

**2023 election of the registrar of the International Criminal Court  
Questionnaire to candidates**

**Name: Juan Pablo Albán Alencastro**

**Date: 11 September 2022**

*Please reply to the following questions by Sunday 11 September 2022:*

**Vision for the ICC Registry:**

1. Why have you applied for the position of registrar of the International Criminal Court (ICC)?

I have been an attorney for 23 years, working in the criminal and international law fields from different positions: as an international organization officer, a practitioner, a scholar, a national and international institutions expert adviser, and a legal projects and offices manager.

Throughout my career I have confirmed that my greatest passion is to work on Human Rights, Criminal Law, and International Law matters. I am convinced that my professional and academic experiences could greatly contribute to the work that the ICC does to improve people's quality of life, hold international crimes perpetrators accountable and promote human rights around the world, hence, I decided to submit my application

2. What do you believe are the top two or three challenges confronting the ICC and Rome Statute system in the coming years, and how would you address them, focusing in particular on the role of the ICC Registry?
  - Outreach and promotion: Awareness about the ICC's work and its impact is very limited. In my opinion, much work is still needed to communicate to the public, and in particular to the victims and affected communities, about the Court's proceedings, its judgments, the evidence presented in the different cases, the reparations ordered, the enforcement of sentences, among other issues. I believe that the success of the ICC depends to a large extent on the dissemination of information to demonstrate that the system works and to empower victims to reach out to the Court and make their voices heard. If I am elected, to enhance understanding of the role of the ICC and support for its work, I would promote a review of the outreach and promotion processes from the early stages of the proceedings on, to ensure that the information reaches more countries and people around the world; that it is culturally appropriate; accessible; in everyday language and understandable, taking full advantage of the media already available to the system, but also of community media in the areas impacted by the work of the ICC and in person promotional activities, considering that some audiences lack access to media and technology.
  - Universalization: I believe that it is necessary to undertake a serious effort from the ICC itself as an organization (beyond the activities of the Assembly of States Parties), to get those countries that still resist the idea of an international criminal jurisdiction to join the Statute. The effectiveness of the system, especially in terms of the cooperation necessary for the Court to fulfill its mission, is in part conditioned to the yet pending universality of the Rome Statute. If I am elected, I would initiate a campaign to highlight the virtues of the system, the importance of the global fight against impunity for gross human rights violations, the preventive effect of ICC

intervention on future atrocities, and the common ground between diverse traditions and cultures around the world on the importance of peace, security, and human dignity.

- Support in building national capacity: The ICC was never meant to deal with each and every case. Rather, its competence was designed with national authorities in mind, which, continue to remain responsible to address heinous crimes. I think the success of national justice efforts for the commission of international crimes and success of the international criminal law justice system are tightly related. Considering positive complementarity, the ICC must play an important role in supporting the design, implementation and functioning of national legal and institutional frameworks to investigate and prosecute international crimes. If I am elected, I would like to develop a program to address the deficiencies or absence of national implementing legislation in several countries, the strategies to fill the gap to attain a suitable standard for States to effectively co-operate with the ICC, and which ensures that, when trials are carried out at the national level, they meet international standards both in procedural and substantive matters, particularly due process and victim's rights.
3. 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 vis-à-vis the ICC Presidency and the ICC Chambers; the Office of the Prosecutor? Additionally, how would you describe the relationship with the Trust Fund for Victims?

The fundamental role of the Registrar is to facilitate thru its administrative and technical activities, the fulfillment of the duties of the other organs of the ICC. Hence, I believe that the relationship between the Registrar and the other organs must be characterized by constant dialogue, collaboration, advice, and above all, transparency. The Secretariat is in an ideal position to generate a working environment that promotes the efficiency of the ICC, allowing the other bodies to concentrate on their tasks. To do so, the Registrar should be able to balance the necessities of the different instances of the ICC and the resources allocated to its functioning, should maintain an open communication with all of them, and should be willing to accept criticism and advise to implement corrective measures when necessary.

