



# **2023 election of the Registrar of the International Criminal Court**

**Questionnaire to candidates**

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## INTRODUCTION

It is a pleasure to have received the invitation from the Coalition for the International Criminal Court to answer the formulated questionnaire to know the background, qualifications, and experience of the shortlisted candidates for the position of Registrar of the International Criminal Court.

Some of my answers include proposals that I could refine with more precise and up-to-date information if I had the honor of being selected as the result of this process.

I firmly believe that 20 years after entering into force the treaty that created it, the International Criminal Court has made relevant efforts to effectively and efficiently fulfill its mandate of being the permanent and universal court that investigates and prosecutes the crimes of most serious concern to the international community and prevent them for occurring in the future.

There are always opportunities to improve (streamline and refine processes, improve regulations, train staff, automate, build and strengthen alliances, improve service standards, find savings, etc.), but without prejudice of those opportunities to improve, the elected Registrar should continue with the efforts the Court is carrying out to better fulfil its mandate such as the implementation of the strategic plans and the recommendations included in the Report of the Independent Expert Review.

## **VISION FOR THE ICC REGISTRY**

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

I am honored to share with the Coalition for the International Criminal Court the reasons I have applied for the position of Registrar of the International Criminal Court (ICC).

I have dedicated the vast majority of my professional career to generating social benefit from positions of very high responsibility with functions very similar to those of the registrar of the ICC. However, in this case, I am passionate about being able to collaborate with a court with a mission as important as achieving justice in the commission of heinous crimes that are within the jurisdiction of the Court.

I have applied because I am convinced that I can contribute significantly to the ICC achieving fair and expeditious proceedings by providing the services that its different organs and areas require for the fulfillment of their functions as well as so that victims and witnesses can participate in the judicial proceedings with due protection and respect for their rights.

I have applied for the position of Registrar of the ICC because I firmly believe that I can contribute to justify the resources requested in the annual budget proposals, as well as to build confidence in the States Parties that the resources they contribute to the Court are managed with effectiveness, efficiency, honesty, and transparency for the purposes that are authorized.

I have applied because I am sure that an efficient Registry can favor the dialogue that encourages other countries to join and ratify the Rome Statute, as well as strengthen communication and collaboration with the organized civil society and institutions capable of and interested in cooperating with the Court.

I applied because I have the proper skills, academic background, and experience. Throughout my professional career, I have developed the vocation for service that is required in this type of responsibilities in order to identify and effectively and efficiently meet the needs of those who require administrative services, all this to empower the operation of the registry and the ICC as a whole.

I applied for the position of Registrar of the International Criminal Court because it would be an honor to crown my administrative career of more than 22 years in public service and international organizations, having a responsibility in which I can contribute to the fulfillment of a mandate as high as that of achieving justice in the commission of crimes of the most serious concern to the international community, achieving justice for victims, convicting the perpetrators of the crimes and preventing them from occurring in the future.

The Registrar of the International Criminal Court is the responsibility I want to have, I am passionate about it because I am convinced that I can do it with levels of excellence, it is tailored to my academic background and my experience and is consistent with my life project.

### **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?**

The ICC is a sui generis court. It was created through an international treaty and with the mandate of being a universal and permanent court that investigates and prosecutes the crimes of most serious concern to the international community, thus contributing to ending impunity and preventing those crimes.

Twenty years after the entry into force of the treaty that created it, the ICC is investigating, prosecuting, and sentencing individuals who have committed crimes within its jurisdiction, at the same time that it strives to identify and implement concrete actions to better fulfill its mandate, remain force and strengthen its credibility and legitimacy.

Based on the information available to me, I consider that the three top challenges currently facing the Court are the following:

**A. Challenge: Effectiveness and efficiency in delivering justice.**

The ICC needs to further advance in achieving justice for the victims effectively and efficiently, which motivates all the organs of the Court to work on the implementation of strategies and the fulfillment of objectives with the purpose of:

- Continue to make progress in achieving fair and expeditious trials, especially considering the expected increase in workloads for 2023, and
- Advance in being able to timely execute arrest warrants and achieve the delivery of persons accused of committing crimes within the jurisdiction of the Court for due process.

