

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

Name: Amady BA

Date: 09/09/2022

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 applied for the position of Registrar of the International Criminal Court (“ICC” or “the Court”) because I have a clear vision and the skills and commitment to revive the confidence of the international community in the Court, and in particular to contribute to the Court's implementation of the recommendations made by independent experts following their review of the Court's operations to address the decline in public confidence in the Court and in States' cooperation with it. My vision focuses on the core functions of the Registry, which include supporting all organs of the Court. My vision will be underpinned by two pillars, namely: (i) efficient and accountable Registry administration and financial management; and (ii) proactive and effective international cooperation to implement the Court's external operations.

Recognizing the tremendous work of the Registry's past and present staff, as well as the leadership of the current Registrar, Mr. Peter Lewis, I will build on the achievements and work with the staff to systematically implement the Court's Strategic Plan 2023-2025 by focusing on **four (4) main areas and directions:**

- supporting all organs with a particular focus on the Court's prosecutorial and judicial performance; a)
- the One Court principle and the completion of the review of existing policies and procedures
- and the implementation of improved working processes; b)
- pragmatic, dynamic and proactive international cooperation; c) and
- a pragmatic, dynamic and proactive communication strategy (internal and external); d).

a. To strengthen the quality of support to all organs of the Court, with priority given to judicial processes

As an experienced financial, administrative and judicial manager, educator, trainer and international judicial communicator, as well as an expert in international cooperation and a visionary and specialized diplomat (see my CV and letters of reference), under the leadership of the President of the Court, I will devote all my energy, with the Registry team, to ensuring the highest standards of efficiency, competence and integrity in the Registry's support of the Court in the fulfilment of its core mission of delivering justice. I will ensure that the Registry provides timely and quality support to the judicial activities of the judicial divisions comprising the Pre-Trial, Trial and Appeals Chambers, as well as to the Prosecutor and the defence and victims' legal teams. This support will be provided throughout the judicial process; from preliminary examinations to investigations,

trials, appeals, convictions and reparations. I will do my utmost, with the team, to meet their needs - whether logistical, operational or technical - at every stage of the proceedings, in the ICC courtrooms or in the field, if necessary, when holding the trial or a phase of the trial in a situation country in order to be as close as possible to the affected victims.

To ensure the Court's visibility and impact in delivering justice impartially and effectively, we will develop robust public information and outreach programmes, and ensure that the Court is adequately resourced at the field office level and in flexible regional centers. The aim is to consolidate the achievements of Peter Lewis with regard to the Registry's strategic priorities, while making support for the judicial mandate of the Court and its judicial services the central pillar of the Registry. The general administration functions (human resources, budget, finance, security and general services), as well as the international cooperation functions, other central support pillars, will be strengthened to effectively support all judicial phases and processes of the Court as a whole.

b. Consolidation of the "One Court Principle" and finalisation of existing policies and procedures and implementation of improved work processes

My administrative and judicial functions and experience at the national, regional and international levels, including at the International Development Law Organization (IDLO) in Rome, Italy, where we developed and applied results-based budgeting and management to major financial projects, as well as my knowledge and experience of the Court, its internal governance and administrative dynamics, gained during my 14 years of service at the Court in a professional capacity, have prepared me for this role. These experiences will enable me to effectively implement the Court's strategic plans and the recommendations of the independent Experts on the Registry.

I have the leadership skills, the tact and the courage and commitment, with the support of the Registrar staff to carry out the Registrar's mandate, while respecting the full independence of the organs (the judicial and prosecutorial activities being the responsibility of the Presidency, the judges and the Prosecutor respectively, requiring absolute independence). As Chief Administrative Officer of the Court, I am responsible for the development and implementation of administrative processes and policies. In accordance with the One Court Principle, I will be proactive, work closely with the President, consult with other senior managers on cross-cutting issues and ensure that decisions are implemented in a timely and competent manner.

We will strengthen overall strategic coordination under the leadership of the Presidency at the level of the Coordination Council ("CoCo") and we will enhance the engagement of all bodies and their specialised divisions, sections and units at the operational level to intensify dialogues at all phases of the processes, in line with the budget-specific processes and policies as discussed and agreed with the Committee on Budget and Finance ("CBF").

We will strengthen the field offices, applying flexible governance rules that leave more room for rapid deployment and internal staffing (where necessary, through clear and flexible recruitment rules, in particular among national professionals) and develop regional hubs on which all organs can rely for the implementation of their respective mandates, as I have done in the Office of the Prosecutor ("OTP" or "the Office") with national and regional focal points and without financial implications.

In my current role at the OTP, I lead efforts to promote understanding of the ICC by fostering dialogue and cooperation between many regional entities and the Court. I seek judicial cooperation to enforce arrest warrants, among other things. Under the One Court principle. We will encourage and ensure that within the Court we have a zero tolerance policy and practices towards bullying, harassment and sexual harassment.

We will consolidate existing policies on staff engagement, staff welfare and leadership training to strengthen support for Court staff, with a focus on gender and geographical representation, staff selection and development, occupational health and work-life balance, ethics and standards of conduct, and leadership accountability.

All these efforts will allow for the effective and efficient implementation of the recommendations made by the independent Experts with regard to the Registry.

c. Strengthen the tools, operations and results of international cooperation and judicial assistance

The ICC is an international organisation and does not have a law enforcement agency that automatically carries out its orders. It does not have the ability to directly undertake mandatory measures requested by the Prosecutor or Chambers. The ICC has no territory of its own and cannot exercise police powers, as it lacks the sovereign power of a sovereign State.

As a judicial institution, the ICC has a significant gap compared to the judicial institutions of States, which can rely on a wide range of institutional mechanisms including police, military and intelligence services, border and immigration services, tax and customs services, banking and telecommunications companies, and other key institutional bodies that are accessible to them and that facilitate the tasks of investigation and prosecution, as well as the enforcement of judicial decisions, within the framework of national law.

The Court's mandate requires it to investigate the most serious crimes committed on the territory of sovereign States where it is not empowered to operate directly without the authorisation and cooperation of the territorial State concerned. To support the work of the Court, all its organs, the Registrar must therefore rely on States and external stakeholders at the political, diplomatic and operational levels, including increasing the number of cooperation agreements, conducting search and seizure operations, arresting and surrendering suspects, etc.

As Registrar, I will play, with the Director of International Cooperation and External Operations and his team, a leading role in encouraging support for the key objectives of the Rome Statute and ensuring that the international community remains committed to these objectives and to the general and operational support of the Court. We will therefore seek to strengthen the Court's strategies for general support to the Court, under the leadership of the President and in close coordination with the Office of the Prosecutor and the Trust Fund for Victims.

We will closely coordinate and work with the Assembly of States Parties ("ASP") on all matters related to the work of the Court, including with the Working Groups in The Hague and New York, and with the Assembly's Focal Points on cooperation and complementarity. Operationally, during the judicial life of the ICC, we will implement the recommendations of the Independent Experts on cooperation and complementarity and coordinate the implementation of the strategies and action plans of the co-facilitators/Focal Points.

I refer you for more information to my answers to question 10 on cooperation.

d. Redefine and implement a new, pragmatic, dynamic and proactive (internal and external) communication strategy.

- Internal communication strategy within the Court itself

We will reinforce what already exists and we will develop under the leadership of the Presidency and in coordination with the Prosecutor, and in close cooperation with the Staff Union, regular updates across the Court on activities of common interest under the responsibility of the Registry and the Court's activities under the "One Court principle" impacting on the functioning of the Registry. I will share with the Registry and all ICC staff the successes achieved, the opportunities that the privilege of working in this Court offers and the challenges that the Court may face.

In recent years, I have observed from unique vantage points the role that clarity of institutional direction plays in mobilising and motivating staff throughout the Court to devote their energy and talent to supporting the Court. Any ambiguity within the Court about its strategies and direction would have the opposite effect, namely that staff would feel lost or demotivated resulting in wasting talent and underperformance.

The promotion of cohesion and team spirit and the need to effectively address issues related to a healthy, respectful, pleasant and safe working environment will be assessed and discussed in various forums, including those organized with the Staff Union. Anonymous surveys will be conducted to assess the level of satisfaction. I will do my utmost, with the support of the Staff Union, during my mandate to make the Registry the best place to work, with concrete and tangible results and renewed confidence, regardless of the level of responsibility in a One Court spirit. The Registry will regain its identity lost since the Revision project, and will build on all the efforts undertaken by the current Registrar, which we will consolidate with this internal strategy of exchange, openness and mutual respect. The Registry will strengthen its expertise as a neutral and effective support body, as it has always been recognised.

- External communication strategy towards the international community, victims and affected communities

We will strengthen the resources of the Public Information and Outreach Section (PIOS) as foreseen in the current 2023 budget. I will develop outreach programmes in the situation countries, in accordance with the recommendations of the independent Experts, through the liaison offices and regional hubs, in coordination with the Office of the Prosecutor, but above all by involving all actors, civil society, the press and journalists, victims representatives, defence teams and associations, taking into account any conflicts of interest.

These outreach programmes will also be forums for exchange with civil society, organised in accordance with the Court's 2023-2025 strategic plan, and according to our vision, to explain the work of the Court and anticipate the cooperation issues and operational needs of victims and affected communities, as well as the needs of victims representatives and defence teams.

As part of our vision, States and other partners will receive regular updates on our activities, our successes and the challenges we face.

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?

I have identified three major external challenges to the ICC and the Rome Statute (**The Budget a), the International Cooperation b), the Risk management related to the independence of the Court c)**) and one major internal challenge, namely **the effective implementation of the One Court principle d).**

a) The challenge of Resource Constraints: a sustainable budget

As the ICC's workload increases, the demand for additional resources to enable the Court to carry out its mandate effectively will remain a challenge. While many States Parties affirm their support for the Court, the current reality is that the Court's budget may not be sustainable due to competing priorities at the national level that are beyond their control. These competing priorities include, inter alia, the financial impact of the past and current management of COVID-19, monkey pox, unemployment, financial/political crises, climate change, inflation, fear of recession, etc., and the current crisis after Russia's attacks on Ukraine and its global consequences.

Some of these States face financial difficulties and will not be able to pay their full contributions to the Court on time. The Court's proposed programme budget for 2023 is 175,327.4 thousand euros. 24,057.5 thousand, or 15.9 per cent, over the approved budget for 2022, which amounted to 151,269.9 thousand euros. This budget will increase with inflation and the sudden increase in August 2022 related to the United Nations regime fees resulting in additional staff costs after the presentation of the Budget of the Court to States Parties on July 2022. While recognising the efforts and vision of the current Court leadership, including the Registrar and Court officials, to request only what is really necessary, I will bring my personal touch, skills and experience to this process.

I will continue, as my predecessor did, to ask only for what is necessary, in line with the Court's strategic plans and priorities, learning from the reality of judicial activities, not from the rhetorical campaign strategy of "electing me under the zero nominal growth policy". I insist on the wisdom of strengthening the approved budget management system, in a transparent and effective manner, by achieving savings and efficiencies, based on my previous experience of results-based management. I will also address this concern by anticipating the issue of zero nominal growth in the next budget cycle, by preparing a predictable budget based on close and cross-cutting coordination with the Office of the Prosecutor, at an early stage, with a clear policy of Prioritisation.