Considering that the Trust Fund has its own Executive Director and Secretariat, I consider that the relationship of the Registrar with said body should focus on the coordination of administrative and legal matters, and on the support that the fund may require from the Registry to fulfill its mission to implement reparations; as well as to make visible throughout the world the life changing impact of the work of the Fund.

**Experience in management and addressing workplace culture issues:**

4. Please describe your skills and experience relevant to the effective management of the ICC's human resources, including in addressing allegations of discrimination, harassment (including sexual harassment), bullying and/or abuse of authority on the part of staff members; in addressing the chronic imbalance in geographical representation and that of women in senior management positions; as well as addressing issues that disproportionately affect women, minorities and people of color.

During my career I have managed private, public, and international legal organizations and institutions with medium (staff of 60) to large (staff of 130 and up) teams comprising professionals with very different backgrounds and experiences.

So far, I have had few confrontational situations within my teams, and even fewer workplace harassment, bullying or abuse of authority situations among my supervisees. I believe that to a large extent this is due to the fact that I try to create a friendly work environment, where everyone is

recognized and heard, where we are all generous with our knowledge and support our colleagues, and where each worker has the confidence to approach me and report situations that bother him or her, with the certainty that they will be addressed and resolved expeditiously, always giving the other person or persons involved the opportunity to defend themselves and express their own points of view.

I am aware of the underrepresentation of women and certain minorities in managerial and decision-making positions in international organizations such as the ICC. I strongly believe that when hiring staff or appointing officials it is essential to promote an adequate balance of gender, race and geographical origin, ensuring that all candidates will be valued for their merits and track record, not for their personal conditions; and that those who have been at a disadvantage to access a job at the ICC or any other international organization, because of their gender, race or geographic origin, will not be discriminated against and on the contrary, that affirmative action criteria and standards will be applied in the selection processes.

5. What, in your opinion, does the Rome Statute requirement of “high moral character” mean and how do you embody these characteristics? What measures can be taken to ensure that all ICC officials and staff also embody the requirement of high moral character?

I believe that the requirement of “high moral authority” refers to the values of integrity and propriety in both the public and private spheres. To act with integrity means to ensure that one's own conduct is above reproach under the judgment of a reasonable observer. Such integrity is related to public trust and the importance of adopting and executing fair decisions through transparent processes. In this sense, a person of “high moral character” must avoid impropriety and the appearance of impropriety in all his or her activities. Therefore, when considering whether candidates for the Registrar position meet the requirement of “high moral authority”, it should be examined, in addition to their merits and outstanding aspects of their track record, whether they have any sanctions, misconduct or complaints in the exercise of their professional or ethical duties throughout their careers.

### **Participation of victims and affected communities**

6. 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?

Throughout my 23-year career, I have had the privilege to work for and with many victims of heinous crimes and victims' organizations, both as an advocate or representative of their interests, and as an official (international and national) responsible for addressing their requests and responding to their needs, as described in my application.

Gross violations of human rights such as international crimes can leave long-lasting scars on their victims, both psychological and physical. Perpetrators undermine the victims' sense of reality, confidence in their own ability to evaluate their surroundings, and fundamental belief that the world functions in rational and comprehensible ways. That is why acknowledgment of the victims' rights, experiences, and dignity, could relieve the traumatic effects of human rights violations by restoring a sense of personal security as well as trust in State's institutions, by finding a truth, and by helping those affected to break the silence.

The victims attach considerable value to actions that recognize their condition, such as participation in the ICC proceedings, because often they experience denial or distortion of the truth about what happened by public officers and in some instances the status of 'victim' itself can become a stigma at the center of social interactions.