To continue advancing in the achievement of justice for victims effectively and efficiently, the Registry, from its role, should contribute through the following strategies:

**- Strategy: Provide effective and efficient services to judicial divisions.**

This strategy includes the availability and adequate scheduling of rooms that allow workloads to be met, even holding simultaneous hearings with technological support, interpretation, translation, transcription services, records management, facilitation of witnesses' testimony, and victims' participation in proceedings, legal aid and support for defence and victims, security, and everything necessary to support the judiciary proceedings.

To provide these services effectively and efficiently, it will be necessary to constantly review the workloads and requirements of the judicial divisions, update the programming of the rooms and the services that are required, have the technological resources and the staff that allow flexibility, review processes and in general to manage services with a view of meeting service standards, flexibility, and continuous improvement.

**- Strategy: Develop skills, incentivize performance, and appropriate turnover of staff members.**

The effectiveness and efficiency of an organization depend to a large extent on having trained staff, aware of their responsibilities and processes, committed, and encouraged to perform at levels of excellence.

It will be relevant to resume the work that the Registry is carrying out to address opportunities for improvement already identified around human resources, however, I consider proposing to implement a training program that develops the staff skills to perform better in their current responsibilities and at the same time complement their profile to facilitate them to access superior positions in the future.

It will also be relevant to work on establishing individual goals for each staff member, as well as aims by sections and divisions to favor teamwork and complement the performance evaluation scheme that may already exist.

Another necessary action will be to review and probably strengthen the measures carried out to refresh and improve the work environment, such as improving gender balance and geographical representation, as well as preventing psychosocial risk factors for staff such as discrimination, bullying, and harassment.

Finally, considerations should be given to review staff turnover, which is an unavoidable cost that should be managed for the benefit of the work environment, the staff themselves, and the performance of the Court.

- **Strategy: Justify and achieve the approval of appropriate budgets.**

Having the necessary resources to finance the effective and efficient functioning of the four organs of the Court is essential, especially considering the projected increase in workloads and their complexity.

The most relevant aspects which I consider key to justify and obtain a budget that allows the Court to have the necessary resources to fulfill its mandate are: (i) transparent and solid basis for calculating the budget proposal; (ii) generating confidence in the States Parties that the resources authorized will be applied effectively, efficiently, and transparently; (iii) ability to find efficiencies; (iv) mechanisms that allow flexibility in the administration and execution of the budget and (v) accountability.

- **Strategy: Streamlining processes and workflows.**

I propose to identify the opportunities to improve processes and workflows that allow the Registry to provide the services that courtrooms require for judicial proceedings, either by streamlining them or implementing business process reengineering.

The goal is to ensure that the services provided by the Registry to the judicial divisions support and ensure that the judicial proceedings are carried out effectively and efficiently through clean processes, eliminating activities that do not add value, avoiding rework, resolving bottlenecks, identifying opportunities for automation and in general refocusing the resources available for the best performance of the judicial function.

Once the processes have been revised, it will be necessary to agree on service standards, monitor compliance, and implement a continuous improvement process.

- **Strategy: Use of information technologies.**

I am aware that the Registry, pursuant to regulation 26, paragraph 1, of the Regulations of the Court, has implemented the e-Court system that supports the Court's daily judicial and operational management and its proceedings, and I understand that the Registry has also implemented a system for the management of its core processes (ERP).

I am convinced that the new Registrar will have to continue advancing in the use of information technologies to make the processes associated with the services provided to the Court more efficient, based on the processes review described in paragraphs before this proposal.

It will be far-reaching for the systems to allow the monitor compliance with agreed service standards and to identify those cases in which they do not meet to facilitate the identification of the causes of non-compliance and to settle on and implement improvement actions.

- **Strategy: Enhance cooperation to support the Court.**

Efficiency in the delivery of justice also has to do with achieving the arrest and surrender of persons subject to arrest warrants and obtaining safe-conducts for their transportation to a detention center.

It is necessary to strengthen the cooperation received from the States Parties, non-States Parties, as well as from the UN and other international organizations to ensure that arrest warrants and summonses to appear are executed more expeditiously. The Registry should continue to strengthen high-level communication and the implementation of agreements with the political and judicial authorities of the States and international and regional organizations.

**B. Challenge: Victims support.**

The ICC strives not only to deliver justice for victims of crimes within its jurisdiction but to assert the victim's rights in the best way and ensure that they have adequate reparations.

