

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

Name: Inger Marie Tuma

Date: 11.09.2022

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 am applying for the position as Registrar at ICC because my passion is truly my work within justice and war crime cases. To work as the Registrar at ICC and to hold the responsibility for the overall services to all organs of the Court would clearly fulfill my professional goal and would be an honour to serve. My entire career has prepared me with the extensive experience needed to take on a position at the ICC at this level. I am convinced the position as the Registrar is in full comparison with my competence as my CV shows. I would be more that dedicated to this role and all it entails, because I know I would succeed in improving the difficulties in which the ICC finds itself at present (the Review Mechanism). The ICC, as a world court, must be upheld at and strive to the highest standards, and this I would want to contribute to by working as Registrar and giving my all to its mission and its staff.

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?
 - a) Cost effectiveness. To use the total resources including the staff as cost-effective as possible and as well to find revenues to save funding and as well to fundraise successfully. To attract none-member states to become members to the Court in order to increase the funding of the court and its budget and as well the global adherence to the Court's mission. I have experience in management of public funds as well as voluntarily contributions and I know a cost-effective budget is the key for a successful completion of a mission and a court or organization.
 - b) Staff engagement and gender equality and geographical representation. Staff well-being is vital for the production of high-quality work as is well known, but to maintain staff well-being takes depositions, which is crucial for the Registry to deliver an outstanding services to all organs of the Court. Extremely important to address long-term stress, misconduct, and any kind of improper behavior, such as sexual harassment. It must be a zero tolerance at ICC, a world court should lead by example. Important to continue the ongoing work with different committees to identify the different areas that could be improved in order for the staff at all levels to reach a level of well-being and health. One measure could be to hire an in-house therapist/health officer or nurse to whom the staff could consult for any medical or any other health related issue. My motto as team leader for teams or as a Director has always been "Proud People Perform" and I do believe in the well-being of the staff at all levels, managers included. If staff are proud of their work and their workplace, they will produce high quality work. To ensure this, I would for example make sure that managers at all levels attend leadership courses, workshops, staff – discussions in order to be up to date how to be a leader that would lead its staff to higher staff engagement. Another important issue is to work for a higher gender balance not only from P4 and above but at all levels. The gender imbalance at present in the Court would have a negative effect to staff relations and must be addressed properly. The proposed establishment of a Focal Point for Gender Equality as well as an Ombudsman I fully support. I would prefer the establishment of the Focal Point for Gender Equality is converted to an established position for obvious reasons.

- c) Reform of the legal aid policy. Renewed efforts should be taken to finally finalize a full reform of the Legal Aid Policy. This is important to ensure the equality of arms with the Prosecution for the Defense teams. That principle is a fair trial right and as the world court in war crime cases to ensure the equality of arms is crucial to guarantee the highest standards of fair trial rights. The Legal Aid Policy has been under review since 2012 and should be finalized.

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 relations between the Registry and ICC Presidency, the Chambers and the Office of the Prosecutor. The Registry shall put in place regulations to govern the operation of the Registrar and in preparing these regulations and/or amendments, the Registry shall consult with the Prosecution on any matters which may affect the operation of the Office of the Prosecutor. The draft regulations are then submitted to the Presidency for approval. In detention matters, for instance, the Presidency has a broad supervising authority with respect to the Registrar. The Registry exercise its functions under the authority of the President of the Court. The Registry is responsible for the security of the Court but exercise its responsibility in this regard in consultation both with the Presidency and the Prosecutor. The Registry has a vital role in protecting victims and witnesses as well as the support of participation of victims in the proceedings. The Victims and Witness Unit shall provide, in consultation with the Office of the Prosecutor, the required protective measures, at times ordered by the Chambers, and security measures. The Prosecutor can also apply to the Registry to obtain protection for witnesses, such as relocation of witnesses. Another area is that the Registry may provide assistance to the Chambers when the Chamber appoints counsel for the Office of Public Counsel as legal representative for the victim/s. The Registry acts upon the request of Chambers, for instance to establish field office such as in Ukraine. The Registry's position in relation to the Secretariat of TheTrust Fund for Victims is more of an advisory and informative nature regulated in Regulation 118 of the Regulations of the Registry.