I have experience in negotiating more voluntary agreements, especially in countries or regions with ongoing cases for the period 2023-2025. I will increase the number of such agreements in the areas that burden the Court's budget in support of judicial activities, with better management, more savings and efficiencies in all possible areas, flexible and light regional centers or field offices, with more local professional staff in the situation countries. We will implement strong budget diplomacy under the leadership of the Court's leadership and myself, but also at the level of all staff, as we have done with the OTP budget in previous years.

b) The challenge of the International Cooperation in the implementation of the ICC's mandate

Despite many concrete and positive achievements on Cooperation I will underscore later in my responses to your questions number 10, the Court is currently still facing challenges and difficulties in obtaining cooperation in many areas, such as voluntary agreements on the relocation of witnesses, the conduct of financial investigations and the arrest of suspects, the provisional release of suspects and the enforcement of sentences. Obtaining cooperation from States is a concern due to geopolitical tensions between States, the non-cooperation of some States Parties and Non-States Parties in certain investigations, the impact of all these geopolitical dynamics has an effect on whether or not the Court can obtain cooperation in a timely and effective manner to implement its mandate.

Some States tend to perceive State cooperation with the Court as biased or one-sided, particularly in certain situations.

We will address this concern through a new strategy of cooperation of the Registry, pragmatic and proactive, as I will elaborate in my response to question 10. As I also explained in my vision, I will work closely with the Assembly of States Parties, the ASP, the Facilitators on cooperation and complementarity to implement the recommendations of the independent Experts.

We will address this concern, as I have already stated in my strategic objective 4, through a proactive and strong communication strategy, by communicating **better and well** with several stakeholders, such as States Parties, non-States Parties (diplomacy is not only about talking to your friends, it is also the art of talking to people or entities that do not share your point of view, or who do not like what you are doing for many reasons), the UN system and its Agencies, NGOs, media and journalists, especially from situation countries, victims' associations and affected communities, the Court's bar associations, academia, helping to ensure that the Court is impartial and independent, and that it acts independently.

One can also refer to my answers to question 10 where I developed the international cooperation strategy, a strategy for the Registry's international cooperation with the national system and regional focal points, as I have successfully done in the OTP, to strengthen the Court's external operations.

Today, in part, thanks my strong contribution over the past 14 years, the OTP has been successful in seeking assistance from a wide range of States and entities around the world, in particular States Parties, but also, to a large extent, many non-States Parties. Even where the Office has not always succeeded, it can be said to have at least opened doors or spaces. Our experiences show that through perseverance, trust, honesty and humility, we have achieved results, both in the short and long term, through constant follow-up.

c) The challenge of the Risk management and the independence of the Court

Whether or not the Court initiates preliminary examinations and investigations into a situation following the judges' decisions under Article 15, a level of risk exists in all situations. Ultimately, this risk has always been assessed internally and needs to be reinforced and managed in all situations, but especially in some.

Showing results and meeting the expectations of victims, the international community and civil society is always a challenge in the administration of justice, whether at the national or international level. But it is even more critical with international criminal jurisdictions, including the ICC where I have worked for over a decade. I know how high the expectations continue to be for the Court to deliver results, not only in terms of progress in investigations and prosecutions, but also in terms of success in court. But for me, success is not limited to

convictions, it can also include acquittals, which reflect that the Court is dispensing justice impartially and independently. Nevertheless, the Court must remain vigilant as it sometimes operates in environments marked by biased analysis and evaluation. As Registrar, working in a neutral organ, we will carry out our role, including outreach, and also do whatever is necessary to implement the Court's decisions on managing expectations.

The Court has demonstrated its independence and impartiality in many decisions in recent years, and this will certainly continue with the quality of our Judges and the quality of the current heads of the Office of the Prosecutor. There are important lessons to be learned from the US executive order imposing sanctions on the former Prosecutor and one of his staff in the Afghanistan situation. In particular, in this situation, the Court, including the Presidency and the Registrar, as well as all staff, played a leading role and worked together to respond. The Court has shown that it will remain independent and impartial even when confronted with highly sensitive situations, due to their extreme polarization by the parties involved or by external actors.

In theory and in practice, justice through international tribunals is not the only solution. The ICC, although of paramount importance, is only a small part of the solution to global problems. It cannot be the only institution to successfully deal with crimes: The ICC must remain a court of last resort and the challenge is for States to assume their primary responsibility to investigate and prosecute crimes, thus giving meaning to complementarity as reflected in the Rome Statute.

As Registrar, I will play my part, with the whole team, in managing the risks by ensuring that the Court acts independently and impartially and does its work efficiently and productively by providing all the necessary support to all organs in an efficient and expeditious manner to enable them to carry out their mandates.

At the same time, the promotion of the complementarity framework will be part of the Registry's communication strategy, and as part of the action plan, the outreach policy, in close coordination with the ASP, the complementarity facilitators, the OTP, international organizations, civil society and national judicial systems. It will be reflected in the Court's next strategic plan 2023-2025.

d) The internal challenge: the implementation of the single court principle

The effective implementation of the One Court Principle will be one of the main challenges to which I will give priority. To begin with, the Court must comply with the framework, rules and regulations of the Rome Statute and must furthermore implement the recommendations of the IER. The current Registrar has done much to improve the functioning of the Registry, but there is still much to be done for concrete, honest and radical change.

The One Court principle has been promoted for a number of years, but mainly as an idea and not as a functional and real objective. A few examples, however, demonstrate the importance of collective coordination efforts under the One Court principle, which, on the whole, provide key lessons to be learned, namely: when African states collectively threatened to withdraw from the Court and took negative decisions against it; on ICC budgetary processes; on risk management during the COVID 19 pandemic; and following the US executive order imposing sanctions against the Prosecutor and a member of the Court staff. The coordination within the ICC's internal working group has been remarkable, and many good decisions have been taken by Mr. Lewis and his team, the OTP and the Presidency on these issues.

The spirit and letter of a Single Court has been shown and proven.

While there have been advances towards the realisation of the principle of a single Court, I am of the view that the Registrar, as the head of administration and operations, bears the greatest responsibility for its success. As Registrar, our aim will be to build concretely on the achievements of the current incumbent in order to operationalise and strengthen the One Court principle. We will identify areas that can be repositioned within and undertaken by the Registry to strengthen and accelerate results. In doing so, the other organs would be freed to focus on their core activities and, therefore, on the overall achievement of the Court's mandate. Improvements are also possible in the following areas: governance, human resources, field presence, arrest and surrender, financial investigations, gender balance and equality, bullying, harassment and sexual harassment, geographical representation, victim participation, and legal aid, and equality of arms, and in other more specific projects such as key performance indicators.

As Registrar, we will work tirelessly with others on all these areas that require improvement, synergy, coordination and change, and we will play a leading role, under the authority of the President, on the non-judicial aspects of the administration and service of the ICC.

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 Registrar is a neutral official and the Registry is a neutral body. The Registrar and the staff of the Registry are experts who support all organs of the Court. They are not Judges. They are not Prosecutors either. During my term of office, in accordance with the Court's strategic plan for the period 2023-2025, the following priorities will be established to support the judicial activities of the Court.

Indeed, while ensuring the well-being of the Court's staff and a healthy and pleasant working environment, we will;

- support the activities of the Presidency and the judicial activities of Chambers (pre-trial, trial, appeal and reparations);
- support the activities of the Office of the Prosecutor;
- supporting the Victims' Representatives and the Defence teams; and
- supporting the Trust Fund for Victims.

During my term of office, I will demonstrate the expertise of the Registry. I will strengthen the identity of the Registry which supports all organs of the Court with professionalism and neutrality. The Registry will be a place where it will be pleasant to work, with zero tolerance in harassment, where everyone works with respect, in a healthy working environment and a team spirit.

In order to successfully support judicial proceedings, the Registry will necessarily need to strengthen its diplomatic component (e.g. to secure the cooperation of States and other entities such as the United Nations and civil society), as well as to implement a strong communication strategy to mobilize support for the Court and the fulfilment of its mandate to deliver justice.

Relationship with the President and the Presidency

In accordance with the Rome Statute, the Registrar exercises his or her functions under the authority of the President of the Court (article 43.2 of the Statute). We will have and we maintain regular contact with the President and the Presidency. We will report to them and consult with them regularly. I am a trustworthy and loyal official, faithful to my mandate, to the principle of the unity of the Court, a rigorous and responsible manager.

Throughout my service at leadership and management levels in various courts and entities at national and international levels, I have demonstrated exemplary professionalism and integrity. As you can see from my CV, in these leadership and management positions, my referees are my former supervisors, who are in fact heads of bodies or institutions that I previously served. I will show the same dedication in the position of Registrar, I will put my judicial and administrative experience at the service of the President and the Presidency with great respect, humility, dedication, integrity and professionalism.

We will work to ensure that the relationship between the Registry and the Presidency **is flexible and based on trust in all strategic matters**. We will consolidate and enrich the leadership role of the CoCo. We will listen to the judges and serve the Chambers in the context of judicial activities and in consultation with them, we will set up regular meetings where, in all honesty and transparency, we can address issues of common interest in relation to ongoing proceedings.

Relations with the Chambers

We will demonstrate the same qualities to the judges and to Chambers.

I know from experience, how much support the judges need, before, during and after the trial phases, especially in the courtrooms, to facilitate and contribute to a fair trial and equality of arms, and how to serve the judges and participants in proceedings, in this regard.

We will work in close coordination with the Director of Judicial Services. We will monitor the needs of Chambers at all levels, pre-trial, trial, appeal and reparations in all situations and cases before Chambers. As Registrar, and together with my team, we will assist the judges and their staff in managing their cases in an efficient and timely manner. Within the limited resources of the Court, we will ensure that the Registry provides the full range of its expertise: support to administrative staff, IT and language support, etc. we will ensure that we use the full range of resources available to us to meet the needs of the Court. I will ensure that we use our limited resources effectively in the most efficient way and with the greatest impact.

We will operationalize the independent experts recommendations. Some of them, notably on resources and coordination, have already been taken into account in the Court's 2023 budget. Other recommendations, aimed at strengthening the capacity of the Registry, will continue to be discussed with the Court, despite the busy schedule of the Presidency and the judges for the 2023 judicial year. For example, within the Court's current financial envelope, it should be considered whether, during the implementation of the Court's current strategic plan or prior to the next one, the Registrar can re-establish **the post of Deputy Registrar** in order to strengthen service delivery and better support the judiciary, as recommended by the independent experts.

Relationship with the Prosecutor/Office of the Prosecutor

I will meet the Prosecutor and his deputies in a regularly basis, at least once a month.

As Registrar, we will take the lead on governance issues relating to the non-judicial aspects of the administration and servicing of the Court (without prejudice to the independence and powers of the Prosecutor (article 43(1) of the Rome Statute).

The Rome Statute confers on the Registrar the above responsibilities, and where responsibility is shared with the Office of the Prosecutor, as Registrar I will liaise with the Prosecutor and his two Deputies, in a coordinated manner, anticipating the strategies and operations of the Office of the Prosecutor, meeting with them regularly, with our heads of divisions and sections, including budgetary assumptions, savings and efficiencies, human resources, security, performance indicators, general and organ-specific projects, etc. In short, the application of the One Court Principle.

Existing guidelines will be reinforced in CoCo practices to avoid one organ acting alone on strategic issues affecting the administrative or budgetary aspects of the Court without the Registry being duly informed on the basis of a prior objective assessment. In my dealings with the OTP, I will not be an obstacle but a wise mediator when necessary and a solution in the interest of the Court, through better anticipation and communication. The Court's solutions based on its sole interest will be found at the conceptual stage, taking into account the needs of the OTP.