**Strategy:**

I propose to assess the possibility that the Registry improves the support it provides to victims by strengthening communication with victims in specific cases of interest to them through the appropriate means, which may be the same group sessions to inform victim communities, but the communication could also be support by technological solutions accessible through mobile devices.

It is also considered necessary to evaluate how to favor victims' communication through joint work with civil society organizations.

Strengthening the psychological help and protection of the victims are other aspects that could be reinforced, the latter especially in cases where the perpetrators of the crimes may promote reprisals against their victims.

The participation of a greater number of victims in judicial processes could also be promoted through the representation of groups of victims, always seeking a balance, so that said participation is not contrary to the interest of having expeditious trials.

It is also crucial to adapt the communication and interaction with the victims so that they consider their background, cultural aspects, conditions, and even religion.

Regarding reparations, it is necessary for the Registrar to strengthen synergies with the Trust Fund for Victims to have the necessary resources to fund adequate reparations.

**C. Challenge Relevance and credibility.**

Realizing that the ICC has international recognition and credibility for the work it has done in its first 20 years, I consider a challenge to further strengthen it in both aspects with the aim of consolidating itself as the universal court that delivers justice to victims of the most serious crimes of concern for the international community.

The ICC, with the Registrar's leadership, should further strengthen its relevance and credibility among the international community, victims, and stakeholders by showing that it is capable of effectively and efficiently fulfilling its mandate to investigate and prosecute the crimes that most concern the international community as a court of last resort, complementing national jurisdictions and with the aim of putting an end to impunity and preventing such crimes.

In addition to seeking to increase the effectiveness and efficiency in delivering justice and adequate support for victims, the Registry can contribute to strengthening the ICC's relevance and credibility through the following strategies:

- **Strategy: Outreach of the activities and achievements.**

I propose to design a communication strategy in a coordinated manner with the Presidency and the Office of the Prosecutor that establishes priorities and differentiated attention for each of the following audiences: communities of victims, States in a situation, States Parties, non-States Parties, academia, media news and the public in general.

The strategy should include the dissemination of the current and historical achievements of the Court, the progress of the cases in process, and the attention to specific requirements.

It will be essential that the communication strategy also consider: (i) participation of the States Parties and civil society; (ii) use of information technology available that facilitates communicating according to the audience; and (iii) interests and culture of the audience.

- **Strategy: Adoption of the Statue of Rome.**

I propose that the Registrar, in coordination with the President of the Court, take the initiative to agree with the States Parties on a work program that will make it possible to curb the intention of some States Parties to withdraw from the Rome Statute and, on the other hand, to encourage more States to sign and ratify the treaty.

The work program should include synergies with the States Parties through diplomatic channels, with the United Nations, and organized civil society.

- **Strategy: Cooperation to strengthen complementarity.**

Taking into account the concept of complementarity and the increase in the workload of the Court, I consider it essential to develop a cooperation work program with the judicial authorities of States Parties and non-States Parties to improve the national capacity to try their cases locally.

The work program could include education, training, information exchange, and advice.

- **Performance monitoring.**

I believe that although the Court is independent and must defend that independence so that no external entity influences or biases the judicial processes in any way, it is important that the Court agree with the States Parties' mechanisms to monitor and evaluate its performance.

The aim is to create strong confidence among States Parties that the Court is performing efficiently and is making constant efforts to continue to improve.

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?**

In general, the relationship of the Registry with the Presidency, the Office of the Prosecutor, and the Judicial Divisions is that the Registry is the body responsible for the administration of non-judicial aspects and the operational and support services that the Court requires for its proper functioning, except in administrative issues in which the Office of the Prosecutor takes charge to preserve its independence.

Except I know better the practice if I have the honor to be the ICC Registrar, under the Rome Statute and other legal documents, policies, and procedures, I understand the particularities of the ICC Registrar's relationship with the other three organs of the Court and the Trust Fund for Victims as follows.

#### **Relationship with the Presidency**

According to the Rome Statute<sup>1</sup>, the Presidency, constituted by the President and the two Vice Presidents, is responsible for the administration of the Court. While the Registrar exercises his functions under the authority of the President, the Registrar is the principal administrative officer of the Court. This is without prejudice to the fact that it is the Registrar who has accountability to the Assembly of States Parties on administrative and budgetary issues.

The President oversees the work of the Registrar, who needs to closely coordinate with the President, in specific cases obtain approval from him or her on certain matters, such as the presence of Registry Staff in the field, establishment, and update of the calendar of proceedings before the Court or on the proposal to be presented to the Assembly of States Parties regarding staff regulations.

