

Coalition for the International Criminal Court
Questionnaire to Candidates for the Position of Registrar of the
International Criminal Court

Conscious of the critical importance of the Registrar of the ICC role, we have prepared the following as a Questionnaire for candidates for this position.

Please reply to some or all the following questions as comprehensively or concisely as you wish

Name:	Alia AOUN
Nationality:	FRENCH / LEBANESE

Vision for the ICC and Registry:

1. *What is your vision for the ICC and how would your leadership of the Registry contribute to that vision for the Court?*

After ten years of existence, the International Criminal Court is at a critical juncture. This young institution bears the burden of fulfilling a lofty dream for humanity: to bring to justice those responsible for the most serious crimes of concern to the international community, whilst at the same time giving victims a voice. And yet it must confront reality. Limited resources, dependency in cooperation matters, suspicions of politicization, security threats in the field, geographical distance that separates the Court from situation countries, costs and delays induced by multilingualism and various expectations from different partners contribute to hardening its task.

At the same time, the Court is rich with talents and competences coming together from all over the world to take part in the construction of an institution capable of dealing with the most serious of crimes. Its mandate is supported by a constantly growing number of states, by inter-governmental organizations and by civil society. Expectations are immense. They impose a duty to succeed. I wish to take my share of responsibility in the achievement of this ambitious project.

If a decade may seem short to judge whether the aims of the Rome Statute have been met, this period has seen the Court achieve its first trial whilst dealing with a large number of unprecedented issues. If the judges entrust me with the function of Registrar, I will build upon the conclusions of the lessons-learned exercise that the Court is currently carrying out and heed the experience of ad hoc tribunals and special courts with view to integrating the best practices.

When I joined the Special Tribunal for Lebanon, in 2010, as Deputy Head of the Defence Office, my main objective was to create the foundations for a fair trial and hence contribute to strengthening the legitimacy of the institution. In this role, I experienced the depth of the resistance that exists along the route towards international justice. I also learned the importance of building, day after day, the structure that enables the institution to fulfill its mandate.

In undertaking its responsibilities for the non-judicial aspects of the administration and servicing of the Court, the Registry ought to strike a balance between conflicting interests and must reconcile requirements and available resources. My decisions will be outcome-oriented and guided by the strategic goals of the Court.

I believe that the neutrality of the Registry vis-à-vis the defence, victims and witnesses paves the way towards a fair trial. The ability of the Registry to provide services efficiently is critical to the achievement and execution of judicial decisions; hence the importance of focusing efforts on the needs of the core judicial activities of the court. Actions will be taken to develop an organizational culture that values commitment; creativity will be encouraged to mobilize resources; without prejudice to independence and confidentiality requirements, intra-organ and inter-organ synergies will be sought that will reinforce the links between people and consolidate the Court as a united body.

2. *How would you evaluate the performance of the ICC Registry to date?*

The Registry has set up the foundations of an operational court whilst operating in a complex environment. In recent years it has faced an increasing workload and has had to deal at the same time with budgetary constraints.

3. *What are its principal achievements and how would you build on them? What do you believe are some of the current challenges the Registry faces and how would you address them?*

Staff

The Court employs more than 800 staff member from over 92 countries. This cultural diversity is one of the main assets of the Court. This is the basis from, which common values can grow. I will ensure that actions are taken to harmonize the relations between staff members and ensure their well-being.

Women occupy 48% of the overall number of professional posts in the Registry. Gender equity must remain a guiding principle in the selection of staff.

List of Counsel

433 counsels are on the List of Legal Counsel. 108 are women (25%). 59% of the counsels are from the WEOG region.

I will seek to engage with the legal community in underrepresented regions in order to reach an equitable geographical representation and will seek to enhance the presence of women on the List of counsels.

The needs for expertise in trauma, in sexual and gender-based violence will be addressed.

Challenges

The Registry faces many challenges. Non-cooperation, the protection of victims and witnesses, outreach, the role of lawyers, legal aid and budget constraints will be addressed below.