This dialogue exists; there is a productive dialogue between the three immediate offices where many inter-organ issues are dealt with and addressed. Under the authority of the President, and in liaison with the other Court officials, we will continue to enjoy full support and coordination with the Office of the Prosecutor where appropriate, as we did during the period of the attempted mass withdrawal of African States, the Covid 19 pandemic and the US Presidential Order.

But as I have already said, I am also aware that in other very important areas of common interest impacting on the strategy, planning and operations of the Registry, such as budgetary, administrative and human resources issues, field office strategies and needs, financial investigations, witness protection, security, clearer anticipatory measures discussed and dealt with in a more structured way in advance are needed before being presented to the CoCo. We will then be very proactive with the OTP on common challenges and interests of the Court impacting on the functioning of the Registry and the ICC budget, under the guidance of the Presidency.

The Prosecutor and his Deputies, as well as their respective teams with whom I have worked over the past years and months, are aware of my qualities as well as my commitment, professionalism and integrity to work in the interest of the Court. With my past experience at the OTP, we will be able to provide the Registry's support to the OTP's activities in a neutral manner.

Relationship with the Trust Fund for Victims (TFV)

The Trust Fund for Victims has two mandates in relation to the harm suffered by victims of crimes within the jurisdiction of the Court:

- To implement reparations ordered by the Court against a convicted person for the benefit of victims, either individually or collectively;
- Providing assistance to victims, and their families, of crimes within the jurisdiction of the Court in situation countries.

The TFV's work has grown considerably in terms of diversity, intensity and volume. According to its 2021 report, despite the operational constraints posed by the COVID-19 pandemic, the TFV has expanded and strengthened its operational footprint from six to 27 projects and from one to five active country programmes by the end of June 2020, in Mali, in *the Al Mahdi case*, in the Democratic Republic of Congo (DRC), in *the Lubanga, Katanga and Ntaganda cases*.

With regard to the assistance mandate, the Trust Fund for Victims uses voluntary contributions from donors to provide assistance to victims and their families in countries where the ICC is present, through psychological rehabilitation, physical rehabilitation and material support programmes. As assistance programmes are not linked to a particular case before the Court, the Fund's projects can respond at the individual, family and community level to the injuries and needs of victims who have suffered harm as a result of crimes within the Court's jurisdiction. Assistance projects also enable the Trust Fund for Victims to assist a wider population of victims who have suffered harm as a result of specific cases before the Court. Programmes have been launched in the Central African Republic (CAR), Côte d'Ivoire (CIV), and are currently being launched in the eastern Republic of Congo (DRC), Uganda, Georgia, Kenya and Mali.

In 2023, as indicated in the ICC's proposed programme budget, reparations proceedings will be underway in five cases. The implementation of reparations, administered by the TFV, is expected to continue in *the Lubanga, Katanga, Al Mahdi and Ntaganda cases*, with convictions and reparations proceedings to follow.

While respecting the independence of the Fund, we will **consolidate the support and advice** provided to the Fund by all parts of the Registry, such as the administrative and financial sections and units, and in particular the invaluable assistance of the Registry's Human Resources Section (HRS), the Procurement Unit and the Registry's Legal Office. They will continue to provide support and assistance to the Fund.

We will consolidate **the support and advice** that the Fund has received through the close collaboration and support of the country offices, the Counsel Support Section, the Field Operations Support Section and the Victims Participation and Reparations Section in the identification and verification of beneficiaries for reparations in *the Lubanga and Al Mahdi cases*. The support of the national offices will be reinforced, with the continued support of PIOS, through the outreach activities described in my vision on communication (see my answers to questions 1 and 2).

I will take stock of the various reparations programmes that have been implemented by the Trust Fund for Victims to date, in order to learn from the Registry's experience, and to identify areas where the Registry's field offices can provide more and better support to reparations programmes, in order to better understand the local context and the implementation of meaningful reparation.

We will invite my office and the field offices to work in close coordination with the Trust Fund for Victims in order to consolidate and maintain a close relationship with all legal representatives of victims in countries of situation and, in particular, during the implementation of reparations.

We will work with the Trust Fund for Victims to organise programmes and events to highlight the activities of the Trust Fund, either to donors to enhance its fundraising opportunities or to victims and survivors to raise awareness of ICC restorative justice (such programmes may include regional cooperation seminars, the cooperation officers' seminars at the seat of the Court and other major events, or even fundraising activities).

In line with my previous role overseeing judicial cooperation activities in the area of financial investigations for the OTP, **we will strengthen the Registry's capacity in the area of financial investigations** for better recovery of fines and forfeitures from convicted persons to assist the Fund's programmes.

As the former Head of International Cooperation for the OTP, with a wide range of contacts, we will conduct a diplomatic campaign to the extent that my mandate allows and encourage States and other partners to contribute to the Fund. **We will provide support staff in the Court's field offices where the Fund will have programmes as based on the judges' decisions in 2023**, and also where it currently has a strong presence, such as in Mali, Democratic Republic of Congo (DRC) and Ivory Coast. The field offices and regional centers (referred to in question 7) will strengthen their support by conducting outreach programmes in close coordination with the organs 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.

First of all, I would like to stress that I have strong human resources management skills. As can be seen from my CV, I have successfully assumed important management responsibilities in my previous positions, including as President of the Courts of Appeal, Senegal; as Director of the Regional Judicial Training Centre, Senegal; as Head of the Francophone Training and Technical Assistance Department of the IDLO, Italy; and now in my current position as Head of Cooperation in the ICC Office of the Prosecutor.

In all these positions, I have effectively managed staff in their diversity, from different ethnic and religious groups, women and men, and different nationalities. During my many years of service at the Regional Centre and IDLO, I managed an internationally diverse staff, with employees from different geographical regions, from Africa and the rest of the world. All of these staff enriched the office, with different cultural backgrounds and qualifications, different genders and sexual orientations.

Secondly, sexual and gender equality, respect for diversity and inclusion starts with one's education; for others it starts at school. I have had both experiences. I respect gender equality and diversity because they are practiced in my culture and taught at the judges' school in Senegal and France where I did my initial and continuous trainings as judge.

In addition, I directed a school for future justice professionals (prosecutors, examining magistrates, judges and clerks from the French-speaking world). This structure was divided into two divisions: the judicial division (with the three judicial functions, prosecution, investigation and headquarters) and the judicial administration (Registry). The two divisions were linked, as they had common transversal curricula, Court Administration and Management, joint conferences and trial simulations and common spaces. Each division, section and unit had a large and diverse staff, including my deputy, two directors (judicial and administrative) and my director of budget and finance, my middle managers, the sections and units (heads of section for initial training, head of section for continuing education), the head of internship programmes, international cooperation and legal affairs. In addition, I supervised the staff in my immediate office, as well as the staff in charge of information,

logistics and premises (including restaurant, accommodation and security as well as the pool of cars to support the general administration and the judicial internships of our trainees in initial training.

The working environment was diverse, multidisciplinary and pleasant. During my tenure as Director, there were many female judges, prosecutors and court clerks in the judicial system in Senegal.

The same diversity and gender had been the reality in Rome during my service at IDLO, where my staff involved in the implementation of major programmes came from all over the world. Gender balance was part of IDLO's policy, and was implemented both within the organisation, at headquarters, and in the field offices (in Sydney, Australia, Cairo, Egypt, Kabul, Afghanistan and Bamako, Mali). All staff were sensitised and trained on gender issues after recruitment.

I encouraged the reform and development of the judicial system. I promoted diversity and gender equality, which were an important part of the programmes and projects I managed and supervised.

In the OTP, in the Cooperation Section, the majority of my staff were women, and one of the most senior staff, placed under my supervision is a woman. The section also has a geographical balance. During my 14 years in the Office of the Prosecutor, I have made it clear to my staff (as I have done previously in other responsibilities) that I do not tolerate any form of harassment, and I have promoted an open door policy and encouraged staff to bring any complaints to my attention in confidence. Throughout my tenure, I have never received a complaint of bullying or harassment in my section and the professional and working environment in my section has been among the best, according to the results of the surveys in the OTP.

I was selected by the Deputy Prosecutor and the OTP Executive Committee to conduct train-the-trainer workshops for all OTP trainers on the Code of Conduct and our core values. Under the direction of the Deputy Prosecutor, James Stewart, and in coordination with the Legal Advisory Section of the OTP, I trained a group of colleagues (30 in total) from across the OTP. The trainers I trained have also undertaken to train others.

The prevention of harassment is an objective in my vision of building a One Court principle.

There will be zero tolerance for harassment and other forms of misconduct during my term as Registrar. Thus I will not tolerate harassment and a toxic work environment during my tenure by the following actions:

We will Lead by example and we will take action against harassment

Officials and senior managers must inspire others to copy their good behavior. I will lead by example, respecting and treating everyone, women and men, with full respect, but I will also listen to them and take any complaint of bullying or harassment from a member of staff very seriously. I will not just ask them to tick a box and go directly to the Independent Oversight Mechanism (IOM) or the Appeals Board(AB) and remain passive. Instead, before inviting to refer to them, I will take fair and appropriate measures, in close cooperation with the victim of the crime, to ensure that she or he is safe, protected and not left alone. With her/his agreement, I will ensure that psychological measures are taken, without judging the facts, to ensure trust and fairness, while the investigation of any allegation is conducted impartially and fairly. I will ensure that the whistleblower policy is implemented to encourage reporting of harassment.

Consolidate and finalise the Court's current gender equality projects, zero tolerance policy on harassment, bullying and sexual harassment, and continue gender and leadership training

As part of its efforts to implement the IER recommendations (R14 on work culture, R15 on gender equality and gender and sexual orientation mainstreaming), the Court issued two administrative instructions in March 2022 on investigating unsatisfactory conduct and the instruction on unsatisfactory conduct and disciplinary procedures. In April 2022, a new administrative instruction was also issued on combating discrimination, harassment, including sexual harassment, and abuse of authority. The fourth, entirely new policy, which is currently being developed, concerns sexual exploitation and abuse. The Court is also considering updating the legal provisions on whistleblower protection, developing a new staff selection policy and creating an **Ombudsperson** position, in line with the Court's leadership commitment to staff well-being and the 2018-2021 strategic plan. We will consolidate all these current Court programmes and projects on gender equality, geographical representation, on bullying, aggressions and sexual harassment. We will finalise these policies and with the specialised units, disseminate the policies and ensure that every colleague has access to them. Where necessary I will initiate staff awareness workshops in consultation with the Staff Union Council.

Training of trainers and mandatory horizontal trainings

Another step will be mandatory trainings. I will lead the training of trainers myself, with technical support from the Legal Advisory Section and our gender focal points across the ICC. These face-to-face train-the-trainer programmes, based on case studies and the principles of motivating adults to learn, will help disseminate gender issues and the prevention of bullying, aggressions and sexual harassment.

Disciplinary procedures and sanctions

While sharing policies and rules, coaching and training, the disciplinary dimension will be systematically applied when offences are proven, without compromise, and regardless of rank and level. In line with Article 27 of the Rome Statute, within the Court, the official capacity of the staff member is irrelevant, no immunity, no exemption from individual responsibility will be granted.