The Presidency also carries out, among other things, reviews of some decisions taken by the Registrar, such as the decisions taken on complaints of detained persons against any matter concerning their detention, the inclusion of persons in the lists of experts, the list of assistants to counsel or the list of professional investigators.

The last aspect that I consider important to highlight in the relationship between the Presidency and the Registrar is the concurrence that exists in two responsibilities that both have: The responsibility to improve relations with the states and other national and international entities and establish agreements with them with the purpose of enhancing the cooperation required to achieve the Court's mandate, as well as the responsibility of disseminating information to the public about the work carried out by the Court.

#### **Relationship with the Chambers**

Regarding the Judicial Divisions and in line with the Court's challenge of achieving more expeditious fair trials, I consider that the Registry must focus a very relevant part of its efforts to contribute to the efficiency with which judicial proceedings are carried out, by providing services of high-quality standards to the various participants in legal proceedings, standing out:

- Register documents, materials, orders, and decisions and grant access to them.
- Ensuring that the courtroom proceedings are scheduled and that all the practical arrangements are in place to conduct them.

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<sup>1</sup> Article 38, paragraph 3 and article 43, paragraph 2 of the Rome Statute.



- Providing interpretation and translation services well as producing records of what is said during the hearings in the working languages.
- Providing protection and support for witnesses and victims appearing before the Court.
- Assist victims in obtaining legal advice in organizing their legal representation and in relation to the applications for their participation and reparations.
- Managing the detention center with secure and human conditions for the detained persons awaiting trial or appeal.

In order to achieve the objective of providing services with high-quality standards, the relationship between the Registrar and the judicial chambers must be characterized by constant and close coordination and communication, agreeing on service levels, monitoring their compliance, the identification of areas of opportunity, and the implementation of continuous improvement.

### **Relationship with the Office of the Prosecutor**

According to the Rome Statute<sup>2</sup>, the Office of the Prosecutor shall act independently as a separate organ of the Court and the Prosecutor have full authority over the management and administration of his or her office, including staff, facilities, and other resources thereof.

Without prejudice to the mentioned independence, the Office of the Prosecutor can establish institutional arrangements with the Registry for those areas that primarily rely on the Registry's services and other areas that fall within the mandate of the Registry<sup>3</sup>.

Besides the institutional arrangements with the Registry, the relationship between this organ and the Office of the Prosecutor is generally one of coordination on specific matters related to trials, when necessary. In this context, for example, there is a coordination between the OTP and the Victims Participation and Reparations Section of the Registry in order to seek and take into account the opinions of the victims at all stages of the process<sup>4</sup>.

Another example of coordination is the joint work carried out by both organs to disseminate information and meet information requirements from States, international organizations, victims, and non-governmental organizations, in relation to the activities carried out by the Court<sup>5</sup>.

### **Relationship with the Trust Fund for Victims**

The Registry's relationship with the Trust Fund for Victims is basically about cooperation and advice.

One of the most relevant aspects of the relationship between the Registry and the TFVF is the close collaboration that I envision there should be to raise funds to achieve the reparations required for the victims.

Operatively the Registry, among other forms of cooperation, provides advice and information to the Secretariat concerning the victims to allow the Trust fund for Victims: (i) know about the applications for reparations; (ii) assess and authorize compensation to be awarded through an intergovernmental, international, or national organization and (iii) know on chamber orders to transfer fines or forfeitures to the Trust Fund.

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<sup>2</sup> Article 42, paragraphs 1 and 2.

<sup>3</sup> Regulation 20 of the Regulations of the Office of the Prosecutor.

<sup>4</sup> Regulation 16 of the Regulations of the Office of the Prosecutor.

<sup>5</sup> Regulation 15, paragraph 1, of the Regulations of the Office of the Prosecutor.

Finally, the Registrar may participate in sessions of the Board of Directors in an advisory capacity and may assist when necessary for the proper functioning of the Board and the Secretariat. The Secretariat and its Staff are attached to the Registry only for administration purposes without prejudice to the independence of the Secretariat that operates under the full authority of the Board of Directors.

## **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.**

The skills required to manage human resources in an organization are multiple. The objective of good HR management should be to have a high-quality staff, motivated and committed to the institution where they work, oriented towards results, and at the same time generating well-being for them.