One of the major challenges faced by the Registry is the efficient management of the Court. Efforts must be geared towards expediting the proceedings whilst respecting the rights of the participants.

The Committee on Budget and Finance (CBF) is currently monitoring an independent review of the Court's structure. Its first conclusions are expected to be presented to the Committee in April 2013. Special attention must be given to the outcome of this review.

After consultation with the divisions and sections of the Registry, I will endeavor to review the existing policies and procedures wherever needs arise and improve the working processes. Broader consultations will involve internal and external actors whose interests may be impacted by the review.

In order to promote transparency and a better understanding of the procedures, wider access to the legal environment in which the Court operates will be sought.

Qualifications and experience in court administration:

4. *Article 43 of the Rome Statute states that the Registrar shall be a person of high moral character, be highly competent and have an excellent knowledge of and be fluent in at least one of the working languages of the ICC (French and English). Please describe briefly how you meet these criteria.*

My commitment to the cause of justice was formed from the moment I first felt indignation at the sight of abuse in relationship between humans. As a practicing lawyer, I soon understood that lofty principles and major laws count for nothing if not implemented by tools and enforced by sanctions.

Once admitted to the Paris Bar, I started to practice intensively, alternating as a criminal defence lawyer and legal representative of victims.

I was responsible for the administration of a legal aid program for more than two years, managing the teams of public defenders, training lawyers, jury of Cours d'assises and liaising with the judiciary, prosecution, detention authorities and police services. I drafted the Charter of Public Defenders that was adopted by the Bar. Occasionally, I acted as a judge to complete the bench of the trial chamber.

In parallel, I was responsible for the teaching of Criminal Law and Criminal Procedure at Bar School.

As legal counsel of major organizations committed to the defence of human rights, I have struggled for the rights of minorities to be upheld and have led a number of non-discrimination cases. Throughout this period, I lectured and published articles and books on criminal law and procedure and civil rights.

In 2006, I founded the think tank named *Avocats et Juristes pour le Liban*, the objectives of which are to promote the Rule of Law in Lebanon, the abolition of death penalty and the adoption of the Rome Statute by the Lebanese State. As President of the organization, I chaired conferences that brought together academics, law practitioners and stakeholders from diverse political background on topics of concern for civil society. Most of the debates were published (www.ajliban.org).

In 2008, I was admitted to the list of counsel of the ICC. Since then, I regularly participate in the seminars organized by the Registry.

As Deputy Head of the Defence Office of the Special Tribunal for Lebanon (STL), I contributed the implementation of the strategy of the International Tribunal mainly by advising the Head of the Office, participating in the meetings of the Senior Management, contributing to the Annual Report of the President and launching outreach activities.

Alongside the Head of the Office, I liaised with diplomats and senior officials. I proposed and monitored a cycle of seminars in partnership with the Lebanese Bar associations, working in partnership with the Victims Participation Section of the STL.

I participated in the Rule Committee and proposed and discussed amendments to the Rules of Procedure and Evidence.

I represented the Defence Office in inter-organ meetings, at the Judges' plenary and presented our observations during court hearings.

As a supervisor of the Legal Advisory Section, I defined priorities for research, recruited staff and consultants and organized legal training sessions for counsels. Of particular note, I monitored the drafting of the Code of Conduct for counsels, the internal regulations of the Office as well as policies regulating our working relations with lawyers. The need to reconcile the common law and the civil law was a major challenge.

I reviewed the Office's financial planning, the implementation of electronic legal tools and the reports sent to the Management Committee and the Office of Legal Affairs of the UN.

The sensitive position that I occupied within the STL required diplomacy, caution and devotion to my role. I believe that these qualities are also required of a Registrar.

I am a native speaker of both French and Arabic. Fluency in English came with the development of international practice.

5. *All Court officials must perform their functions with full independence and should not act under the instruction of any country or external actor. How would you ensure independence in the functioning of the Registry?*

Loyalty to the Court is required from all its civil servants. Any breach of this requirement constitutes professional misconduct and threatens the independence of the institution.