Annual anonymous survey and lessons learned

Under the leadership of the ICC Gender Focal Point and in coordination with the inter-organ gender focal points, a unique Court programme in the form of an annual survey will be organised in coordination with the Staff Union. Its results will be used to correct, redress, readjust and re-evaluate the performance of the system.

Human resources management, of which I have several decades of experience, also involves the methodical and quality management of all staff, including **interns**, especially in a large international organisation such as the ICC, which benefits from the support and regular assistance of more than Three hundreds (300) interns from various backgrounds, spread over the various organs and sections of the Court.

My experience at the national level, as a Senegalese State judge, I received and organised the internship of several interns, boys and girls, within the Senegalese courts, and within the National School of Magistrates and Registrars in Dakar. These trainees also came from abroad, from francophone Africa and from France, the International Department of the French School of Magistrates for their external internship programmes in Dakar and the clerks in training, to be sent to Senegalese courts. For several years, I was responsible for the

training and rigorous supervision of several classes of auditors and Court Registrars whom we trained and carefully planned their internships in the Senegalese Courts.

At the IDLO, I served for several years as the main animator of the French-speaking network, with more than 18,000 lawyers, organised in active cells, from more than forty (40) countries throughout the world.

Finally, at the ICC, since 2008, the International Cooperation - Office of the Prosecutor, receives in the same way, interns who are trained, accompanied and followed, with the respect for the principle of confidentiality.

If I am elected Registrar, in order to allow interns to learn and develop in a quality environment and in complete serenity. I will strengthen the existing framework, by putting in place a more equal and appropriate system regardless of the trainee's origin, in coordination with the other organs. I will seek financial partnership and sponsors capable of funding the stay of interns who have not financial support, including interns from countries under-represented in the ICC or from developing countries.

There will also be zero tolerance for harassment and other forms of misconduct during my tenure as Registrar.

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?

Article 43(2) of the Rome Statute requires that the Registrar and other officials of the Court be persons of high moral character.

To me, good character means the status by which a person's day-to-day conduct demonstrates honesty, integrity, uprightness, respect for the rights of others and observance of the law.

The first duty of mine as Registrar of the ICC, and that of the Deputy Registrar and my entire team, is to be dignified and exemplary.

I will perform my duties as Registrar of the ICC with probity, dedication, competence, loyalty and high moral standards, as required by article 43.3 of the Statute of the International Criminal Court.

According to this rule, it will be the scrupulous observance of the rules of social morality, the duties imposed by honesty and justice, as well as exemplarity. These values will be the compass of the Registry's action.

I shall endeavor to carry out the duties of my office as Registrar with the loyalty, respect, responsibility, fairness, humility and professionalism which have always characterized me throughout my career, cultivating transparency and combating all forms of abuse of power and traffic of influence.

As Registrar, we will put in place measures to ensure a working environment where all forms of abuse of power and misconduct are outlawed and which will protect the rights of complainants and accused, respect core values and be results-oriented. The type of management will be inclusive and impartial and will protect the rights of staff.

The same rules will apply to all staff. I will lead by example. No ICC staff member is above the law or immune from scrutiny and discipline. I will focus on prevention and a safe environment, create a professional and honest workplace, and ensure that no staff member is immune from review and action for transgressions. I will

annually highlight zero tolerance of harassment in the Court's performance indicators and managers' objectives, and in coordination with the other organs, I will annually review the mechanisms in place to ensure that allegations of bullying and harassment are received and investigated fairly and effectively. I would like to refer to the ICC 2020 survey where I was identified as one of the best leaders and managers of the Court, for creating a respectful, honest and pleasant working environment within the international cooperation.

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?

As a judge from a civil law system which pays critical attention to the plight of victims and the need to give them a place in criminal proceedings, I have strong skills in participating in criminal proceedings. My previous experience as an investigating judge and trial judge in Senegal is useful.

For many years I not only collected evidence, but also conducted hearings of civil parties (victims). In my capacity as Director of the Regional Judicial Training Centre, I organised moot Courts for the benefit of the learners, in all phases of the investigation and trial, to also show them how victims and vulnerable persons should be treated, the acceptance of their participation in the proceedings, by simulating and filming the different roles of a Prosecutor, a Registrar and a judge.

As part of my duties as Chief Learning Officer, I organised feedback involving my network of criminal law and procedure trainers and the Bar Association, particularly on victim participation. Given this background and my appreciation of the need to involve victims in criminal proceedings, we will ensure the effective participation of victims in ICC proceedings. Throughout my work as Head of International Cooperation in the Office of the Prosecutor of the ICC, I have played a leading role in ensuring that State cooperation with the Court includes outreach to enable victims to be kept informed of the activities of the ICC and their right to participate in these proceedings.

I fully understand the role of the Registry in ensuring the participation of victims in proceedings. Although the Chambers of the ICC have discretion as to the approach to be taken in authorising and regulating the participation of victims in proceedings, on the whole, the judges have recommended the ABC approach, particularly in light of the number of victims' applications in each case (see Updated Chambers' Practical Manual, March 2022, paragraph 96(iv)).

The ABC approach, which is very efficient and expeditious, places the Registry at the centre of the activity. According to this approach, as summarised in *the appeal judgment in Prosecutor v. Said* (ICC-01/14-01/21-171OA2, at para. 7), "the Registry examines applications for victim participation in light of rule 85 of the Rules and the criteria set by the relevant Chamber and classifies applications into three categories: a) applicants who clearly qualify as victims ('group A'); b) applicants who clearly do not qualify as victims ('group B'); and c) applicants for whom the Registry has not been able to make a clear decision for any reason ('group C'). While the Registry transmits to the Chamber all applications in redacted form, it only transmits to the parties those applications in Group C with the necessary redactions (...)"

Given the central role of the Registry above, we will ensure that sufficient resources are allocated to this important task. Given that many of the situations before the Court involve large numbers of victims, we will also devote efforts to understanding and acquiring computer technology that can facilitate the work in question. Similarly, we will encourage continuous learning to ensure that our staff are always up to the task. Similarly, I will place particular emphasis on training and better knowledge and understanding of the texts by the legal representatives of victims in collaboration with the ICC Bar Association and Civil Society.

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.

As part of the "One Court" agenda (see also my strategic objective if elected, concerning strong and proactive external communication, in response to question 1), we will promote awareness and acceptance of the Court globally. I believe that while all organs of the Court have a role to play in outreach, the Registrar has a key role to play. In order to fulfil this role effectively, as Registrar, we will promote a multi-dimensional approach that will best address the various challenges that often prevent timely access to victims and communities - such as the violence and destruction that is often associated with almost every situation before the Court.

At each stage of the proceedings, from the preliminary examination phase to judgments (acquittal or conviction) and reparations, comprehensive or specific outreach will be undertaken to achieve both general and specific objectives. To achieve this, I will coordinate and oversee the strategies and planning in which the organs of the Court and their specialised sections and units, depending on the stage of the proceedings will be engaged. I will also consult with international and local NGOs, victims and defence teams, the media, academia, etc. to carry out and strengthen the Court's outreach activities. All committed programmes will be reviewed and updated regularly as the proceedings progress.

We need to work closely with the OTP at the preliminary examination stage to define a communication and outreach strategy to raise awareness of the Court, its organs and its functioning and to manage the expectations of affected communities in the situation and in possible future proceedings. This strategy will also involve the use of various actors and partners in outreach to ensure better convergence of the Court's message, and both traditional and innovative means of dissemination, to reach affected communities even in remote locations and in their local languages. Drawing on the experience of our field offices with affected communities and the experience of both the Registry and the OTP in ICC situations, we will ensure that the roles are well clarified as to the contribution of the OTP, whose role is framed at this stage by Article 15 of the Rome Statute (RS), and the more general role of the Registry.

In this regard, the involvement of the field presence will be essential and strengthened. This will be accompanied by early and ongoing activities, such as comprehensive, but user-friendly, regular and contemporary updates on the Court's website as soon as possible, not only in the languages of the Court, but also in the languages most used in each particular situation, in coordination with the local victims' association and local media and journalists. Efforts to raise local or regional funds with this overall vision on communication strategy will be developed and implemented.

We will use our extensive fundraising skills to support the communication efforts. For example:

In recent years, we have received in Dakar, Senegal as well as in Banjul, in the Gambia, support from the Netherlands, through their Embassy in Dakar, to fund the training of local journalists.

I helped design, facilitate and coordinate the programme in conjunction with PIOS and my colleague, the ICC spokesperson. The French and English speaking journalists we trained under this programme disseminated, both locally and regionally, the rights of victims and their participation in ICC proceedings, as well as the importance of fair trials and equality of arms, and the role of the Court's work in combating impunity for crimes of international concern.

We can mention many other programmes in which our fundraising skills have played a role.

We can mention many other programmes where our fundraising skills have played a role in securing support to promote awareness of the Court's work and activities. In Uganda with the support of the Danish government, in Côte d'Ivoire with the technical support of the Ivorian coalition and the Liaison Office, local skills training and outreach have been conducted.

The Government of France and other States Parties have also supported the Court's outreach efforts. The Organization International de la Francophonie (OIF) and the European Union (EU) have also funded seminars through the Court's working group. As the OTP's focal point for the African Union and the OIF, I have worked tirelessly with other colleagues in the Court over the past few years to help smooth relations between the OTP/Court and the African Union, organizing and coordinating the annual technical meeting between the ICC and the AU, with financial support from the OIF.

The opening of a more flexible regional hub within ECOWAS, and later, in a second phase, a link between the ICC and the AU, will be part of my cooperation strategy on the African continent.

We will replicate the same model for situations in other continents.

Having gained proven experience in international cooperation, judicial diplomacy and fundraising, as I will explain below in questions 8 and 10, we will renew and consolidate the above-mentioned support from governments and other institutions in order to achieve effective results in the Registry's new outreach programme.

My philosophy on the role of the ICC field presence.

This is a horizontal approach which I will reinforce here by implementing objectives a), b), c) and d) of our vision, (your question 1), while addressing the challenges of your question 2.

The field offices (Bangui, in Central Africa; Abidjan, in Ivory Coast; Nairobi, in Kenya; Kampala, in Uganda; Kinshasa and Bunia, in DRC), as well as the new offices to be opened as foreseen in the 2023 budget (Khartoum, Sudan and Kiev, Ukraine), will be the Registry's main means of implementing the Court's strategy that I have already described.

I have extensive experience in supporting field offices in their interactions, as I have done in the past as head of the IDLO department in Rome. I led and coordinated its training and technical assistance projects and programmes, field work with the support of our field offices composed of diverse and multidisciplinary teams and skills. We operated in a very flexible way, with the possibility of moving easily from one office to another (following the rules of flexibility and short-termism applied to certain staff, recruited from among the national professionals of the country (Sydney, in Australia; Cairo, in Egypt; Kabul, in Afghanistan; and Bamako, in Mali).

I can also mention here the policy and practices in Senegal, at the Regional Centre for Judicial Training, where I had a "Training Delegate", a Focal Point Trainer (Prosecutor, Examining Judge, Judge and Registrar) in each jurisdiction and Court of Appeal of the country, and one in each State which sent Auditeurs de Justice or Registrars to Dakar, Senegal. In France, there was the International Department of the French National School of Magistracy (ENM) in Paris, and the National School of Registries of Dijon (Administration of the Management of Registries), which were my focal entities, showcasing my activities in Senegal, implementing our common policies based on a vision and a strategy of judicial training approved by my Board of Directors (composed of the judicial hierarchy).