Among the skills I have, I want to highlight the following:

- **Ability to organize, communicate and perform multiple tasks simultaneously.**

Human resource management is a responsibility that requires the ability to organize and execute different tasks simultaneously, working as a team with the HR department to recruit, select and develop the best staff, set goals and objectives for them, assess their performance, increase staff engagement, ensure that labor rights are respected, promote respect for diversity and minorities, prevent any type of discrimination, determine and apply the corresponding disciplinary sanctions, involve staff in decision-making and in general in all the efforts to improve the performance of the organization, among others responsibilities.

Being Director of Administration and Finance of Afore XXI Banorte<sup>6</sup> and later Deputy General Director of Human Resources of Fundación Dondé Banco<sup>7</sup>, I had the responsibility of managing the human resources of approximately 5,000 and 2,800 employees, respectively, with all the responsibilities described above.

- **Leadership, energy, ability to motivate staff, and generate commitment.**

In 2018, I managed to improve the engagement of Afore XXI Banorte staff by 10 percentage points by implementing the human resources management system SAP SuccessFactors; adapting hiring policies to provide greater opportunities for promotion to internal candidates; implementing an onboarding mechanism; carrying out staff integration activities providing personal improvement courses to employees, among other actions.

- **Professional education in information technology.**

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<sup>6</sup> Afore XXI Banorte is the largest private pension fund of Mexico.

<sup>7</sup> Fundación Dondé Banco is the second most important pawnshop in Mexico, after Monte de Piedad.

My academic background as a computer engineer allows me to understand processes, standardize and systematize them, relying on the use of information technologies to improve efficiency and productivity.

The implementation of the HRMS SuccessFactors in Afore XXI Banorte that I carried out offers services to the staff under the self-service modality, for example, in the issuance of various certificates, authorization of vacations, justification of absences, updating of records, among other services that the staff requires.

- **Ability to understand, be flexible, and at the same time firm, to judge with sensitivity, and to solve problems.**

Managing the human resources of an organization often implies knowing situations or behaviors of officials at any level in the organization that affect their performance, the work environment, or the rights of the rest of the staff.

In these cases, the intervention of the area or even the person responsible for HR management may be necessary to learn about the situations or behaviors, identify the causes of the problem, agree on specific actions, give instructions, or make recommendations.

The leading official responsible for the administration of HR must have an open, sensitive, and willing attitude to know and understand the versions of the parties in conflict, always bearing in mind the applicable policies and procedures in the matter and the code of ethics that the organization has.

As head of HR administration at Afore XXI Banorte and Fundación Dondé Banco, as well as during the almost 22 years that I was general Director General for Programme Planning, Budget, and Organization in state secretariats of the Mexican federal government, I had to solve different situations under the criteria already mentioned, as well as sometimes chairing and other times participating, in the Ethics Committee of the institutions, determining and applying sanctions in the cases in which the Code of Ethics so provided.

- **Sensitivity and respect for diversity and minorities.**

In the federal public administration of Mexico, as well as in work environments in the private sector, there has been a culture of non-discrimination for any reason for several years. In 2018, the Mexican government issued the NOM-035-STPS-2018 standard on the identification, analysis, and prevention of psychosocial risk factors at work generated by acts of workplace violence, discrimination, harassment, bullying, excessive workloads, or an inadequate relationship between staff and supervisors.

In my current role as a consultant in 2019, I implemented the mentioned standard in the Centro Nacional para la Evaluación Superior (CENEVAL). The implementation of the standard NOM-035 allowed CENEVAL to identify risk factors, carry out a work program to prevent them, and disseminate a policy and mechanisms for the prevention of risk factors throughout the organization.

On the other hand, my participation for eight years as one of the commissioners of the International Civil Service Commission of the United Nations grants me high sensitivity of what is the management of human resources in multicultural environments, as well as the need to achieve balances in geographical representation and the participation of women in high-level administrative positions in international organizations.

- **Knowledge of the staff employment conditions established for the UN Common System**

A skill that I consider important to highlight is the knowledge of the conditions of service and all the regulations applicable to the staff of the United Nations Common System, as a result of my participation for eight years as commissioner of the International Civil Service Commission of the United Nations.

