

## Draft Questionnaire for candidates to the 2020 ICC Judicial Election

Civil society<sup>1</sup> plays an important role in monitoring the election of International Criminal Court (ICC) officials. We promote fair, merit-based and transparent elections.

*Please answer the questions below.*

Name: Maria del Socorro Flores Liera

Nationality: Mexican

Nominating State: Mexico

Legal Background: List B

Gender: Female

Date: 28-IX-2020

### BACKGROUND

1. What motivates you to seek election as a judge of the International Criminal Court (ICC)?

*My conviction that international justice is key to achieving lasting reconciliation and peace among communities affected by the heinous crimes covered in the Statute. I would like to contribute to the achievement of the goals of the Rome Statute.*

2. What do you believe are the most important challenges and achievements of the ICC in its first 18 years?

*The Court has demonstrated that it is possible to hold accountable perpetrators of grave crimes and that it can deliver when States provide the cooperation needed. The fact of having a fully operational system is in itself a major achievement.*

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

*The ICC faces new challenges derived of a more polarized world, in which the rules based system is put into question by some actors.*

*At the same time, the Court need to do better. Improving its internal procedures and enhancing communication among its main organs will help it to deliver as one.*

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<sup>1</sup> This questionnaire is endorsed by the following organizations: African Center for Democracy and Human Rights Studies, UNA Sweden, Alhaq, ALTSEAN-Burma, Amnesty International, Asian Legal Resource Centre, The Australian Centre for International Justice, Congo Peace Initiative, The Colombian Commission of Jurists, FIDH, Georgian Coalition for the International Criminal Court, Human Rights Watch, Justice International, Nigerian Coalition for the ICC, No Peace Without Justice, Open Society Justice Initiative, Parliamentarians for Global Action, REDRESS, Reporters sans frontiers, StoptheDrugWar.org, The Swedish Foundation for Human Rights, World Citizen Foundation, Women's Initiatives for Gender Justice, World Federalist Movement/Institute for Global Policy, and the World Renewers Organization. This questionnaire was developed with the assistance of the Coalition for the International Criminal Court Secretariat.

Securing support and cooperation from States Parties and ensuring that the Court does not suffer any kind of reprisals from non Parties for performing its mandate becomes an imperative.

## LEGAL SYSTEM

4. The Rome Statute seeks judges representing all of the world's major legal systems.
  - a) Which legal system is your country part of? **Civil law**
  - b) Please describe any knowledge or experience you have working in or with other legal systems.

During my career I often deal with representatives from different cultures and backgrounds. I have participated in the negotiation of legally binding instruments, responsibility that requires understanding of different legal systems. Identifying the best of each of them to achieve effective results is part of the diplomatic work.

## LANGUAGE ABILITIES

5. The Rome Statute requires every candidate to have excellent knowledge of and be fluent in English or French.
  - a) What is your native language? **Spanish**
  - b) What is your knowledge and fluency in English? If it is not your native language, please give an example of your experience working in English. **I am fluent in English, language required in diplomacy.**
  - c) What is your knowledge and fluency in French? If it is not your native language, please give an example of your experience working in French? **I have a good knowledge of French. I understand and read French, but I need to improve my speaking skills.**

## LIST A OR B CRITERIA

6. Your response to this question will depend on whether you were nominated as a List A candidate or a List B candidate.
  - a) For **List A** candidates:
    - How would you describe your competence in relevant areas of international law outside of the field of international criminal law, such as international humanitarian law and international human rights law?
  - b) For **List B** candidates:
    - How would you describe your competence in criminal law and procedure? **I have a fair understanding of criminal law. During my professional career I've been**

involved in the negotiation of legal instruments in the field of penal law (transnational crime, terrorism and the establishment of the ICC, among others), and also in the drafting of laws at the domestic level.

- How would you describe your experience in criminal proceedings? I have not been involved in criminal proceeding, but have knowledge of the work of the judiciary at the domestic and international levels and I have worked with experts in these disciplines. I understand the principles of criminal law and their application and interpretation by the tribunals, as well as the importance of due process and effective proceedings.