This experience will be applied in a very flexible way at the ICC. Vertically, from the Court's Headquarters, the Head of Division, applying International Cooperation along the lines already described and which I will elaborate on in question 10, the respective cross-cutting Heads of Section and Unit will receive clear guidance based on this vision, which is in turn based on the Court's strategic plan 2023-2025. Specific directions will be given to the Heads of Field Offices and specialised programme managers to implement in close coordination with our local partners, NGOs, the OTP and participants in the proceedings.

In conclusion, we will oversee the outreach programme not only from headquarters, but also from the Registry's decentralised offices in the field.

To achieve these results:

- we will strengthen the field offices with effective and efficient multidisciplinary teams (with a gender perspective) to support the Court's vision and operations, under the leadership and strategy of the Head of the country office, with sufficient resources and cultural and technical knowledge of the country/region, equipped to engage at different levels (Host State Authorities (example given with Dutch Authorities), national, regional and international partners, national stakeholders, diplomatic representations, etc.;
- we will strengthen the teams on the ground, building capacity and providing the tools to deliver efficient and cost-effective services to Registry clients in a neutral manner;
- we will develop and maintain strong cooperation with the host State authorities and other key partners to support their work and assist them when needed;
- we will ensure timely, quality and effective communication strategies and activities based on the communication strategy we have discussed above, but tailored to the context and to a variety of target audiences, including victims and affected communities, journalists and media, NGOs, universities, national bar associations, government officials, etc.;
- we will promote staff welfare, including motivation and mobility based on staff and career development programmes;
- we will strengthen collaboration with the United Nations system, the European Union, or any other relevant organisation, in order to develop more efficient and cost-effective business models for field operations.

Regional Hubs (or regional focal points, or Friends of the Court centre) will support the field offices (training, gender, geographical representation), based on actual technical and intellectual capacity and skills. I will make a detailed proposal, based on our previous IDLO Alumni associations of over 18,000 people in French-speaking countries. It will require the internal approval and consent of the judges. These Regional Hubs will support the Liaison Offices. They may be composed of former judges, former officials and employees of the Court, who voluntarily agree to play this role.

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?

My past and present experience of working with NGOs

In my current and past professional responsibilities at national, regional and international level, I have worked intensively, as you will read below in my experience of managing a large budget and fundraising in question 11, to participate in, support and accompany work of Civil Society.

At the national and regional level

As a judge, when I served in court with staff already trained in the promotion of the rights of women and vulnerable people, in a difficult cultural and religious context and social environment, I facilitated training sessions for the "**Association des Femmes Juristes**", composed of women lawyers, judges, prosecutors, court clerks, bailiffs, jurists from the public and private sectors, engaged in the protection and promotion of the rights of women and vulnerable people.

I have lectured to these colleagues as well as to their sister and affiliated associations in Francophone Africa. My research paper for my Master's degree in Law, as well as my research paper required for my degree at the Ecole de la Magistrature where I received my initial training, focused on the issue of women's emancipation and the promotion of their rights, in the 'civil family code' and how to implement the provisions of modern law and practice to emancipate and empower women.

My commitments to women's causes and rights have been reflected in the Regional Judicial Centre, where I have invited in the initial training phases, leaders and experts from local and international NGOs (children, young street beggars, people with disabilities, civil forum) and psychiatrists, associations and experts in psychology, social experts and experts on support and assistance to women victims of rape and violence, to give lectures to future prosecutors, judges, investigators and court clerks in my institution.

In the continuous and transversal training programmes with colleagues from national jurisdictions (the Centre was also responsible for the training of all judicial staff of the Senegalese Courts) we had sessions dedicated to these topics and promoted the skills of listening to vulnerable people, identifying their personal needs and interests, we also shared the experiences of civil society experts, and we collectively identified solutions on the challenges, and how to take them into consideration during the investigation and trial phases.

We have received a lot of support, in initial and ongoing judicial training, through donor support, such as the Canadian Embassy in Senegal (from 1998 to 2002) in coordination with UNIFEM, for example. We have made many substantial changes to the status of **women and vulnerable people**. The judiciary has also been trained

to respond judicially to crimes against women and vulnerable people, and preventive measures and strategies have been defined at the level of the police investigation with the prosecutor's office, but also at the level of the examining magistrate during preliminary investigations to prepare for an effective management of this type of crime.

NGOs, thanks to our hard work, the support of our donors and the evolution of our mindset, have been able to bring cases to court on behalf of the targeted and protected people, the victims of rape and domestic violence against women.

At the international level

At IDLO, my department and I designed and implemented capacity building programs for civil society organisations. At the request of national or regional NGOs, either through alumni associations or directly, we facilitated training sessions on how to 'run a non-governmental organisation; legal and organisational aspects for civil society leaders; and on how to manage their organisations. These trainings covered such complex and varied areas as internal governance, legal and fiscal obligations, financial management, resource mobilisation, and social interest-based negotiation. Working with Civil Society around the world, IDLO promoted new legislation and an adapted social environment that reflected the importance of the sector and encouraged harmonisation in the regional and international context. We had an International Organizations Unit which carried out a six-year civil society support project in 2005, with a grant and financial support from the Norwegian Agency for Development Cooperation (NORAD). During this project, lot of training sessions were implemented by my Department, on - Managing an NGO: Legal and Organisational Aspects for their leaders, in the Francophone countries, Benin, Burkina Faso, Cameroon, Democratic Republic of Congo (DRC), and by Anglophone colleagues, in Zimbabwe, Tanzania, Uganda, Pakistan and Sri Lanka.

One component of this funding covered the NGO Legal Resource Project, which provides legal assistance to Civil Society in the countries where we have developed these training programmes. This programme is implemented under the auspices of the organisation's alumni who have organised themselves into the IDLO Alumni Association in each country. The programme is currently active in Pakistan, Peru and Sri Lanka.

At the ICC, since my selection in 2008, the international cooperation department which I head is the point of contact with NGOs, from investigation, through prosecution and outreach programmes to the Prosecutor's mandate and the OTP's activities. The strategies developed in this framework by the International Cooperation Advisors for dealing with Civil Society and projects have always been under my direction.

Civil Society interacts regularly with me and my colleagues. I oversaw all strategic issues discussed with them. At the operational level, I delegated three colleagues (one at the top) to interact with the NGOs on general cooperation and external relations issues, while in each situation, through the International Cooperation Advisors (I had at least one International Cooperation Advisor in each team for each situation), an update was provided to the NGOs during the regular round tables organised within the Court. Requests for cooperation were made to many Civil Society in the context of the cases before the ICC under my direction by the International Cooperation Advisors. We also worked to raise awareness among local and international NGOs about the trials and proceedings from the perspective of the Prosecutor.

I supervised the work of my teams with the NGOs and only intervened in these dialogues when strategic issues were raised. International Cooperation actually had an annual cooperation plan, which was pragmatic and proactive, for each situation with a strong emphasis on the role of local and international NGOs. I reported on

the implementation of this overall plan during the OTP Executive Committee meetings when the cooperation item is discussed.

My staff worked on the implementation of the cooperation plans in general and in each particular situation. They receive my instructions during my weekly bilateral meeting with each cooperation advisor. In the situations in Mali, DRC, Uganda and Côte d'Ivoire, we conducted projects with NGOs on the ground.

We interact at least twice formally with civil society in the framework of the NGO round table organised by the Court (even during the COVID- 19 pandemic, we managed to maintain contacts). We have worked together in perfect synergy in the face of all the challenges the Court has faced in recent years. Since 2008, I have been working with them and my team in a flexible and transparent relationship, respecting our respective mandates.

The role of the Registrar towards non-governmental organisations

If elected as Registrar of the ICC, we will consolidate existing good practices by reinforcing the interactions with the Court, with the changes and reorganisation I have already outlined in our vision in response to question 1 (my objective 4). I will consult quickly internally on a detailed communication strategy. I will do the same for NGOs.

We will have to work together in areas where there are no conflicts of interest based on our respective common objectives, while preserving the independence of the Court, the mandates of NGOs and the neutrality of the Registrar and the Registry.

Let me elaborate on some of the guidelines already.

NGOs are a strong partner, without whom the very creation of the Court would not have been possible, and their cooperation continues to be crucial at all stages of the Court's activities - from the collection of evidence by first responders to the partners responsible for implementing reparations. This partnership must be recognised and strengthened.

- **We will increase the space for civil society**

Despite many internal efforts on cooperation at the Court inter-organ level in recent years, civil society space has remained limited. We will significantly increase the space for civil society. We will further develop the engagement between the Court and civil society by nurturing their relationship with the Registry at all levels, including consulting them regularly, listening to their constructive and critical suggestions and advice, informing them where possible about developments at the Court, and taking advantage of their services where appropriate and cost-effective.

- **We will implement the recommendations of the independent Experts**

In coordination with the Office of the Prosecutor, we will establish, as I have done previously in the international cooperation Section of the OTP, a permanent focal point to maintain bilateral relations with civil society organisations and to respond to their information needs, which will benefit the Court's overall relations with civil society (R156).

Consideration should be given to organising regional workshops for civil society organisations and local media representatives on the Court's legal framework, evidentiary standards and information gathering, in accordance with IER recommendations (R158).

Relations with Civil Society, while enjoying the current flexibility, should be formalised, following the example of the guidelines governing relations between the Court and intermediaries (R160).

- **We will involve Civil Society very closely in victim issues**
We will systematically involve NGOs in the strategy and outreach programmes with the field offices which I will strengthen (as mentioned above).
We will involve them directly on children's issues in the Registry's three-year action plan.
Building on victim issues, NGOs will also play a role in outreach programmes on sexual and gender-based crimes and crimes affecting or targeting children, on how the new Registrar should - in cooperation with other organs, including the OTP - strengthen the Court's capacity to deal with these crimes;
- **We will strengthen close coordination with the field offices in relation to my objective 4**
In accordance with the proposed programme budget for 2023, additional resources have been requested by the Registry and the OTP to support a strengthened field presence, considering an increased capacity to access local communities, including civil society organisations and outreach efforts. The field offices are indeed in an ideal position to strengthen cooperation with local civil society on the ground. The role of the Registrar will be essential in ensuring an increased presence on the ground. In this regard, and noting that one of the modalities for strengthening the field presence will be the recruitment of new temporary staff, particular attention will need to be paid to local, social, cultural and linguistic expertise.
- **We will strengthen relations with the media** (see answers to question 1 and objective 4).
The Registrar can play a crucial role in promoting the Court's local presence through coverage of journalists from situation countries, and through a close relationship between the field offices and local media.
- **My door will be open to NGOs before, during and after the implementation of the Registry's communication strategy**
Regular contacts and meetings, both institutionalised and informal, will be implemented in accordance with the Court's vision, based on the Court's Strategic Plan 2023-2025 and its current budget, as presented by Mr Peter Lewis at the ASP budget meeting in July.
- **We will appoint proactive and accessible focal points at the operational level**, as I have done for the cooperation section of the OTP. At the strategic level, the senior management team and I will be present and ready to interact.
- **Civil society organisations will have access to transparent information within the limits of our obligation of Neutrality and confidential information**, without this being an obstacle to communication, we know the red line we have not to cross. From our position of neutrality, solid, reliable and accurate information will be shared with civil society, especially in relation to matters made public by the Prosecution and all public decisions of the judges.