The Registry acts according to the strategic goals of the Court. Its sections are expected to meet objectives that contribute to the achievement of these goals. Exemplary behavior of senior staff and monitoring of performance will ensure independence in the functioning of the Registry.

6. *Please describe any specific expertise of relevance to the work of the ICC you may have, including, but not limited to, gender equality and violence against women or children.*

Holder of a Masters in Business Administration, I started my professional career in banking and finance where I spent two years learning the foundations of bases of budget planning, budget control and strategic management.

At the outset of my practice as lawyer, I took over many cases for the *Comité contre l'Esclavage Moderne*. I initiated criminal and civil proceedings against employers who imposed working conditions on their female domestic employees that were incompatible with their dignity and their rights.

Throughout my career, I have represented victims of sexual violence and gender-based crimes before criminal courts countless times. Almost all these victims were women. Some were children.

As legal counsel of the *Haute Autorité de Lutte contre les Discriminations et pour l'Égalité* and *ACT-UP*, I launched the first trials in France implementing the anti-discrimination law (12.30.2004):

- On 01.25.2007, the Court of Appeals of Douai held a parliamentarian accountable for homophobic insult (ACT-UP vs. VANNESTE),
- On 10.16.2008, the Trial Chamber in Paris sentenced an employer for racial discrimination (HALDE vs. HANOTELLE).

Management experience:

7. *The Registrar will manage a large number of staff, divided into various units, sections and field offices, dealing with a broad range of responsibilities. How would you describe your management abilities and experience, and how are those qualities relevant to the management of the ICC Registry?*

Staff is the most valuable resource of the Court. In ten years, the commitment of individuals in every section, unit and office, at all levels, has resulted in bringing 16 cases before the ICC.

While the Court is working to update its Strategic Plan, special attention must be paid to maintaining and reinforcing staff motivation. This can be achieved in particular through regular dialogue between senior management and staff representatives on the one hand and through the implementation of clear rules and policies on the other.

Given the broad range of responsibilities within the Registry, intra-organ coordination is a major requirement. The definition of an annual work plan for each division and section, consistent with the global strategy of the Registry is another. Delegation of authority and clear delineation of areas of responsibility are also crucial to ensure efficiency and accountability.

This approach is meant to shape the Registry as a dynamic and service-oriented body devised to meet the expectations of other organs of the Court.

At the age of 30, I was entrusted with the responsibility of managing teams of public defenders by the President of the Bar Association. In a very challenging context, due to a substantial workload, a multi-cultural environment, short deadlines and limited resources, I built up teams consisting of senior and junior barristers, distributed the work among them, provided them with legal and strategic advice and monitored their performance.

As President of an NGO, I brought together academics, law practitioners and stakeholders from diverse political and religious backgrounds, to work on such controversial issues as the impact of amnesties in post-conflict societies, peace and justice, the rebuilding of the State, electoral reform and the role of religious communities.

In my capacity of Deputy Head of the Defence Office of the STL, I faced the challenge of working in an international environment to serve the interests of justice in a national context. I also experienced the satisfaction of combining the talents of lawyers from different legal cultures to produce number of rules and policies governing important matters such as the Code of Conduct for lawyers, the monitoring regime, legal aid and the Rules of Procedure and Evidence.

In my view, the ability to identify challenges and strategic issues, to develop clear goals and to bring people to work together on sensitive and contentious matters to achieve common purposes is required from a Registrar.

8. *Please describe your experience preparing and being responsible for a large budget. Have you had experience in working with results based budgeting systems?*

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?

The budget process is triggered by assumptions about the level of activity of the Court in the coming year. Given the nature of judicial activity, there is a degree of unpredictability in this process; hence the need for the development of cost estimates for probable scenarios and the importance of differentiating, in the proposed budget, between basic or permanent costs and situation-related costs.

