preparation; delivering efficient and transparent administration and reporting; as well as strengthening staff morale, among other things.

The Registry has done tremendous work since the inception of the ICC on establishing support structures and systems necessary for the delivery of effective services to the organs of the Court. As have other organs of the Court, the Registry has also been working on strengthening its performance indicators, which has gone hand in hand with some improvements in efficiency and working methodologies. However, in light of the complexities of Registry functions, there is need to review performance in operational areas flagged by qualitative indicators such as audit reviews. When turning to qualitative as opposed to quantitative indicators, it would be important to look at the qualitative aspects of audit reviews, observations of the Committee on Budget and Finance and other performance and structural reviews. It would also be useful to seek feedback from all stakeholders including other organs of the Court, States Parties, Registry staff and interlocutors such as civil society and affected communities.

The recent major restructuring of the Registry is a work in progress, as observed by the External Auditor in its Audit Report on *ReVision* (ICC-ASP/15/27). Noting the recommendations made by the External Auditor in its report as well as the efficiency concerns raised by the Committee on Budget and Finance in its report (ICC-ASP/16/15), if elected Registrar, I would review the situation that exists at the time of appointment, gather feedback from all stakeholders and ensure measures are taken to implement the recommendations relevant to the enhancement of the Registry's performance.

6. All Court officials must perform their functions with full independence and should not act under the instruction of any State or external actor. Do you expect to have any difficulties in taking a position independent of, and possibly contrary to, the position of your government or any external actor?

No. I have acted independently throughout my career in accordance with my statutory mandate. For example, as Registrar of the SCSL and RSCSL, I have acted independently in executing my mandate which requires working with Member States of the United Nations, the European Union and the African Union including the Government of my own country, Sierra Leone. If elected Registrar, I will conduct myself the same way, taking into account all views, including those of States, the United Nations, civil society and others, and then acting independently in the best interests of the Court and in accordance with the Rome Statute and the Court's Rules and Regulations.

7. The Registry is a neutral organ of the Court that provides services to all other organs so the ICC can function and conduct fair and effective public proceedings. How would you describe the relationship of the ICC Registrar with the ICC President; the Office of the Prosecutor; the ICC Chambers, and the Assembly of States Parties?

The Registry is the key administrative organ of the ICC. As such it has a critically important role to play with varying responsibilities and mandates. In accordance with the Statute and Rules and Regulations that govern relations among organs of the ICC, the Registry is responsible for the provision of administrative and other support services to ensure the proper functioning of the Court.

The Registrar must act in full support of the Presidency which is responsible for the proper administration of the Court, and in support of the external relations functions of the President, which are critical for obtaining cooperation and promoting universality. The Registrar must likewise provide administrative support to the Chambers to facilitate the execution of their mandate. Further, the Registrar must provide relevant support to the Office of the Prosecutor, consistent with the Prosecutor's full statutory authority over the administration of her Office. The Registrar is responsible for preparing, presenting and reporting on the ICC's budget, managing support services efficiently, anticipating and resolving administrative or technical issues that may affect the ability of the other organs of the Court to discharge their mandates. The Registrar must ensure that administrative policies and decisions are consistent with the principles underpinning the Rome Statute, and the ICC's Rules and Regulations. Given this complex inter-weaving of responsibilities, it is important that the Court's Principals consult and work closely together, without prejudice to their respective statutory roles and responsibilities, to ensure the delivery of appropriate level of service while maximizing efficiency. The Registrar must also be responsive to the management oversight of the Assembly of States Parties by, for example, providing timely information and insights as well as engaging with States Parties to strengthen their trust.

The Registry is an important point of contact of the Court for victims and affected communities and it is responsible for *inter alia* ensuring fair trial rights. Through its legal aid system, the Registry must provide adequate support to the defense to ensure effective representation of accused persons. It must also provide adequate support to ensure the meaningful representation and participation of victims in proceedings as well as their protection and support. The Registrar is responsible for outreach and public information, and a host of other varied responsibilities. In discharging these responsibilities, the Registrar should act in coordination with other organs of the Court and as appropriate, with the Assembly of States Parties. For example, the Registry could engage the Prosecutor or the Defence in outreach activities, and with the support of States Parties, create avenues through which the President might obtain cooperation, particularly from situation countries.