To conclude this chapter, I will echo and support what the NGO representative, Mrs. Elisabeth Evenson, said at the 20th anniversary of the Rome Statute and the ICC, when she highlighted three main areas where we need to focus:

- **The first is to raise awareness** (through more funds and more voluntary contributions).
We can work together and I have already seen the synergy between what I have always thought and what she has said on this issue. I will propose innovative ways to get neutral funds, (if confirmed by the Presidency and the judges) for this component, and I will work closely with all the bodies and participants in the proceedings that I have mentioned in my communication strategy towards the victims community and equality of arms as a neutral body;

- **The second area relates to the success of the review process and how well it has been received by all parties (States Parties, the Court, Civil Society, Victims and defence)** But Mrs. Evenson cautioned us and invited us, on your behalf, to strike a balance and to protect our Court, with regard to any recommendation that might be a risk to the independence of the Court.

This confirms challenge number 4 which I identified in your question 2, and that the perfect solution may well be a wise, reasoned and inclusive application of the "One Court Principle" which I take up as a serious internal challenge. Indeed, while respecting the independence of the Office of the Prosecutor and the other organs, the Registry will have the lead in the Court's administrative matters, operations and coordination of these matters. This will avoid a three-dimensional court and strengthen the culture of working without segmentation.

We will and must work under the direction of the Presidency and in close coordination with the OTP and TFV on all cross-cutting administrative issues, instead of each organ working alone, with a leader's ego and segmentation amplified by middle management that has no interest in such a single agenda, a single administrative framework on cross-cutting projects of the Court. Working alone has a negative impact on the budget, takes time, delays projects, leads to many dysfunctions and has a negative impact on staff morale and well-being.

Despite the excellent work done under the leadership of the Presidency by Mr. Peter Lewis, since the Registry Review project, coordination has been better at all stages with him (this was said at the 20th anniversary of the Court), but we want to make this a reality, not just a perception, reinforced unfortunately by fine words and perfect reports. We need to stop the way we tick boxes and talk about success. We need to make things real and visible for the sake of the Court, its staff, the victims we serve and the international community, for a truly unified Court, in its operations and administrative matters.

- **The third area raised** by Ms. Evenson is the risk that an independent and impartial justice can run and the collective responsibility we must have to protect it, and to protect those who support it.
Together, if we keep in regular contact, coordinate our strategies and actions, and work honestly on a Court that is results-oriented, without personal agendas, without ego, and with great humility, we will succeed in achieving these common goals and meeting these challenges.

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 defense 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 defense. Please also describe your experience in addressing issues such as gaps in gender equality and working conditions on external teams.

As a former judge in Senegal and an experienced judicial trainer, I fully understand the importance of defence lawyers in ensuring fair trials in criminal proceedings, including those at the ICC. Throughout my tenure as a judge and president of national courts, I have ensured that all trials are conducted impartially and with respect for the rights of the defence.

An ASP resolution requested the Court to review the functioning of the legal aid (LA) system and to present, after consultations, a reform proposal within the financial envelope for LA at its 21st session, through the CBF. The concept paper on legal aid policy reform, shared with States Parties, presented by the Registry and discussed at The Hague Working Group on 22 June 2022, was inclusive and constructive.

- The draft now distinguishes between the needs of defence teams and the needs of victims' teams, with two new phases, the reparations phase for the defence and the investigation phase for victims;
- The core of legal aid is based on the complexity of the case, with three levels of complexity – standard - complex and - very complex and two procedural stages;
- The main proposal is that the support staff becomes ICC staff under the administrative supervision of the Counsel Support Section (CSS) as for the main proposal is that support staff become ICC staff under the administrative supervision of the Registry , as with the Office of Public Counsel for the Defence, independence can be ensured by maintaining substantial independence while being under the administrative supervision of the Registry. Support staff would be on a duty roster, including when team members are in a reduced activity phase. Many other innovative provisions are under discussion as the project is only in its third phase;
- I have noted that the International Criminal Court Bar Association(ICCBA) and the International Bar (IBA) have questioned some of the provisions of the draft, although they have acknowledged many improvements in the draft and some real creative thinking;
- I have noted that States also welcome the innovative thinking, the gender provisions and the geographical representation. They were a bit defensive about the need to respect the budget envelope and not to create a Defence Office. In relation to all these questions, the Registry reassured the parties.

As Registrar, we will continue the great progress and the remarkable work done by the Director of Judicial Services. We will continue to follow the finalisation of this project, supporting it as I have done so far, in a constructive and open dialogue. We will ensure that the legal aid programme functions effectively and reflects gender parity through a number of actions, including:

- I will pursue and increase efforts for States to accede to Accord of Privileges and Immunities of the Court and more specifically, will foster cooperation with States and ensure that Defence Teams' members are afforded privileges and immunities as far as they implement their mandates. I will work closely with States to ensure that necessary legal and procedural frameworks are in place to facilitate Defence Teams' work on relevant State's territories.

- Moreover, I will work with and strengthen the capacity of focal points in various countries with the view to increasing their understanding of the role of Defence Teams in the Rome Statute system and the critical importance of lending them the same assistance as that afforded to Prosecution teams or other components' of the Court.
- deepening advocacy in the national arena (my objective 4), in particular with the national Bar associations, to ensure that the ICC list of counsel is accessible to as many qualified lawyers as possible from the different legal systems of the world. In particular, we will ensure that qualified women lawyers and lawyers from unrepresented countries/regions are aware of the existence of the list and, as such, apply for inclusion;
- by ensuring that the skills and experience required to practice at the ICC are widely disseminated in other ways, for example by sharing them with national bar associations, academics, NGOs and other actors around the world;
- while accused persons have the right to choose their counsel, my efforts as Registrar to create a diverse list of counsel, in terms of geographical and gender representation, will enable defendants to access a rich and broad skill base of male and female lawyers from around the world;
- working closely with the ICC bar and encouraging it, inter alia, to adopt gender parity in the constitution of defence teams. The ICC as a whole is moving in this direction, including the appointment of a gender focal point, in addition to the gender focal points in the respective organs, such as the Office of the Prosecutor. I encourage the ICC Bar Association to also have a gender focal point;
- we will ensure to work closely with the ICC Bar, listening to their concerns and recommendations on how the Registry can best facilitate and support their work, and what good compromise will be found, in the interest of effective equality of arms through the concerns addressed in the current draft policy while taking into consideration the position of States on the financial envelope.

Finally, I have examined the Court's decisions and have discovered, among other things, cases where there are disagreements on the existence of a conflict of interest. The case law is enriched by elucidating the code of conduct. As Registrar, I will not only ensure that clear and timely intervention is given to defence counsel, but also that the case law is accessible to guide defence counsel.

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?

Importance of cooperation in the legal framework of the ICC and its operations

Recognizing the distinct nature of the Court - an institution without police or military force to implement its decisions and entirely dependent on the cooperation of its States Parties - and mindful of the experience of existing international hybrid tribunals, the drafters of the Rome Statute recognised the very complex working environment in which the ICC was expected to operate and devised a specific Chapter 9 of the Statute dealing with the cooperative relationship between the Court and States.

The idea of developing the cooperative relationship between the Court and its States Parties was based on the fact that the ICC's cooperative regime would be very different from that of the International Criminal Tribunal for Yugoslavia (ICTY) or the International Criminal Tribunal for Rwanda (ICTR), which were vertical in nature - implying the primacy of the Court over the States Parties. which implied the primacy given to these courts to request States to execute their requests on the basis of the founding resolution of the United Nations Security Council (UNSC) - and the regime of inter-State cooperation where States deal with their counterparts at a horizontal level.

As elected Registrar of the ICC, with our experience and in-depth knowledge of the cooperation needs of each organ, we will enlist the cooperation of all possible partners, including sovereign States (Parties and non-States Parties to the Rome Statute), the UN and its Agencies, International Organisations and Civil Society, in order to support the Court's mandate. This will be done in all situations throughout the life cycle of a case, i.e. from the moment a situation under preliminary examination moves to the investigation phase until the completion of the case.

Based on my experience in the OTP "successes and challenges"

Within the OTP, for 14 years, I led the OTP's international cooperation to facilitate the Office's investigations and prosecutions by providing judicial cooperation and assistance under Chapter 9 of the Rome Statute (RS). In the former Jurisdiction, Complementarity and International Cooperation Division, I and my team of seventeen (17) colleagues, dedicated to the cause of justice and to our functions, were responsible for leading and coordinating efforts, processes and contacts in this regard, in support of the OTP's core activities.

The ICC needs the support of States to carry out any judicial measures on their territory. Chapter 9 of the RS stipulates the obligation of States Parties to cooperate. However, the Court - let alone the Prosecutor - has not been endowed with an enforcement power of its own and it is only by creating an enabling environment and working with the relevant national and international authorities, who act as the Court's enforcement arm, that the ICC can implement its judicial mandate.

As such, we have provided a key support function to the various (operational) parts of the OTP, and have played a leading role in fostering support for the key objectives of the RS and in ensuring that the international community remains committed to these objectives and to the general and operational support of the Office. In terms of the general support function, we worked in close coordination with the Immediate Office of the Prosecutor. Operationally, during the judicial life of the ICC, we work with and support the prosecution and investigation divisions of the Office, including as a key member of each integrated team (IT or team), providing the necessary expertise on cooperation, whether political, legal or operational need.

This team, under our leadership, has managed to ensure effective and predictable cooperation in all but a few situations. The OTP has been able to do its job in all aspects of the implementation of Chapter 9 of the RS, all aspects of the evidence gathering and investigation process, from, inter alia, deployment on the territory of

States, to the provision of records, or to the execution of compulsory measures such as search and seizure, asset tracking and recovery, witness compulsion or arrest of suspects. All of these elements rely on judicial assistance from national authorities, international or regional organizations and non-state actors, including non-governmental organizations or private entities. The team, under my supervision, continued to promote support for the arrest and surrender of suspects. At the prosecution stage, cooperation is crucial to enable the OTP's IT services to obtain and disclose the evidence necessary for a successful prosecution before the Court.

In some situations, even if the OTP has lost a case (for example, in the case of an acquittal - and as an impartial and independent court, this is part and parcel of the exercise of justice), it is not necessarily because of a lack of cooperation. As a cooperation section, we have wasted no time in trying to open the doors for states to cooperate with the Court. We have done everything within our mandate to open the doors to international cooperation at all stages and at all levels, be it political, diplomatic or operational (see, for example, the Independent Experts' report on OTP cooperation, recommending an increase in the number of staff in our Judicial Assistance Unit, which facilitated judicial cooperation, including by conducting cooperation missions, supporting teams, advising on national requirements and submissions, maintaining the database of requests for assistance, providing political support and public information, promoting support for arrests, increasing the prospects of surrendering persons subject to arrest warrants, reviewing requests for assistance received under Article 93 (10) RS.

Based on my previous experience in Senegalese national jurisdictions and also at IDLO with regard to results-based management, I set up a judicial database in 2009, one year after my selection to the OTP, following authorization by the first Prosecutor Luis Moreno Ocampo. He was convinced of the need to coordinate the judicial side of the work of the different teams. This new modern tool, thanks to our IT team (IKEMS), was consolidated during the nine (9) years of the second Prosecutor Fatou Bensouda's mandate. It has remained a useful tool under the new Prosecutor who has integrated the distribution of the two pillars of competence of the two Deputy Prosecutors according to his vision and the new reorganization.