I firmly believe that guaranteeing the participation of the victims in the processes can only lead to positive effects, and does not hinder their development, on the contrary, the inclusion of their experiences in the analysis of the cases could entail that the decisions made are closer to their reality and expectations, a justice that speaks the language of their community. If I am elected, I will promote victim's participation and make sure that such participation is meaningful and not the mere fulfillment of a procedural requirement.

7. The registrar has a special mandate vis-à-vis the outreach activities of the Court, especially regarding victims and affected communities. How will you ensure that outreach is carried out at the earliest stages of proceedings, including preliminary examinations, and how would you describe the roles and responsibilities of the Registry and other organs in these different phases? Please elaborate on any experience relevant to fulfilling this mandate, as well as your philosophy regarding the role of the ICC's field presence.

I believe I have partially answered this question when in question No.2 I pointed out the main challenges that in my opinion the court is currently facing. But to further develop my position on this matter, I believe that it is precisely the Secretariat (without minimizing the importance of the other organs of the system disseminating information about their work) the main responsible for the adequate public communication of the activities carried out by the ICC and their impact. As stated earlier, I consider essential to design a plan for disseminating and promoting the work of the ICC, especially for victims and affected communities. A plan that uses technology efficiently but at the same time considers the cultural particularities of the recipients and the limited access many of them have to media and technology. One of my main goals if I am elected would be to make more visible the impact of the ICC in building a culture of dialogue and peace, and in the prevention of future atrocities.

Fortunately, I have extensive experience in strategic communication activities, attention to the media and design of promotional campaigns, based on my work as a lawyer in paradigmatic cases of high relevance for the public opinion in my country and my region, and on my activities as Director of the USFQ (Universidad San Francisco de Quito) Public Interest Clinics, a member of the UN Committee against Enforced Disappearances and a former member of the Council of the Judiciary in my country.

8. The ICC has established constructive and long-term relationships with non-governmental organizations (NGOs) and the press. Please describe any previous experience you have working with NGOs. How do you see the Registry's role towards these actors?

Throughout my career I worked with many national and international civil society organizations. I have prepared and litigated cases in conjunction with them, provided them training, and responded to their requirements as a national and international civil servant. My experience was always positive. The interaction with these organizations and the contributions they made were crucial for the success of the work that I did for over 9 years at the Inter-American Commission on Human Rights as well as for the work that now I do at the USFQ Public Interest Clinics and at the UN Committee against Enforced Disappearances.

In my opinion civil society plays a fundamental role in identifying the problematic aspects of the ICC's operations and it can contribute to the strengthening of the system and the successful implementation

of its decisions. In order to do so, it is necessary to maintain and strengthen the long-standing relationship with civil society. That is why the Secretariat must be open to interactions with civil society organizations, proceed with total transparency and be willing to provide all the information that such organizations require, and consider their criticism, recommendations and aspirations when planning and executing its own work

### **Fair trials and equality of arms**

9. The ICC registrar is responsible for establishing the eligibility and qualifications of external counsel and team members and providing support to defence counsel and legal representatives of victims. Please describe your experience with these issues, including the administration of legal aid and providing access to necessary facilities and resources to protect the rights of the defence. Please also describe your experience in addressing issues such as gaps in gender equality and working conditions on external teams.

The credibility legitimacy of any justice system depends to a great extent on offering the persons subject to trial the broadest guarantees to be heard and to defend themselves. Experience demonstrates that those of us who work on human rights matters tend to forget this basic premise when prosecuting perpetrators of serious international violations or crimes.

In the past, through my academic work and as an advisor to public and private institutions in my region, as well as international organizations, I have contributed to the development of due process standards and criteria for the evaluation of the defense in court.

I have also participated in defence teams of accused persons and in the selection process for members of such teams. I consider that I have enough experience to promote from my role as Registrar, if I am elected, that any person investigated or subjected to the jurisdiction of the ICC have a due process, that their defense arguments and the evidence in their favor are duly considered, that their counsel have the most appropriate conditions to carry out their work without any obstacle, that the defense teams (when their designation corresponds to the Registry) comprise capable, creative and efficient professionals, guaranteeing at the same time an adequate balance of race, gender, geographic origin and field of expertise.