Regarding addressing the chronic imbalance in geographic representation and women in senior management positions, being a member of the UN International Civil Service Commission, we encouraged UN Common System organizations to promote a diverse workforce from various perspectives through the implementation of policies that allow progress in equitable geographic distribution and gender balance.

It will be relevant to review the Court's hiring policies in order to identify what aspects can be improved to favor the aforementioned balance, maintaining consistency with the principles of merit, efficiency, competence, and integrity.

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?**

In my opinion, the requirement of "high moral character" established in the Rome Statute for the Registrar means that he or she must have characteristics and background that prove the ability to analyze, judge, make decisions and conduct himself or herself within the legal framework and the powers conferred by the Rome Statute and other applicable legal provisions, ethically, with respectful, impartial and empathetic relationships, always keeping in view the need to ensure effective and efficient compliance with the mandate of the Court and the well-being of the Staff.

The Registrar must be both in his performance in the Court and in his personal life, an honorable, honest person with a clean record and free from suspicion of crimes, misdemeanors, or questionable conduct, respectful of the rights of others, and skills of socialization.

Having served in the federal public administration in senior positions for almost 22 years, as well as in the responsibilities that I have had in the private sector, I have accumulated a clean record without fault or a regulatory violation or any legal provision, nor have incurred in conducts of bullying, harassment or discrimination, despite the fact that I had very high responsibilities such as the administration of a budget of around 40 billion US dollars in the Ministry of Public Education or managing the human, financial, technological resources and operational services largest private pension fund in Mexico.

During my career, I have earned the respect of different political parties that were in power, which invited me to have strategic positions within state secretariats, from where I built productive and trustworthy relationships with the highest oversight body that depends on the Legislative Power and the internal organs of control.

I am also fortunate to have two extraordinary children who are also of very high moral character, one of whom has a Ph.D., is married, and lives in England, and the other is a medical doctor who is studying his specialty and working in a New York hospital.

## **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?**

The victims participation in judicial proceedings is an ongoing process at the ICC. It is crucial in delivering justice and it is a right of the victims.

Protection for victims of aggression is not unknown to me. When I was Director General for Programme Planning, Budget, and Organization at the Ministry for Foreign Affairs of Mexico, together with the Director General for Protection and Consular Affairs, we implemented a program to protect women victims of serious violence. The program included relocation, hostel, psychological and financial assistance, legal advice, legal representation, and management to obtain the legal immigration status and a job. The main reason why these women victims did not leave their husbands or partners was that with illegal immigration status and with no place to go, they were subject to reprisals from their partners and deportation.

I would first conduct a mapping exercise and review the current process to identify improvement opportunities, determine concrete improvement actions and implement them.

I would also design a mechanism to have permanent and close communication with the victims during the judicial proceedings and to obtain feedback directly from victims about their participation after the completion of trials.

It will be very important to find a balance between the victims' participation and the efficiency of the judicial proceedings through innovative means, as it could be groups of victims' representation or the use of information technology.

Crucial issues to consider are:

- Outreaching information to the victims and affected communities from the earliest stages until the conclusion of the trials.
- Providing adequate protection for victims to avoid any possibility of reprisals from the perpetrators of the crimes.
- Psychological support and rehabilitation to address the harm suffered even from the earliest stages of the proceedings and during the whole process.
- Agile the process to apply for participation.
- Legal representation and advice to victims.
- Financial support and assistance.
- Absolut respect for victims' rights.
- Close coordination with the Office of the Prosecutor and Chambers, and
- Specific policies for children victims.

I would propose to analyze the possibility of having a victims ombudsman, depending on the Registrar, that defends and promotes the rights of the victims in addition to the Victims Participation and Reparations Section.

**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.**

In the Court, the outreach activities regarding victims and affected communities are a shared responsibility of the Registrar and the Office of the Prosecutor. Whilst the Registry bears the responsibility to inform victims and communities about the relevant activities and decisions of the Court and make accessible judicial proceedings, the Office of the Prosecutor is responsible for providing information about its activities, including preliminary examinations and investigations.

The Office of the Prosecutor and the Registry, through the Victims participation and Reparations Unit, in a coordinated manner, seek and obtain the views and concerns of the victims at all stages of the judicial processes, which allows a better understanding of the information needs of victims and affected communities.

The coordinated work of these organs with the Chambers is essential to ensure that outreach activities to victims and affected communities are carried out properly from the earliest stages of proceedings until the completion of trials.