We will review and redefine, under the leadership of the President, the role and responsibilities of the inter-organ working group within the Court.

We have achieved many good results internally, but there is still much to be done. I will bring to the Registry many years of experience in coordinating cooperation between the Immediate Office of the Prosecutor and other organs of the Court. I have learned a lot from my experience in dealing with certain operational issues, and I will take this into account in reviewing the functioning of the Working Group in order to improve its ability to solve problems, to promote the voice of officials and the One Court Principle, to speed up operational decisions and to provide clear guidance. To this end, we will focus on achieving results for the Court, acting expeditiously and setting a clear agenda and direction.

Time is money and reorganisation here means:

- Providing clear guidance on cooperation and external relations issues by following the Court's strategic plans, priorities and current events;
- That the CoCo will address strategic and sensitive cross-cutting operational issues that affect the functioning of the Court as an entity.

I will also undertake the following actions, including;

We will reorganize and redefine regular contacts with Ambassadors in The Hague and New York, as representatives of their countries' executives, through The Hague and New York working groups, we will meet with them regularly and inform them of the needs for more agreements (see objective 3 of the proactive and dynamic cooperation and objective 4 of the new communication strategy). Their legal advisers or focal points at the Court will be regularly informed by my teams, in a proactive way (the Embassies today for the same budgetary reasons are short of staff and are less present in the courtrooms than in the past). The same reorganisation will be applied to non-state parties as I said in my answer to question 1, we will concretely implement this vision in close cooperation with the ASP, through its bodies, in particular the cooperation and complementarity facilitators, the UN and its specialised Agencies and any relevant international organisation.

We will strengthen relations with the Host State

The Netherlands is one of the most cooperative and supportive countries of the Court outside the situation countries. As a host State, it is involved in many political, diplomatic and operational issues related to supporting the Court's mandate. In my experience as Head of Cooperation in the OTP, my section and I have welcomed the Netherlands' proactive approach and willingness to explore creative cooperation measures to assist the Office in fulfilling its mandate. To illustrate the level of cooperation from the Netherlands, the OTP registered, for example, in the period from **01/01/2018 to 31/05/2021 an execution rate of 90.47%** regarding our requests of cooperation and Judicial assistance. (see statistics in the judicial database 2018-2021).

Cooperation with the host State has extended to all levels, including political, diplomatic, judicial and operational (e.g. visa applications for witness interviews). It has even included, in exceptional situations, the possibility of having recourse to the logistical support of the Netherlands Embassy of the countries in situation countries, for testimonies by videoconference, thanks to the initiative of one of my advisers in international cooperation.

This excellent cooperation extends to the current situation in Ukraine, with significant collaboration that greatly enhances the impact of our forensic and investigative actions on the ground.

This deployment is a model of partnership, creativity and bringing our work closer to those affected by Rome Statute crimes.

When I become Registrar, we will continue (as I have done for over 13 years) to interact proactively with Dutch officials, my team as well at the operational level, to benefit from their willingness to extend their vital support to more areas of the ICC's mandate, and we look forward to further exchanges in this regard.

We will continue to commend the Dutch authorities' flexible and effective approach in this regard and hope that the MLA initiative will strengthen and crystallize these practices.

We will strengthen cooperation at the political, diplomatic and operational levels with all States Parties and non-States Parties, national and international stakeholders in order to increase the number of cooperation agreements, in particular for the release of persons, enforcement of sentences and relocation of witnesses, as we will reshape and reorganise the Registrar's cooperation processes.

As is the practice in international cooperation in the OTP, the importance of **consultations** cannot be overemphasized. The various forms of support that the Court requires, whether political, diplomatic or otherwise, require proactive consultations with States, the United Nations and other organisations. In dealing with requests for assistance, whether small or large and complex requests to States, the United Nations and other organisations, I will proactively mobilise and engage my team to ensure that the Court's cooperation

needs are conveyed in a timely manner to the relevant authorities, that we work closely with the contacts provided by each State or organisation to ensure that all requests for cooperation are executed expeditiously, and to ensure that we follow up on their execution regularly.

As indicated in our vision (question 1), we will identify political, diplomatic and operational focal points, as I have done in the OTP, for all stages of the process (PEs, investigations, pre-trial/confirmation, trial, sentencing, reparations), and we will energise voluntary agreements with States Parties and non-States Parties. I have developed the practice of exchanging letters between States Parties and non-States Parties and the Office of the Prosecutor, and as Registrar we will do the same in specific areas such as the provisional release of persons, the enforcement of sentences and the relocation of witnesses.

To achieve this fundamental objective, we will continue to negotiate, under the leadership of the President, for greater universality of the Court. At present, two African States are close to joining the Court, thanks to the hard work of the Presidency and the former Prosecutor, and the commendable leadership of Parliamentarians for Global Action (PGA).

We will work to strengthen our relations with regional organisations, building on our efforts to have the Prosecutor join the AU Summit and to bring about a new stage of peace between the African Union (AU) and the Court.

We will continue to make such efforts at the next AU Summit to expand the Court's agenda.

As I said in setting out our vision in question 1, cooperation also has a broader dimension. Beyond cooperation through legal aid, the Registry and the Court as a whole also depend on the existence of an enabling (political) environment at national and international level to support their activities. It is therefore important that key decision-makers are well aware of these broader dimensions, not only to enable the execution of legal aid requests, but also to **cultivate the understanding that will lead to effective support for the Court** among relevant stakeholders more broadly, including by **dispelling or correcting misinformation** that often prevents or inhibits effective cooperation. **This also galvanises support for, inter alia, the arrest and surrender of suspects, as well as for the Court's resources.**

To all these ends, we will work, in coordination with the other organs of the Court, as appropriate, with States Parties, including in the framework of the ASP and its subsidiary bodies, with non-States Parties, with the UN family, including the Security Council, with regional organisations such as the African Union, the European Union and the Organisation of American States, with other international, regional and national bodies, as well as with civil society actors and academia, in order to promote support and cooperation in the interests of the Court.

Under the guidance and leadership of the Presidency, I will facilitate and increase a structured dialogue between the Court and the UNSC for an effective strategy to prevent and fight against grave international crimes. In particular, I will mobilize stakeholders and ensure that necessary support to the Court's work in Sudan/Darfur and Libya is efficiently supported by the UNSC. Necessary efforts will be mobilized for all communications for non-cooperation transmitted to the UNSC be addressed as effectively as possible. In so doing, I will work closely with the co-facilitators for cooperation, including for the UNSC and States Parties to fully cooperate with the Court in the efforts to track ICC suspects, arrest and transfer them to ICC to face justice.

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?

My experience of budgetary processes is the result of several years of practical exposure and involvement in the preparation, negotiation and presentation, implementation of large budgets and the adoption of budgetary management tools and policies. I have gained this experience by working in various capacities as President of Senegalese Courts at the Court of Appeal jurisdiction, Director of the Judicial Training Centre of Senegal, Head of the Francophone Training and Technical Assistance Department in IDLO and Head of International Cooperation of the Office of the Prosecutor and, in this capacity, member of the Executive Committee of the Office of the Prosecutor (ExCom) from 2008 to 2020 and Focal Point on Budgetary Commitment and Diplomacy in support of the Head of the Budgetary Section of the OTP.

a) Experience in preparing and being responsible for large budgets:

For most of my career in judicial and legal training institutions, I have been entrusted with budgetary leadership responsibilities in terms of preparation, presentation, implementation and management, as well as policy and implications.

In my previous position as President of the Departmental Court of Senegal, I was responsible, in consultation with the Office of the Prosecutor and the Registrar, for planning, securing and managing the Court's needs, including human resources, premises and equipment. In this regard, I prepared the budgets for the operation of the Court and its components, which employed over 100 staff members. I presented and justified them, and obtained their approval and allocation in the state budget following an approval process including: presentation before the Treasurer and the Finance Committee (in which the Council of Judges is represented), the Ministry of Justice and, the Parliament by the Ministry of Justice.

Throughout the budget year: January to December, I ensured that the budget voted covers all identified needs and that its execution respects the strict rules of the public budget.

When I was promoted to the jurisdiction of the Regional Court and the Court of Appeal, I was responsible for an even larger budget due to the increased needs, including the operational needs of the Registrar's Office which was placed under my responsibility as President of the Court at regional and appeal level.

As Director of the Judicial Training Centre of Senegal - a regional legal training institution with a mandate to provide training in justice and the practice of law in French-speaking African States - I was responsible for mobilising and managing the budget for the operation of the institution, preparing and delivering training, managing, maintaining and securing the premises and equipment, and managing and overseeing the procurement process. I have therefore managed both general functional budgets and project-specific budgets covered by the government and donors. During my five years as director of the training centre, I managed a budget of several million euros each year which provided legal and judicial training to hundreds of magistrates, court clerks and legal practitioners from several countries in Francophone Africa.

As Head of the Francophone Training and Technical Assistance Department of IDLO, I was responsible for the implementation of IDLO's large budget projects in Francophone countries, developing states and states in transition and post-conflict situations.

Some of the big-ticket projects I led included training and judicial reform projects in Haiti, Bosnia and Herzegovina and Afghanistan, funded by donors such as the Governments of Canada, the United States, Italy and the United Nations.

Other projects include: (i) capacity building and improvement of bar associations (through a strong network of lawyers who are members of IDLO alumni associations in Francophone countries) in Cameroon, Senegal, Burkina Faso, the Democratic Republic of Congo (DRC) and Guinea; (ii) empowerment of women and vulnerable people through local, regional and international non-governmental organisations (NGOs) in DRC, Senegal, Burkina Faso and Côte d'Ivoire, and IDLO's partners in rule of law and judicial reforms in Senegal, Guinea, Côte d'Ivoire, Mali and Mauritania.

As Head of the International Cooperation Section of the Office of the Prosecutor at the ICC, and in my capacity, as a member of the Executive Committee of the Office of the Prosecutor (ExCom) from 2008 to 2020 and as Focal Point on Budgetary Commitment and Diplomacy in support of the Head of the Budget Unit of the Office of the Prosecutor, I have been actively and directly involved in the budgetary processes of the Office of the Prosecutor for the past 13 years. Based on the expression of the needs of the different teams at the preliminary examination (PE), investigation and prosecution/trial stages, the needs of the specialised sections and units and the needs of the general services of the Office, as well as the investigative priorities, I have contributed to the deliberations, taken part in the drafting process to formulate the assumptions and the budgetary justifications and narratives. I also participated in the interactions in the internal budget working group, in the considerations and final decisions of the CoCo after the necessary adjustments taking into account needs, savings and efficiencies, and on the basis of the Court's strategic plans, in the interactions, comments and final decisions of the CBF until the adoption of the budget at the ASP.

As Registrar, proactive communication and interaction with the CBF in advance of budget submissions will be important in securing the support and backing of its members. Proactive and pragmatic diplomacy with States, either in capitals or through their embassies, sometimes with the support of NGOs, will help to raise awareness of the Court's needs.

b) Working with a results-based budgeting system:

In all my budget planning and management roles, I have been guided by key principles and tools for effective budget planning and execution - starting with budget formulation, which is itself based on specific objectives and expected results; resource requirements tailored to expected results; and, specific objective performance indicators. In my various past experiences as a manager and implementer of public and private funds, I have been audited many times (internally and externally) with satisfaction (reference being made to my awards at national level, as indicated in my CV as well as in the document provided by IDLO in support of my application to the ICC in 2008). At IDLO, for example, all the projects and programs I have led have been implemented using the results-based management (RBM) tool. Each year, and after internal audits, I reported to the members of the Executive Board and the IDLO Assembly of States Parties on the impact of the Francophone department's projects and programmes.