#### **OTHER EXPERTISE AND EXPERIENCE**

The ICC is a unique institution, as such ICC judges face a number of unique challenges (including managing a regime of victims' participation and witness protection in complex situations, including of ongoing conflict). Even judges with significant prior experience managing complex criminal trials may not necessarily possess requisite skills and knowledge needed to manage these challenges.

7. Is there any area of expertise, knowledge or skillset which you would like to enhance through workplace trainings? Yes, interactions with victims and witnesses. Ensuring that their interests are given due consideration during criminal proceedings is key to deliver justice.
8. Please provide examples of your legal expertise in other relevant areas such as the crimes over which the ICC has jurisdiction, the management of complex criminal and mass crimes cases, or the disclosure of evidence.  
My experience is more related to the work of the Human Rights Council, its working groups and special procedures where serious situations are discussed. I have also been involved in complex negotiations, where issues at stake must be identified and analyzed carefully before deciding the best approach to follow.
9. Please describe the aspects of your career, experience or expertise outside your professional competence that you consider especially relevant to the work of an ICC judge. I am used to work under difficult environments, with persons of different backgrounds and expectations. I am convinced that investing time in listening and analyzing will help in solving the most difficult issues presented.

#### **EXPERIENCE AND PERSPECTIVE RELATED TO SEXUAL AND GENDER BASED CRIMES (SGBCs)**

10. Please describe any experience you may have in dealing with SGBCs, including in addressing misconceptions relating to SGBCs. My experience is more related to discussions on normative frameworks at international organizations where SGBCs are considered, particularly the United Nations.  
In my opinion, among misconception are the believe that violence against women is an issue that only concerns women or that it may be permissible during conflicts. Sexual

and gender based violence affects the physical and mental health of women, children and men, and in the long run leads to poverty and marginalization. It's an issue that concerns all genders and that must concern us all. Misconceptions about SGBC are usually based in gender biases and patriarchal stereotypes that are entrenched in social and cultural norms, and in the judicial systems.

#### **EXPERIENCE AND PERSPECTIVE RELATED TO CRIMES AGAINST CHILDREN**

11. Please describe any experience you may have in addressing crimes against and affecting children and related issues, including dealing with child witnesses. **My experience is related to the normative framework, following and discussing the work of expert bodies such as the Committee on the Rights of the Child, within the Human Rights Council.**

#### **EXPERIENCE AND PERSPECTIVE RELATED TO VICTIMS**

12. Please describe any experience that you may have relevant to the right of victim participation before the ICC and reparations for victims of mass atrocities.
13. Do you have any specialised training and/or experience in providing protection and support to victims and witnesses participating in a case?

#### **EXPERIENCE RELATED TO FAIR TRIAL CONSIDERATIONS AND THE RIGHTS OF THE ACCUSED**

14. Please describe any relevant experience implementing/advocating for the rights of the accused, including any specific experience managing fair trial considerations in criminal proceedings. **During the negotiations of international legal instruments in the field of criminal law and the drafting of resolutions of international bodies in this area, ensuring respect for the rights of the accused is always a key consideration.**

#### **HUMAN RIGHTS AND HUMANITARIAN LAW EXPERIENCE**

15. Do you have any experience working with or within international human rights bodies or courts and/or have you served on the staff or board of directors of human rights or international humanitarian law organizations? If so, please briefly describe this experience. **I follow and participate in the work of United Nations bodies related to Human Rights, in particular the Human Rights Council and its special procedures. I have participated in Conferences on IHL, such as the International Conference of the Red Cross and the Red Crescent. At the last Conference held in December 2019, I chaired the drafting committee.**
16. Have you ever referred to or applied any specific provisions of international human rights or international humanitarian law treaties within any judicial decision that you have issued within the scope of your judicial activity or legal experience? **I am not involved in judicial activity. However, I have participated in the drafting of Reports presented by Mexico to Treaty Bodies or to the Human Rights Council in the context of periodical reviews.**