The strategy to carry out an adequate outreach regarding the judicial proceedings to victims and affected communities should consider the following issues:

- The need of providing to victims with understandable and up-to-date information, and access to the judicial proceedings during all the stages of the judicial proceedings.
- The feasible ways to meet the information needs of victims and communities, considering their geographical localization, access to mass media, Internet and social networks, ICC presence in the field, and organized civil society present locally.
- The need to find a balance between efficient communication and the current financial constraints.
- The need to preserve the safety and rights of victims and witnesses and not compromise the judicial processes, treating the information properly according to its level of confidentiality, and
- The diversity of languages and literacy levels in some communities.

It is also substantial to determine on a case-by-case basis the best strategy and means of communicating with the victims or communities affected, such as the establishment of Registry offices in the field, closed and open meetings, interactive radio and television programs, cooperation of organized civil society, use of social networks. Special consideration should be given to innovative and technological solutions, always preserving the due confidentiality and the integrity of the judicial proceedings.

**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?**

The joint work of national governments and international organizations with organized civil society generates value since it allows knowing the vision of civil society, enriches strategies and working methods, adds efforts and facilitates cooperation with relevant actors, gives visibility, and favors the acceptance of civil society. Joint work with organized civil society also favors the governance of organizations.

Within the framework of the Mexican federal law for the promotion of activities carried out by civil society organizations<sup>8</sup>, from my position as Director General for Programme Planning, Budget, and Organization, first of the Ministry of Economy and then of the Ministry for Foreign Affairs of Mexico, I had the responsibility to participate in dialogues with national and international civil society organizations, as well as to agree on financial support to encourage their participation in issues of common interest.

A specific example is the role I had when Mexico hosted the UN Climate Change Conference in 2010 in Cancun, Quintana Roo, where I was part of the team from the Ministry of Foreign Affairs that collaborated with the Conference Secretariat, I had the responsibility of having communication with civil society organizations, with the purpose of keeping them informed about the progress of the negotiations, provide them with accommodation for their stay near the venue of the event, and facilitate them with meeting rooms and services to hold their internal meetings and with the delegations of the countries participating in the conference.

As a result of the work carried out, the delegations of the States attending the conference were able to take into account the concerns and interests of international civil society organizations, provide information on the progress of the negotiations, and exchange points of view in an orderly and empathetic manner.

Regarding the relationship with the press, I consider it essential to design a communication plan and a close relationship that facilitates the flow of quality information, providing a close follow-up to avoid or mitigate the effects of possible false or malicious information.

## **FAIR TRIALS AND EQUALITY OF ARMS**

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

In order to establish the eligibility of external counsel and team members who could carry out the defense of the accused as well as represent the interests of the victims, the Registrar needs to carry out the following:

- Agree within the Court and consult with the bar associations on the requirements that must meet by persons aspiring to be included in the list of counsel.
- Establish a procedure to verify that the aspiring persons meet the established requirements.
- Have a responsible section or unit with specialized staff that receives, analyzes, and resolves requests from applicants, and
- Verify the honorability of the interested persons, for example, through certificates issued by the authorities of the country of origin and the country they reside, certifying that they have no criminal record.

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<sup>8</sup> Ley Federal de Fomento a las Actividades realizadas por organizaciones de la Sociedad Civil.

<https://www.diputados.gob.mx/LeyesBiblio/pdf/LFFAOSC.pdf>

An essential aspect is to periodically review that the persons in the counsel list continue to meet the established requirements, as well as monitor their performance in specific cases.

The Registry should endeavor to assist the defense and the lawyers representing the victims in all aspects, including:

- Training in the legal framework and procedures that regulate the Court.
- Facilitate access to the places where the accused and the victims are located, and
- Provide linguistic and logistical support.

It is necessary to develop a policy that allows that within the list of counsel there is a balance of gender and cultural diversity that facilitates communication and understanding.

## **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?**

For the effective and efficient fulfillment of its mandate, the Court requires the cooperation of states, whether they are parties to the treaty or not, as well as international organizations, for which I propose to review and, where appropriate, establish the following strategies:

- Implement a communication strategy, with the purpose of informing the political and judicial authorities of the States about the work of the Court, its achievements and strengthening its relevance.
- Strengthen communication with the States by promoting the relationship of the NY Liaison Office (NYLO) with the states permanent missions in NY and the United Nations Secretariat in order to facilitate and encourage the cooperation.
- Encourage the Assembly of States Parties to the ICC to adopt resolutions that facilitate and promote Cooperation.
- Strengthen the communication and cooperation received from the specialized agencies of the United Nations that are relevant to the mandate of the Court.
- - Strengthen the communication and cooperation of the States through the offices established by the Registry in the field.