The purpose of results-based budgeting is to draw up the budget on the basis of predefined objectives and expected results. The objectives stem from the Strategic Plan of the Court. Different units draw up their requests, taking into consideration the objectives. Their requests ought to be justified by the expected results.

I come from the private sector where effective performance is critical to the very existence of the organization. While I was responsible, in the banking sector, for the financing of long-term investments by client firms, I had to analyze the credibility of financial documents and business plans and to make decisions accordingly. My experience in the management of the Legal Aid program of the Bar and my responsibilities at the STL developed my personal sensitivity to the need for a rigorous management of public funds.

In the preparation of the ICC budget, I would pay special attention to improving the accuracy of assumptions wherever possible, ensuring a precise delineation of performance indicators. I would work for a continual strengthening of the links between the Court's budget and its Strategic Plan.

A comprehensive and early dialogue with the Committee on Budget and Finance as well as a thorough explanation of the needs identified are necessary to ensure support by States Parties.

9. *Recognizing the current budget pressures on the growing Court represents a significant challenge for the institution. As Registrar how will you respond to this situation and ensure that the Court is adequately funded?*

Regardless of their current financial health, States Parties are entitled to expect sound management of public funds from the Court. At the same time, they have defined ambitious goals for the Court that require substantial means in order to be realized.

If the Registrar explains the impact of certain cuts either on the quality of justice or on the length of the proceedings, which would in turn lead to a counter-productive result, I am quite confident that he or she would be heard.

Such an effort, combined with a demonstrated ability to mobilize the available resources in the most efficient way, would be helpful to ensure that the Court is adequately funded.

10. *The Registrar oversees the staff recruitment for the Court, based on principles of qualification, geographical representation and gender balance. What strategies would you employ to effectively manage the human resources of the ICC, including hiring, retaining highly qualified staff and ensuring their satisfactory performance?*

The Court's activity in itself attracts talent from all over the world. It is important to meet the expectations of staff and to offer them opportunities to develop their potential whilst contributing to the realization of a collective project.

Human Resources policies need to be clearly defined, transparent and effective to ensure fairness and equal treatment of staff.

Vacancy announcements must be precisely tailored to institutional needs and advertised in a manner consistent with the principles governing staff recruitment.

The Court relies on a Performance Appraisal System that can be useful to ensure motivation, well-being and accountability of staff if it is exploited properly.

The objectives and priorities of each staff member must be defined precisely and consistent with the work plan of the unit where he or she works. It is equally important that the reporting lines are set accordingly.

Beyond the particular situation of each staff member, the circulation of information between units, sections, divisions and organs, without prejudice to confidentiality, is instrumental to building up a healthy organizational culture and a positive working climate.

Special attention must be paid to the condition of staff in remote field offices.

Challenges for the ICC:

11. *One of the core challenges identified for the Court is obtaining a positive response to its requests for cooperation with the Court. Given that the Registrar is responsible for disseminating cooperation requests, what are the challenges you see currently for states parties to abide cooperation requests? How would you address those challenges?*

Non-cooperation is a critical issue for all the organs of the Court given its impact on investigation, prosecution and judicial proceedings. Although Article 86 of the Rome Statute provides for a general obligation for States Parties to cooperate with the Court, the current situation is not satisfactory.

Over the years, the Assembly of States Parties (ASP) adopted many resolutions and declarations addressing cooperation. Indeed the ASP held a plenary discussion on this matter for the first time during its eleventh session.

It is of particular note that the Assembly requested its Bureau to establish a facilitation of the ASP for cooperation and decided to continue to monitor cooperation and to include a specific item on it on the agenda of its twelfth session.

As Registrar, I will address these challenges in active coordination with other organs of the Court, the ASP, its subsidiary bodies and regional and international organizations.

Relations with stakeholders:

12. *Article 112(2)(b) of the Rome Statute indicates that the ASP provides management oversight of the Registrar. Additionally, the Registrar shall exercise her or his functions under the authority of the President of the Court, how would you describe the relationship between the Registrar and the ASP, as well as the President? How would you describe the relationship between the Registrar and the Office of the Prosecutor and Chambers?*

Article 112.2(b) of the Statute indicates that the Assembly “provide management oversight to the Presidency, the Prosecutor and the Registrar regarding the administration of the Court.”