## **IMPLEMENTATION OF THE ROME STATUTE AND INTERNATIONAL CRIMINAL LAW**

17. During the course of your judicial activity, if any, have you ever applied the provisions of the Rome Statute directly or through the equivalent national legislation that incorporates Rome Statute offences and procedure? Have you ever referred to or applied jurisprudence of the ICC, *ad hoc*, or special tribunals? If yes, please describe the context in which you did. **Yes, during the process of ratification of the Rome Statute by Mexico, which required a Constitutional amendment, and during the drafting of implementing legislation, I was part of the team in charge of evaluating the extent to which the Mexican legislation complied with the parameters of the Statute and to make the legislative proposals needed to ensure compliance.**

## **EXPERIENCE AND PERSPECTIVE RELATED TO GENDER MAINSTREAMING**

18. Could you share examples of when you applied a gender perspective in the course of your professional career? **I am fully committed to gender equality and apply a gender perspective in all areas of my activity, whether at home or at work. I make sure that the particular situations of the members of my teams, men or women, are taken into consideration to enable them to perform their duties in the best possible way. That means to have an inclusive and open work environment, to understand the needs of my collaborators, trust them and taking measures whenever needed. I pay special attention to women needs and I do not tolerate any kind harrasement.**

## **CRITERIA OF HIGH MORAL CHARACTER, INDEPENDENCE, IMPARTIALITY AND INTEGRITY**

19. What, in your opinion, does the Rome Statute requirement of “high moral character” mean and how do you embody these characteristics? What in your opinion would be contrary to “high moral character”? **In my opinion, “high moral charater” refers to personal conduct rooted in values such as respect, tolerance, honesty, responsibility and accountability, among others.**

20. Have you ever resigned from a position as a member of the bar of any country or been disciplined or censured by any bar association of which you may have been a member? If yes, please describe the circumstances. **No**

21. It is expected that a judge shall not, by words or conduct, manifest or appear to condone bias or prejudice, including, but not limited to, bias or prejudice based upon age, race, creed, color, gender, sexual orientation, religion, national origin, disability, marital status, socioeconomic status, alienage or citizenship status.

a) What is your opinion on this expectation? **I agree. A judge shall not incur in any kind of discrimination against any person.**

b) Have you ever been found by a governmental, legal or professional body to have discriminated against or harassed an individual on these grounds? If yes, please describe the circumstances. **No**

22. Are you aware of any formal allegations made about you related to professional misconduct, including allegations of sexual harassment, discrimination, or bullying, or any investigations regarding your alleged professional misconduct related to the same? If so, please explain. **No**
23. Do you have any reason to believe that any current or former colleagues or professional contacts, if asked, would share concerns regarding your professional conduct? **No**
24. Article 40 of the Rome Statute and the ICC 'Code of Judicial Ethics' requires judges to be independent in the performance of their functions.
- a) What difficulties, if any, can you envisage in taking a position independent of, and possibly contrary to, the position of your government? **I cannot envisage any difficulties.**
- b) How would you act in cases where significant (direct or indirect) political pressure was exerted upon you and/or you and your colleagues? **I favor full transparency. I would report it to the appropriate organs/persons to identify the best way to proceed.**
25. Please describe specific measures you have undertaken to advance a work environment free of bullying, harassment, and other harmful behavior. **We have protocols and all colleagues are aware of their rights and duties. Acting immediately to address any complain received is key to eradicate harmful behavior at work.**

#### **OTHER MATTERS**

26. The Rome Statute requires that judges elected to the ICC be available from the commencement of their terms, to serve a non-renewable nine-year term, and possibly to remain in office to complete any trials or appeals. A judge is expected to handle legal matters for at least seven hours per day, five days per week.
- a) Do you expect to be able to serve at the commencement and for the duration of your term, if elected? **Yes, with all the responsibilities it entails.**
- b) To what extent are the judicial tasks described above compliant with your expectations of work standards? Please describe any potential adaptations you may require. **I do not need any adaptations. I am used to work long hours.**
27. Please feel free to address any other points here.

**Thank you.**