- 8. Please describe any specific expertise of relevance to the work of the ICC that you may have, including, but not limited to, gender equality and violence against women or children. How would you ensure that women and children have access to justice and are cognizant of what the Rome Statute is seeking to achieve?**

Throughout my career, both within civil society and within international justice institutions, I have been committed to gender equality, fighting violence against women and children in armed conflict and ensuring the participation of women and children in matters that affect their lives.

At the SCSL, as Head of Outreach and in subsequent roles, I ensured that all outreach activities incorporated the SCSL's focus on violence against women and children, which ultimately included landmark decisions on forced marriage and the conscription, enlistment and use of child soldiers, and that the Court implemented outreach activities specifically designed to reach women and children. The SCSL employed special measures for children testifying before it, which, under my authority as Registrar, were carried out by the Witnesses and Victims Section. As a civil society human rights advocate, I worked specifically on facilitating women's and children's access to justice, on documenting violations against women and children and in advocating for the adoption of measures to facilitate the exercise of their rights. This experience was a critical life event that continues to motivate me to contribute to international justice. If elected Registrar, I will bring this holistic approach to inform the development and implementation of relevant programs and activities of the Registry.

Experience in Management and Budgetary Processes:

- 9. How would you describe your management skills and experience that would be of relevance to the effective management of the ICC's human resources, including hiring and retaining highly-qualified staff and ensuring their satisfactory performance, as well as addressing the chronic imbalance in geographical representation of its staff and that of women in higher levels?**

As Acting Registrar and then Registrar of the SCSL and RSCSL, I have efficiently managed the human resources of these two organisations, which included up to 331 staff from more than 35 nationalities. Further, as Registrar in charge of the management of human resources, the SCSL finished its cases and wound down to closure, during which time I implemented policies that allowed the SCSL to retain highly qualified staff during the final stages of trial and appeal in the Charles Taylor case. This contributed immensely to the successful completion of the mandate of the Court.

My experience managing and retaining a highly qualified and skilled workforce shows that recruitment policies are key to hiring and retaining staff of the highest competence and commitment. In cooperation and consultation with other organs of the ICC, if

elected Registrar, I will review guidelines on recruitment to ensure they firmly integrate gender balance and geographical representation in the recruitment of staff at all grade levels, from General Services to Director, without prejudice to the rights of existing staff.

10. Please describe your experience preparing and being responsible for a large budget, including whether you have experience in working with a results-based budgeting system. What are the size of the budgets and staff you have supervised in past positions? What strategies would you undertake in relation to the preparation, submission and examination of the ICC budget to ensure support by the Committee on Budget and Finance and States Parties?

In 2010, when I was appointed Registrar of the SCSL, my mandate was to close the Court. Results based budget system was a framework for our completion activities. I was responsible for preparing and managing a budget of up to 20 Million USD per annum, overseeing up to 331 staff from more than 35 countries. These budgets were managed through a results-based system, which was crucial to attract voluntary contributions and secure subventions from the United Nations, under the budgetary oversight of several committees (Management Committee, Oversight Committee, UN Advisory Committee on Administrative and Budget Questions (“ACABQ”) and the UN Fifth Committee).

The key to successful management of public funds is transparency and a relationship of trust with those contributing funds and other key stakeholders, which I achieved for both the SCSL and RSCSL. If elected Registrar, I will review relevant reports and audits on the budgetary process, hold discussions with the other Principals of the Court, and implement agreed-upon strategies to enhance the budgetary and financial management process.

Experience in External Affairs:

11. One of the core challenges identified for the Court is obtaining a positive and effective response to its requests for cooperation. Please describe experience you may have that is relevant to address cooperation challenges for the ICC Registry.

Cooperation from States and other stakeholders is crucial for the ICC, including on financial matters, on execution of court orders and requests, for support and protection of witnesses and a range of other matters. The SCSL was created through an agreement between Sierra Leone and the United Nations. Thus the only State legally obliged to cooperate with the SCSL was Sierra Leone. The SCSL was also based on voluntary contributions. As Registrar, I had to build trust and keep good relations with States and international organizations, in particular the United Nations, the African Union and the European Union in order to secure their cooperation as necessary, on such matters as

enforcement of sentences, witness relocation, and to secure financial contributions to keep the SCSL operational.