## **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?**

Budget management is one of my best skills. My experience in this area includes having been Director General for Program Planning, Budget and Organization for more than 20 years in three different Mexican State Secretaries, the Ministry of Economy, the Ministry for Foreign Affairs, and the Ministry of Public



Education, as well as having been CFO of the largest private pension fund in Mexico. I currently advise on budget matters to the “Instituto Nacional de las Mujeres” a Mexican government agency responsible for coordinating the implementation of the national policy on gender equality and the eradication of violence against women.

The budgets of the Secretaries of State included those corresponding to government agencies and state companies coordinated by those Secretaries, the largest and most complex budget being the Ministry of Public Education with annual financial allocations of around 40 billion US dollars, which included resources for the operation of the basic education, upper secondary education and higher education subsystems throughout the whole country, as well as various subsidy programs for all education levels.

The budget management for which I was responsible included participation in the design of public policies using methodologies such as the logical framework methodology (LFM), the preparation of annual operating programs and their budgeting, the coordination of the preparation and integration of the budgets of governmental agencies and state-owned coordinated companies, the execution of the budgets, meetings with the heads of the subnational governments and with their secretaries of education to know their requirements and problems, carry out the adaptation of the budgets during the year in order to attend unforeseen needs and to implement austerity and rationality measures, supervise and request accountability on the application of subsidies with the purpose of guaranteeing their application for authorized purposes only, keep accounts, render accounts on the application of budgets, participate in meetings of the boards of directors and in the meetings of the control and audit committees, participate in the reviews carried out by internal and external auditing bodies, as well as address audit findings and observations, provide information to the legislative power and the general public on the exercise of the budgets, among other multiple tasks.

Regarding gender responsive budgeting, in Mexico, each Secretary of State and government agency has the obligation to include budget allocations in their budgets, to carry out actions that promote respect for women's rights, fight violence and provide access to women under equal conditions to governmental programs.

In the effective and efficient fulfillment of its mandate, the ICC faces several challenges, one of them being having a budget adequate to its needs, taking into account the increase in situations and criminal cases.

The methodological considerations and the process for the preparation and revision of the budget proposals cannot be the result of unilateral decisions of the Court, must be elaborated, reviewed, and agreed upon in detail with the Committee on Budget and Finance and the Assembly of States Parties, which are the legislative bodies that will approve it and that will generate financial obligations for the states parties.

The strategy that I would propose, subject to analysis and agreement with the Committee on Budget and Finance and the Assembly of States Parties, would contemplate the need to justify in detail the resources requested based on the workloads and the modernization projects that the Court could have, with efficiency and rationality criteria. The objective would be to generate confidence in the States Parties that the resources they authorize are being applied in an effective, efficient, and transparent manner to achieve the fulfillment of the ICC mandate, with absolute respect for the independence of the judicial aspects of the Court.

The methodological proposal could consider the following:

- The identification of the budget is irreducible because it is made up of the necessary resources to cover the cost of the current staff and basic operating expenses such as those associated with the facilities, considering the need to update it annually based on salary policy and inflation.
- Financial allocations according to the workloads that the Court considers having, including resources for preliminary examinations, investigations, and all the services needed for having efficient and expeditious trials such as interpretation, translation, and legal support for victims, among several others.
- Financial allocations for specific projects, such as actions for the implementation of strategic programs, continuous improvement, or process reengineering, which could result in the hiring of additional staff and services, and
- An expenditure rationality program that allows savings to be generated that do not impact the effectiveness and efficiency efforts currently being carried out by the Court.

In addition to the above, it would work with the Court's planning area to generate different multi-year scenarios that allow forecasting the trend of both the Court's activity and the cost of its operation.

The zero-based budget methodology is very effective to eliminate or reduce expenses that are assumed but that lose relevance over the years and do not contribute to the fulfillment of objectives and goals, so this methodology could be used, for example, every three years or when it is perceived necessary.

Under any methodology, it will be crucial to prepare a clear budget well supported by the work the Court justifies.