Article 43.2 provides that “the Registrar shall exercise his or her functions under the authority of the President of the Court.”

I will endeavor to develop structured and effective dialogue with the States Parties and report to the Assembly and its committees on human, financial and physical resources management, field operations, budget, security and safety, while preserving the independence of the Prosecutor and the judges.

Special care will be given to the discussions with the host State on relevant organizational and administrative matters of common concern.

The authority of the President is meant to ensure that the activities of the Registry are directed towards the objectives of the Court and that they are carried out in compliance with the rules and regulations as well as decisions of the Assembly.

The Regulations of the Court created a Coordination Council comprising the President, the Prosecutor and the Registrar mandated to “discuss and coordinate, where necessary, the administrative activities of the organs of the Court.”

I will pay particular attention to carrying out my responsibilities “for the non-judicial aspects of the administration and servicing of the Court, without prejudice to the functions and powers of the Prosecutor in accordance with article 42.” (Article 43.1) I will be particularly attentive to consulting and coordinating with the Office of the Prosecutor on all matters of mutual concern. My actions will be guided by the requirements of neutrality and effectiveness in providing services to the organs of the Court.

13. *The Registrar has a special mandate vis-à-vis the outreach activities of the Court, especially as regards victims and affected communities. Please elaborate on any experience relevant to fulfilling this mandate as well as your philosophy regarding the role of the ICC field presence.*

The role of the Court's presence in the field is to fill the gap that separates headquarters from the situation countries. The mission and structure of the Field Offices should be designed according to specific needs. Their common purpose is to serve all the organs of the Court.

14. *Taking into account the important role of field presence in different situations of the ICC, how do you envision the role of the Registry on issues such as exit strategies and legacy once cases are finalized and investigations in specific situations are closed?*

The experience of ad hoc tribunals is precious in this regard. We should envisage the legacy of our work from the very beginning of our operations. The quality of the relations that the Court will establish throughout its existence with victims, affected communities, legal professionals, scholars and academics, journalists and, whenever possible, official authorities, will determine its legacy.

15. *How do you see the Court developing its outreach activities taking into account the complex challenges it continues to face?*

A well-designed outreach program is instrumental to the success of an international court dealing with atrocities committed in remote territories. In my view, "*well-designed outreach*" is much more than justification subsequent to issuance of decisions. It takes the form of early groundwork carried out amongst affected communities to understand their preoccupations, convey them to the Court and to endeavor to address them adequately. A successful program is built on a constant effort made by actors from all the Court's organs, with the assistance of communication professionals, to explain their work and answer questions. The impact of Successful outreach can be felt well beyond the affected communities.

16. *How would you ensure that women and children have access to justice and are cognisant of what the Rome Statute is seeking to achieve?*

The development of specific expertise in this filed within the Registry is essential. Such an expertise may be very fruitful if combined with the resources of specialized NGOs and UN agencies present in the field.

17. *The ICC has established constructive and long term relationships with non-governmental organisations (NGOs). Please describe any previous experience you have working with NGOs. What do you think the role of NGOs should be in the Rome Statute system?*

As a lawyer, I have worked with NGOs throughout my career both through advising their members and representing their legal interests.

I personally founded an NGO dedicated to the promotion of the Rule of Law and have been managing it since 2006.

The role of the NGOs is crucial within the Rome Statute system. They are rooted in civil society and benefit from privileged contacts with ordinary people. Many of them have been monitoring the work of the Court for such a long period that they have gained an expertise that can be of great value to the Court. Since the Court focuses on judicial activity, NGO's can be very helpful in implementing the broader purposes of the Rome Statute.