The ICC operates in a broader global environment, but my experience in obtaining cooperation where there was no legal obligation to cooperate is of direct relevance to enhancing State cooperation with the ICC where States Parties do have an obligation to cooperate. The Registrar has an important role to play in raising the profile of the Court, obtaining political support and addressing misconceptions about the Court as appropriate. As the channel of communication of the Court, working under the authority of the President and in cooperation with the Prosecutor, the Registrar is in the front line in creating favourable conditions to facilitate a willingness to cooperate and strengthen the rapport necessary to support the Court in fulfilling its mandate.

12. The Registrar has a special mandate vis-à-vis the outreach activities of the Court, especially regarding victims and affected communities. Please elaborate on any experience relevant to fulfilling this mandate, as well as your philosophy regarding the role of the ICC's field presence.

As the first Head of the SCSL's Outreach Section, and subsequently under my supervision as Registrar, I designed and implemented a nationally and internationally acclaimed outreach program that enhanced both the Court's ability to operate effectively and its impact on the ground. The outreach program worked under the authority of the Registrar, in close cooperation with the President, Prosecutor and the Principal Defender of the Court, national and international civil society and a range of other stakeholders.

My experience working in a Court that was present in-country from the beginning of its mandate, with a sub-office in The Hague, has demonstrated the critical importance of visibility and engagement with all relevant stakeholders. This approach enhanced the SCSL's ability to fulfil its mandate effectively and efficiently. As a global court that both delivers justice for victims and stands as a bastion of the identification and elaboration of international criminal law, the ICC is rightly based in The Hague. Its overall effectiveness, however, rests not only on ensuring application of the highest international legal standards and principles, which can be done from The Hague, but also on its impact on victims and affected communities and on obtaining cooperation, particularly from situation countries. For the last two points, it is important that the ICC has a strong presence in its situation countries to support its impact, credibility and efficiency. The steps the ICC has taken in recent years to improve its field presence and its outreach, which are key for engaging victims and affected communities, are a step in the right direction. If elected Registrar, I will consult with staff and other stakeholders, including organs of the Court, States, civil society and key stakeholders in situation countries, to assess how the Registry might contribute to further strengthen the ICC's field presence.

13. The ICC has established constructive and long-term relationships with nongovernmental organizations (NGOs). Please describe any previous experience you have working with NGOs.

I have worked with numerous NGOs and grassroots organizations prior to joining the SCSL and I have a good working knowledge of the challenges NGOs face on a number of levels. While at the SCSL and RSCSL, I developed and enhanced constructive, beneficial and long-lasting relationships with national as well as international NGOs, many of whom are also key interlocutors for the ICC. NGOs played an important role at the SCSL and play an equally important role at the ICC, according to the respective mandates and policies of each.

14. How would you see your role with regards to increasing the visibility of the Court?

The ICC, as a global institution, is visible worldwide, including through the President and through the Prosecutor. On a global level, the role of the Registrar is to support the President and Prosecutor. At the national level, the role of the Registry is to increase visibility with victims and affected communities, including through direct intervention and providing support to increase the visibility of the Prosecutor and that of the defence. If elected Registrar, I will review the public information and outreach tools and approaches being used to date, in consultation with all relevant stakeholders, to determine the strengths and weaknesses of the system. Such determination may lead to measures such as strengthening partnerships at the local and international levels and considering new communication tools and approaches to enhance performance. This will contribute to increasing the visibility of the Court.

Experience in Judicial Support:

15. Please describe your experience and/or expertise in dealing with victim participation in proceedings. How would you manage the Registry's role to ensure that the statutory right of victims to participate in proceedings is achieved in the most meaningful manner whilst ensuring efficiency and expediency?

As a civil society human rights advocate, I worked closely with victims to facilitate their access to justice. As SCSL Registrar, I engaged extensively with victims through the Court's outreach program and their participation as witnesses in court proceedings through the witness and victim protection and support program. As RSCSL Registrar, I have facilitated victims' access to justice through responding to queries from national authorities with respect to victims' claims for compensation.