Thanks to my transparent and efficient management of the budget, Governments, including France, the United States, Canada, Belgium through their embassies in Dakar, and Japan through the Japan International Cooperation Agency (JICA) in Dakar, the International Organization of the Francophonie (OIF) in IDLO and the Private Sector in Dakar, have all supported several projects that I have led, at the national and international levels.

c) Working with a gender-sensitive budget:

Throughout my management career, during which I have been responsible for budget planning and implementation, I have been guided by the need to ensure that the budget provides resources and opportunities without gender discrimination. I ensured that both men and women were not only staff members but also beneficiaries of the services provided by the institution - be it judicial institutions or training/capacity building.

To this end, I ensured that the needs of women, children and other marginalised groups were equitably reflected in budget assumptions and actual implementation. For example, while I was running the Judicial Training Centre in Senegal, and thanks to funding from Belgium for a major project on juvenile justice - a project called "reinforcing the legal protection of minors", we established a partnership with the Pedo-psychiatric Centre of Dakar ('ker Khaleyi' - the Children's House in English), the Ecole de la Police Nationale, the Ecole de la Gendarmerie Nationale, the ENTSS and the ENDSS, the Social Assistants National Centres, and we have provided training courses on juvenile justice for all those involved in the judicial process.

Other stakeholders such as social workers were invited to share their experience on their interactions and working relationship with magistrates and court clerks, which led to a better understanding of the role and function of the different stakeholders in the administration of juvenile justice. Many other similar trainings have been organised in various regions of Senegal with funding from UNICEF.

With funding from the Canadian Embassy in Dakar, I implemented a project that consisted of training at the local and regional levels on the empowerment of women lawyers, women's rights and the modernised civil law ('Code de la famille'). As can be seen from my CV, I have been awarded twice by women's organisations for various programmes and initiatives I have undertaken to empower women.

d) Strategies I would implement for the preparation, submission and review of the ICC budget to gain support from CBF and ASP:

Strategies for preparation:

As the principal administrator of the Court, the Registrar must ensure that his role is not limited to responding to the expressed needs of the different components of the Court, but also seeks to anticipate the nature and extent of the needs in order to reconcile them with the funds and resources available. Refer to my colleague Oswaldo Zavala's publication, current Chief of Budget at the Registry, publication done in "the International Criminal Law Review" under reference 18(2018)461-488. He described internal and external initiatives taken over the years to identify and strength models and mechanisms that can assist the development of sustainable budgets for the Court. We will continue to strengthen planning and consolidate budgetary processes aligned with the **One Court Principle**. In this regard, we will make better assumptions for all organs. The budget will

be proposed on the basis of the resource needs expressed in relation to the priorities set and the specific objectives defined.

Precise assumptions and prioritizations will be the result of early consultations with all organs in full respect of each organ's mandate and in the spirit of the One Court Principle and the common need to achieve effective implementation of the Court's mandate. Efforts will be made to ensure that contingencies remain an exception to normal planning.

Increasing savings through pragmatism and adaptation or doing more with less:

At the planning stage we will ensure, with the Director of Budget and Finances and his team, in respect to the ASP resolutions, that all areas where costs can be reduced and savings made are clearly identified and articulated. In my previous posts I was used to having less resources than necessary but I ensured that the budget/resources had positive results and impact, as highlighted in my CV. As the COVID-19 pandemic challenge demonstrated, it is possible to hold international meetings virtually, conduct some witness interviews remotely, perform several tasks at home safely, etc. In my experience as head of international cooperation in the Office of the Prosecutor, I had such practices before the COVID-19 pandemic, as a way to control and contain the budget allocated to cooperation missions. Many cooperation activities were implemented by e-mail or telephone calls and meetings were held by conference call. Where missions were required to meet with national authorities, efforts were made to coincide with possible visits of the national authorities concerned to Europe. Thus, short (one-day) missions were organized and, in most cases, no air tickets were necessary.

As Registrar, we will strive to **make savings and keep the Court's budget sustainable and affordable**, including by re-evaluating the cost of field offices in relation to their effectiveness and by examining the possibility of carrying out certain activities in the field, such as outreach, by allocating limited but necessary funds to eligible civil society organizations to carry out these activities. Budgetary discipline will be enforced through strict spending policies and monitoring tools. Where necessary and possible, as illustrated by the funding provided by the Danish Embassy in Uganda for outreach activities in the Ongwen case, we will ensure that funds and Savings will be made through a dynamic and proactive cooperation.

Indeed, there are synergies between cooperation and resources! The current Division of External Operations will be renamed **International Cooperation and External Operations Direction** to mark the importance of International Cooperation in facilitating and supporting the implementation of the Court mandate. In fact, the lack of cooperation due to a lack of a global vision in International Cooperation increase the costs for the Court as follows:

- It can cause delays in and thus extends the length of proceedings,
- It can require Court staff to spend more time and effort impacting budget and thus resources, into finding alternative solutions, for example, deploying when it exists plans B or C more costly, instead of plan A, initially planned and cheaper.
- It can increase indirectly costs elsewhere, such as in relation to witnesses that continue to need protection over a longer period of time.

We see that cooperation or the lack of it, affects the Court's performance in many ways.

- Inefficiencies in the execution by States Parties of requests for cooperation, whether from the OTP or the Registry, negatively impact the Court's judicial and investigative activities, cause delays to proceedings, and divert disproportionately the Court's resources and time needed for Court representatives to engage with cooperation partners to find suitable solutions.
- This applies to all forms of cooperation, whether concerning the execution of arrest warrants, causing delays to proceedings and extending, for example, witness protection needs; or challenges to execute simple requests aimed at interviewing witnesses in secure environments, requiring the Court to identify suitable locations and ensure conditions for these to take place.
- Similarly, the scarce amount of voluntary cooperation agreements, such as on interim release, pose challenges to implementing decisions from Chambers, and demand that the Court engages in time-consuming efforts to find assistance, while at the same time continuing expense

I refer you to my responses at your question number 10 of your questionnaire, the Implementation of this proactive, pragmatic and concrete vision, which is presented there, will allow the negotiation of more voluntary agreements, in costly areas, and on time, to benefit to the Chambers and the participants in such proceedings.

The implementation of such strategy of International Cooperation minimising the costs, and bringing more savings as well as clear measures to request a budget limited to clearly defined needs and tailored to specific priorities, as well as identifying different possibilities for savings, will convince the CBF and the SPA of the soundness and reasonableness of the proposed project. The proposal would not only show the steps taken in advance during the preparation phase, but would also advise on the plan for monitoring the implementation of the budget, including regular consultations with different bodies during this phase, in order to ensure that the expected results are achieved within the approved budget.

Apply robust budget diplomacy to ensure support from the CBF and ASP:

First, as Registrar, we will clearly convey my vision for the Court's budget: to contain the spending trend through more efficient management of resources.

As the number of investigations and cases increases, the Court's needs grow and the cost of carrying out its mandate increases. This upward trend is unsustainable and must be contained through effective budgetary and expenditure control measures that ensure justice for victims and a fair trial for accused persons, while ensuring descent and appropriate working conditions for Court staff.

States Parties' funding capacities are not unlimited and taxpayers' money must be disbursed for clearly defined needs corresponding to specific Court priorities. This understanding should be conveyed to the CBF and ASP as a basis for understanding the principles that have guided the preparation of the budget proposal. Not only will the CBF and ASP be assured of the steps that have guided the preparation of the budget, but they will also be assured of the effectiveness and augmentation of the monitoring tools and performance indicators that are in place to guide budget implementation.

It is proposed that budget diplomacy be undertaken at different levels, primarily by the Registrar and Court officials (Prosecutor and Presidency) who lead the overall ICC diplomacy, complemented, where appropriate, by pre-authorised efforts by the Office at a technical level.

With the release of the Court Budget for 2023 to States Parties on 22 July 2022, and in anticipation of the 37th session of the CBF from 12-23 September 2022, and then the ASP session in December, this is an opportune time to plan a robust budget diplomacy effort to ensure that the ICC's objectives are met as early as possible in the budget negotiations, culminating at the ASP. Meetings should be held at various levels to galvanize support for the Court's budget proposal, including the increase in the amount requested, as well as key messages highlighting the periodization of officials in line with the Court's demands.

It will be important to ensure that future exchanges, both within the Hague Working Group (HWG) and outside, reach all States Parties, through bilateral meetings and other engagements, to ensure an inclusive approach that will be conducive to good cooperation in the years to come. States Parties normally await the recommendations of the CBF before making substantial commitments to the Court's budget proposal.

At the first meeting of the Budget Working Group, where the budget summary was presented, preliminary comments showed that States Parties expect the Court and the Bureau to engage in a thorough dialogue in order to explain and convince them of the increases, as many of them have a principled position against increases in contributions, especially in the context of the financial difficulties they face at the national level. The Court's budget, like all ASP decisions, has traditionally been settled by consensus, without a vote.

To achieve this, early engagement and advocacy is needed.

If elected, we continue to strike a reasonable balance between the principle of zero nominal growth and the policy and practice of asking for what the Court, only and really needs. And my main weapons will be based on savings and innovative thinking and action on how to supplement the ICC's annual budget.

Budget diplomacy will be the external arm and tool for me as Registrar. I am committed to interacting regularly and sincerely with the CBF (at strategic and technical levels), with additional engagement on the margins of the meeting, where appropriate, through authorized staff; taking advantage of regular (courtesy) visits to the Court by ambassadors and other dignitaries to include the budget as a standard message/objective in briefing notes to officials; Take advantage of meetings in regional settings; conduct advocacy in New York; engage with the network of Groups of Friends; use bilateral meetings at official forums; secure support from NGOs (roundtables, "mini" roundtables), field presences, regional centers, etc.

We will target and engage all states:

In particular the major contributors: with bilateral meetings with officials after the CBF report is published in October; the HWG facilitator on budget management oversight.

We will also engage **with regional groups**; seek to meet with Ambassadors to galvanize support, particularly from African States Parties in The Hague and New York, who tend to be less vocal on the budget. We will consult and work closely with their official coordinators. In the last budget, South Africa provided official coordination in New York and Senegal offered its good offices in The Hague.

We will use the regular working contacts with **Ambassadors in The Hague and In New York** (on the margins of meetings, during receptions, ad hoc bilateral calls and enquiries, etc.). We will take the opportunity of operational level engagements, as they have proven to be very effective in the past, and the Court needs to

involve and engage directly with legal advisers as well. Missions and travels of Court Officials are also opportunities to booster Budget diplomacy.

We will endeavor to organize meetings with the **ASP Presidency; jointly or separately with the ASP President and the Hague and New York Working Groups after the CBF meeting.**

In order to ensure a strong and coherent message, in addition to answering technical questions and clarifications, which by their nature will be ad hoc, key lines from the summary of the Registry presentation of the Court Budget in July 2022 will be used on all occasions. These lines may be modified by any Court-wide coordination of messages, including after any new event affecting Budget presentations, interactions with CBF and its recommendations.