Regarding the influence of the Registry in the appointment of external defense teams by the accused, despite the fact that the decision could depend on the defendant him or herself and his or her preferences, I think that the Registry as the organ in charge of establishing the eligibility and qualifications of the defence should at least have an advisory role, always thinking of the best interest of the justice and the application of diversity criteria in the selection process.

### **Cooperation with the court**

10. Cooperation of states parties is key for the court to discharge its mandate. What measures or initiatives will you take to increase cooperation with the court, including to increase the number of cooperation agreements in particular for the release of persons, enforcement of sentences and witness relocation?

The cooperation of the States Parties is fundamental for the functioning of the system, however, said cooperation is subordinated, in general, to political will and in some cases to the availability of resources to comply with the requests of the ICC. If I am elected, I would design a plan and promote

an urgent dialogue between the Court and the Assembly of States Parties to foster cooperation through at least these five specific measures: 1. The appointment of a specific national institution as ICC interlocutor to make cooperation viable without diluting it among several entities; 2. The prompt and efficient execution of arrest warrants and notifications; 3. The granting of sufficient guarantees to ICC staff in the field to carry out their investigative and evidence-gathering tasks, either through seat agreements for national offices or temporary agreements on immunities and privileges for specific missions sent to the field; 4. The establishment of a comprehensive national policy to protect victims and civil society organizations at risk for their demands for truth and justice at the local level, their interactions with the ICC, or simply for the information they possess against the perpetrators ; and 5. The understanding that the principle of complementarity requires that States act as first responders in the face of international crimes, and that in fulfilling such obligation they can count, if necessary, with the advice and support of the ICC, but the Court can only exercise its jurisdiction in the event of a deliberate or involuntary lack of response at the domestic level. In my opinion, it is indisputable that the best form of cooperation of States to the ICC is to take charge of the front line in the fight against impunity.

#### **Experience in budgetary processes:**

11. 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 and with gender responsive budgeting. 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?

I must recognize that in the previous managerial positions I held, although I participated in budget decision making and reporting processes, due to the nature of the institutions and organizations where I served, I always had the support of teams of financial, economy and accounting experts who guided me or the decision-making body to the best actions for the distribution, execution, transparency, and accountability for the budget. However, I am an avid learner, and always seek to be well informed before deciding, particularly if it is a budget decision. If I am elected, I will ensure that I have enough understanding of the financial resources and processes of the ICC to be in the best position to efficiently use the budget and report on its use to all stakeholders.

In this regard, probably the most relevant experience I had was as a Council Member of the Council of the Judiciary of Ecuador, the highest administrative and financial body of the judicial branch in my country, with a workforce of more than 12,000 people and enormous resources to guarantee the functioning of the courts, the prosecutor's office, and the public defender's office. Given the circumstances of my appointment and that of my fellow Council Members, after the removal of the previous Council under allegations of corruption, among others, it was essential to design processes to guarantee efficiency in the use of resources and accountability. In that setting I learned to value even more the importance of setting up teams of experts in these matters, listening to their advice with humility, and identifying the problematic areas of budget management to take immediate corrective measures.

I have worked in the past with results-based budgeting systems both at the Inter American Commission on Human Rights and the USFQ with great success. Such experiences taught me how to prepare, submit and report to the donors the execution of medium to large budgets.

Regrettably I have not had the chance to work with gender responsive budgeting yet.

If I am elected, my strategy in this matter would be to rationalize spending to guarantee the proper distribution of resources to the different areas and projects of the ICC, reduce costs and promote a culture of efficiency in the use of resources and absolute transparency. Such strategy should be articulated with that of outreach and promotion, to interest and convince more people and institutions in contributing financially to broaden the impact of the ICC's work.

Thank you.