18. *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?*

Discussions about the right of victims to participate in proceedings tend to be dominated by a quantitative approach. The backlog in the processing of applications must be addressed. Nevertheless, there is a need to implement, within the framework defined by judicial decisions, an overall strategy that grants legal certainty to victims, that expedites the appointment of legal representatives and that delivers a comprehensive and consistent outreach policy. Under my direction, the Registry will assess the current situation in consultation with victims, previous and current legal representatives, NGOs and all actors concerned with the aim of proposing such a strategy.

19. *The ICC Registrar is responsible for establishing the eligibility and qualifications of defence counsel, providing support to them, and working with the Court to promote the rights of the defence. What would you do to ensure adequate representation of accused persons, and in particular how would you ensure that the defence have equal facilities, resources and access ('equality of arms') in proceedings?*

My experience as a lawyer and, most recently, as Deputy Head of the Defence Office of the STL, will be very useful in this regard. I will start by taking stock of the existing situation, consulting with defence counsels that have acted or are acting before the ICC, with representatives of lawyers, with other organs of the Court and subsidiary bodies of the ASP involved in the discussions on the role of lawyers as well as with the relevant sections and offices of the Registry. I am convinced that comprehensive discussions are necessary in order to reach a sustainable framework that will ensure adequate representation of suspects and accused individuals.

20. *The role of the Registrar is to provide support to Counsel and their teams including the management of legal aid for both defence and victims representatives. In light of the fundamental importance of fair trial and victim participation provided for by the Rome Statute, as a Registrar what, if anything, would you do to improve the support to defence counsel and legal representatives of victims?*

Legal aid is currently subject to a comprehensive review. The role of defence counsel and legal representatives of victims is also under scrutiny. My view is that reflection on each of these matters will impact on the other.

This matter will be a priority for me as Registrar. Providing victims and defence representatives with legal certainty is an urgent task in order to allow the Court to work confidently and effectively with all participants.

21. *The first case at the ICC has highlighted the reliance of the ICC on its use of intermediaries. What are your thoughts on the role of intermediaries and their relationship with the Court?*

The registry has drafted guidelines in relation to intermediaries. This group obviously meets a need presented by the Court. Some areas of this relationship still need clarification. The role of intermediaries deserves to be fine-tuned in the context of the global strategy of the Court towards field operations.

22. *Article 68(1) of the Rome Statute provides that the Court ‘shall take appropriate measures to protect the safety, physical and psychological well-being, dignity and privacy of victims and witnesses’. What measures would you take to strengthen the protection of victims and witnesses, particularly women?*

Efforts will primarily focus on the need to reach relocation agreements with states. This is of the utmost importance for the protection of victims and witnesses. Due consideration will continue to be given to the right of victims and witnesses to benefit from a normal life in as familiar an environment as possible.

Coordination between the Registry and the Office of the Prosecutor is crucial on this matter. I will maintain and develop cooperation with specialized offices of the UN.

Miscellaneous:

23. *Have you made speeches and presentations regarding the ICC or related topics and/or have you published articles/books on these subjects. If so, can you please provide details?*

Publications:

- *Droit et politique au Liban*, Les Cahiers de l’Orient, n°38, Paris, April 2009 : direction and coordination
- *Quelle loi, quel juge, quel crime?* Les Cahiers de l’Orient, n°38, Paris, April 2009
- *Histoire du droit et de la justice en France*, collective work, PRAT, Paris 2007 : author of chapters on criminal law and criminal procedure

Lectures:

The trial in absentia before the Special Tribunal for Lebanon

The protection of the rights of the defence

Judge, ICC trial competition, 5th edition, The Hague 2012

24. *Have you ever been found after an administrative or judicial hearing to have discriminated against or harassed an individual on the grounds of actual or perceived age, race, creed, colour, gender, sexual orientation, religion, national origin, disability, marital status, socioeconomic status, alienage or citizenship status? If yes, please describe the circumstances.*

NO.

25. Do you know of any factors that would adversely affect your ability to competently serve as the Registrar, to comply with a member's ethical responsibilities, or to complete the responsibilities that the Registrar is required to assume? If yes, please explain.

NO.

Thank you.