Experience in management and addressing workplace culture issues:

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

During my term as the Director of the Raoul Wallenberg Institute in Sweden, I made necessary changes in the salary level for all genders performing the same duties and addressed an unbalance. I also, in the recruitment process of different positions, ensured a mix of genders when possible as well as to ensure the geographical representation of the staff by which a heterogenous mix of staff was maintained, which decreased discrimination and increased the amount of persons belonging to minority groups in the workplace. As a manger I have not encountered sexual harassment or bullying, however, at the Court it must be a zero tolerance of these kinds of negative behavior. When any kind of misconduct occurs, it must be addressed and dealt with appropriately. Important for the staff to feel safe and be able to trust the management at all levels, thus it is also important to hire the right managers who will enforce zero tolerance policies.

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?

"High moral character", according to the Rome statue, is stipulated in Article 43 (3) concerning the Registrar and the Deputy Registrar. High moral character would entail no past record of misconduct, to have integrity,

impartiality, a good sense of what is right and wrong, truthfulness, fairness, reliability and a professional commitment to legal process and the administration of justice. To have a high moral character is to not harass, bully staff or to discriminate at the workplace, to not abuse power, and to encompass high level of competence and skills for the specific position. I have in all my positions as judge, manager, prosecutor upheld these characters in my daily work and decisions and staff management. A sound leader should be the good example for the rest of the staff to follow and show high moral; leading by example. The managers could introduce staff discussions of these values and to explain why it is important to show high moral at the workplace, to have for instance a special annual day dedicated by the staff to discuss workplace values. The Independence Oversight Office is a measure already ensured in the system of ICC by its responding to allegations of potential misconduct. In addition, the IER made some additional recommendations such as the proposition of an informal dispute resolution mechanism which could be welcomed asset in the toolbox of measures.

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?

I have a longstanding experience in being the advocate for victims as holding the position of a Swedish prosecutor during the criminal investigations and the main trials at both first and second instances as the prosecutor in the cases. The civil legal system in Sweden embodies the prosecutor in criminal cases to hold the responsibility to be the voice of the victim's claims of compensation of harm done by the offender to the court. I made regular assessments if a legal representative for the victim was needed in the actual criminal investigation and main trial. It is vital for the victims to be able to, under Rule 89, present their "views and concerns" by submitting written applications to the Registry. The so called single-page form that was used in Ntaganda and Ongwen case is the form used in the Chambers Practice Manual, however the new form has been and continues to be used to good effect as in Al Hassan and Yekatom and Ngaissona case as well as in Ali Kushayb. It seems that VPRStan is of the view that this form makes the processing of victim applications much more efficient than any previous form. However, due to the volume of applications that must be handled, it could be, due to time limitations, difficult to complete the admission process in time by the date of commencement of the proceedings of the specific situation. In those circumstances it could be useful for the Registrar to start the application process simply earlier, namely from the point of issue an arrest warrant.

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.

My own experience from field experience clearly shows the extreme importance of the work of ICC to have field offices and to be engaged in the field. New field offices are to be established in Ukraine and Sudan for obvious reasons, access for the OTP to witnesses and collection of documents and all other evidence. However, the field office is equally for the defense teams to have access to the appropriate services given by the Registrar and on occasion the OTP and access to the facilities. The field office is also the link between the HQ and the situation country, its communities, witness groups, NGO's and national authorities. The field office could also be a link between the Court and the UN agencies in the field on which cooperation to the Court is relying on. The field office could also be useful to build the relations with NGO's and media. In addition, a field office can also serve for the Court's and the Registrar's outreach activities in order to reach affected groups by the crimes committed and to inform properly about the Court's mandate, activities, and actions to combat any hostile attacks on the Court. However, a new Strategic Outreach and Communication plan should be drafted to make the required changes.