The ICC has a specific mandate to support victims and enhance their wellbeing, including through facilitating the statutory rights of victims to participate in proceedings before the Court. For these rights to be realised, and for the ICC's overall

mandate to be fulfilled, the process needs to be well managed from start (applying to participate) to finish (reparations proceedings, in cooperation with the Trust Fund for Victims). This must be accomplished by adopting a victims-centred approach and ensuring victims' wellbeing remain at the heart of all policies and procedures in accordance with the Rome Statute and the Court's Rules and Regulations. For the statutory right of victims to participate in proceedings to be meaningful, the ICC must make additional efforts in standardizing and streamlining the victims' participation process with a view to managing expectations. For example, supporting intermediaries to provide factual and accurate information to all participants will enhance the skills of intermediaries, which in turn will engender confidence in the victim's participation process.

16. The ICC Registrar is responsible for establishing the eligibility and qualifications of defense counsel, providing support to them, and working with the Court to promote the rights of the defense. Please describe your experience with these issues, including with respect to Defense access to necessary facilities and resources in proceedings ('equality of arms'), including in addressing issues such as gaps in gender equality on ICC Defense counsel teams?

As SCSL Registrar, in cooperation with the Defence Office, I was responsible for ensuring that defence counsel met the criteria for effectively representing their clients, ensuring they had adequate facilities to discharge their mandate and that they had resources commensurate with the burden of their responsibilities. If elected Registrar, I will bring this experience to ensure that the defence is in a position to play its part in ensuring the highest fair trial standards are maintained at the ICC. While the choice of counsel remains with the accused, and the choice of team composition is an integral part of defence counsel's responsibilities, I will seek to ensure that defence teams function effectively in full cognisance of relevant human rights standards, including gender equality.

The ongoing discussions on the ICC's legal aid system are relevant both to the defence and victims representation. The outcome of those discussions would be instructive in reviewing the support provided to ensure effective defence and victims representation. If elected Registrar, I will hold consultations with relevant stakeholders on how to implement agreed upon outcomes in a way that ensures equality of arms, objectivity, transparency, flexibility, economy and judicious management of a publicly funded legal aid system. The stakeholders that will be consulted include the Office of the Public Counsel for the Defence (OPCD), the Office of the Public Counsel for the Victims (OPCV), the Counsel Support Section (CSS), the International Criminal Court Bar Association (ICCBA), civil society and others.

- 17. Article 68(1) of the Rome Statute provides that the Court “shall take appropriate measures to protect the safety, physical and psychological well-being, dignity and privacy of victims and witnesses.” Please describe the experience or vision you may have with regards to the protection of victims and witnesses, particularly women, at the ICC?**

As SCSL Registrar, I oversaw a robust Victims and Witnesses Section, ensuring they had the support and resources necessary to meet their obligation of providing support and protection, including through securing witness relocation agreements with several States. I also worked closely with the national authorities in Sierra Leone to enhance their witness protection capacities and ensure they were in a position to respond to witness protection needs as part of the SCSL’s completion strategy.

Each victim and witness who comes into contact with a judicial institution like the ICC has his or her own needs and concerns; each has unique experience and trauma and each requires specialised and specific support and protection. Some victims and witnesses, particularly women and children, have specific needs and concerns due to their gender, age or other characteristic, which must be factored into plans for their support and protection. The ICC, like the SCSL, needs to work based on these principles and, above all, to ensure that the engagement of victims and witnesses with the Court causes no harm and is as beneficial as possible. Rule 19 of the ICC RPE provides a comprehensive list of relevant protection and support services to be provided - in particular with respect to psychology, gender and cultural diversity, children, in particular traumatized children, elderly persons, persons with disabilities, social work and health care. Through enhancing professional training and career development schemes, I will ensure that these relevant areas of expertise are available internally among Registry staff, so that they are able to deliver the requisite and appropriate service to victims and witnesses whenever necessary.

Miscellaneous:

- 18. Have you ever been found, after an administrative or judicial hearing, to have discriminated against or harassed an individual on the grounds of actual or perceived age, race, creed, color, gender, sexual orientation, religion, national origin, disability, marital status, socio-economic status, and/or alienage or citizenship status? If yes, please describe the circumstances.**

No.

19. Do you know of any factors that would adversely affect your ability to competently serve as the Registrar, to comply with ethical responsibilities, or to complete the responsibilities that the Registrar is required to assume? If yes, please explain. Are there any other issues or comments you would like to address?

No.

Thank you.

I thank the CICC for giving me the opportunity to respond to the pertinent questions contained in this questionnaire.