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 previous experience working with NGO's is from my term as the Director of Raoul Wallenberg Institute. Workshops and trainings were regularly held with NGO's in Africa, Middle East and China to bring development in the specific region and human rights. The work of the NGO's were outstanding in the different countries and RWI's cooperation could bring more tools for the NGO's work in the specific region. Another successful experience of the work of NGO is from my position as war-crime Judge at the State Court of Bosnia and Herzegovina. In one plea-agreement case the prosecutor with the consent of the panel of judges, me included, did contact different victim's groups to listen to the views of the victims in terms of a potential plea agreement. The presentation of the result of these contacts made an impact of me and the value of the victim's views and the work of NGO's.

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.

As a Swedish prosecutor I regularly did recommend the court to assign legal representative of victims in the criminal investigations and main trials I was the responsible prosecutor. Working at OTP at ICTY in the Hague, I continuously supported the defence team to have access to the investigative material in the investigations and or trials as well as at times to have access to the facilities of the field office in Sarajevo in order for them to have the necessary meeting with the indictees. As the judge in war crime cases I administrated the legal aid to counsels applying the domestic laws at the time, and as a pre-trial judge in those cases, I was the safeguard of the rights of the defendant in ensuring the rights of the defence to be fully respected.

Cooperation with the court

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

The Court has continuously worked to promote cooperation, complementary and universality. Different avenues have been used and should continuously be used by the Court to foster the cooperation and increase the number of agreements to release of persons, relocation of witnesses and enforcement of sentences. It should also continue to facilitate the organization of or participation in high-level regional cooperation, seminars, symposiums and various of technical events in order to raise awareness of the Court and its extremely important mission. In addition to organize different events with participants from member states, the Court should so also with non-member states, international and regional organizations, NGO's and national bar associations. I would also address the possibility to engage universities globally in order to expand knowledge internationally by inducing discussions/platforms regarding the mission of the Court as well as the different issues the organs of the Court faces.

To increase the number of agreements for relocation of witnesses and/or enforcement of sentences or release of persons, I would engage in serious tailored discussions and prioritized meetings with representatives of States to emphasize the need of agreements.

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?

During my term at the Raoul Wallenberg Institute for Human Rights and International Humanitarian Law in Lund, Sweden, I was responsible for ensuring that the Institute had an adequate and sustainable budget process in place. The Institute is headquartered in Lund and operates through its globally located field offices to implement a variety of international programs, dominantly in the developing countries. The Institute also facilitates research in different areas of human rights and international humanitarian law. The founding is from public funds through Swedish International Development Cooperation Agency, SIDA, and private donations. In cooperation with the staff from different departments, I set the annual operational goals to be met and proposed a budget accordingly. The budget was confirmed annually by the Board of Trustees. During my term, I successfully met all the operational objectives for the headquarter and the then five field offices, as well set out a fundraising and communication strategies which amongst other things led to a substantive private donation to the Institute. I also successfully ensured a long-term agreement of public funds, and by that was able to open two more field offices in Middle East and Cambodia . The number of staff was increased significantly as well.

The budget was also used as transparent management tool for the affairs of the Institute. The finances of the Institute were regularly subjected to external evaluations and reviews which were always positive and confirmed the planned annual operational goals of the Institute.

Before the ASP conveys, the draft of the budget is prepared by the Registrar and submitted to the Committee on Budget and Finances. It is the one of the most important challenges for the Court to ensure its financial stability in order to fulfill its mandate and not to be compelled by lack of financial resources to limit its activities. The Registry has a task to propose savings in different areas of the Court's activities in order to be as cost effective as possible but at the same time not to hamper the mission of ICC. The Registry has to have a balanced view on how to manage the budget and its proposals wisely. The Resolution ASP ICC-ASP/207Res.1 requests the Court to further develop the budget process in consultation with the Committee on Budget and Finances under the guidance of the Registry by the different actions listed in the Resolution's paragraph 1.8.

Thank you.