

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: Ralph Martens

Nationality: German

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?*

In the capacity of Director of Common Administrative Services of the ICC, I was the Registry's representative and member of the management team, developing the first strategic plan of the Court. The strategic plan identifies the Preamble of the Rome Statute as the vision of the Court converting it into three mission statements:

As an independent judicial institution in the emerging international justice system, the International Criminal Court will:

- Fairly, effectively and impartially investigate, prosecute and conduct trials of the most serious crimes;
- Act transparently and efficiently; and
- Contribute to long lasting respect for and enforcement of international criminal justice, to the prevention of crime and to the fight against impunity

As further described in the strategic goals, the Court should be guided by the highest legal standards and quality of justice, should be well recognized, adequately supported and a model of public administration.

Being a co-author of this strategic plan, I naturally fully subscribe to all principles stipulated. In my view the ICC, as one of the most important organizations in the world, is a Court that will guard the protection of human rights and prevent impunity. The Registry as the primary service provider plays a major role in achieving these goals.

Because of my genuine conviction to always serve an organization as a whole, as Registrar, I would strive to pursue a Court-wide, holistic, coherent and integrative approach, joining forces with the other Organs wherever possible.

The first ten years were governed by the setup of the ICC, to get the organizational structures and processes in place, concentrating on making the Court operational. Harmonizing these functions, building an interactive system and creating synergies are now immanent necessities and significant challenges to be addressed in the future.

Visions are usually highly ambitious. It is my vision that all stakeholders, internal and external partners and participants to the proceedings will be integrated into such system.

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

When evaluating the performance of the Registry, it is important to recognize its remarkable achievements which have only been possible through incredibly dedicated and highly professional staff, working in all Organs of the Court.

In the Registry, a profound supporting system, with all administrative and judicial functions and fully operational field offices, has been set up and proved to provide sustainable support to the Chambers, the Office of the Prosecutor, victims and witnesses and the defence. At present, the Court has issued more than twenty warrants of arrest and holds five accused in custody. It delivered two verdicts; five cases are in the trial preparation or trial stage. All of these activities are accompanied by a highly active and effective outreach programme.

In summary, this appears to be a very impressive record of accomplishments putting the Court exactly where the Rome Conference envisioned it to be. It is imperative not only to congratulate all staff in all Organs, but likewise all external stakeholders for this remarkable success. However, if one wants to appraise the work of the Registry, this success would not have been possible without the continuous efforts to anticipate the needs of its clients and the aspiration to always provide helpful solutions.

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?

The first decade of the Court was strongly influenced by hiring qualified staff, building structures and systems, writing rules and regulations, implementing communication channels and networks, negotiating cooperation agreements and starting the first proceedings. However, the future still holds some considerable challenges for the Court as a whole and specifically for the Registry.

A full cycle of judicial proceedings has yet to be completed and experiences to be collected in order to increase the predictability of future activities and accuracy of proposed budgets. In times of financial constraints this is a crucial factor for improving efficiencies and the effectiveness of the resources utilized.

Dealing simultaneously with various stakeholders in a growing number of situations and geographical locations, outreach activities must continue and further develop. In this context, the Registry needs to find an infrastructural concept for field offices and other supportive elements considering both increasing operational requirements of all Organs and financial restrictions of the States Parties.

Cooperation seems to be an essential building block for such a concept. Relocation, enforcement of sentences and freezing of assets are some of the critical questions which need to be focused on, reaching beyond the support for operational activities. In order to maximize the outcome, efforts should be undertaken to coordinate cooperation negotiations and activities with all parties involved, internally and externally.

Since the recruitment of the highest qualified staff has been and continues to be amongst the most important priorities for the Court, it will remain an undertaking requiring special attention as further elaborated on in question 10.

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.

Having had the privilege to contribute to the setup of the International Criminal Court as Director of Common Administrative Services has been the greatest honor I have ever received. To be part of a mission which serves the world community to become a better society, longing for peace and stability, by promoting and supporting the rule of law, is one of the most rewarding undertakings one can participate in.

I have to admit, it is not without pride, that I took note of the reports submitted to this November's Assembly of States Parties, still recognizing my very own handwriting in several different documents. The development of instruments like the Strategic Plan, the Risk Assessment, the Court Capacity Model, the Budget Document, the Efficiency Measures, the Human Resources Strategy, the Information Technology Strategy are only a few examples I have signed responsible for, individually or as member of a management team. Additionally, as the chairman of the Budget Steering Committee, I was involved in either the decision making or discussions of virtually all matters relating to the Court, liaising with all relevant stakeholders internally and externally.

As President/CEO in the US and as Managing Director in the UK and Germany, I have been confronted with the most different settings and challenges in large organizations. Expanding on my experience in the public sector with another intergovernmental organization for the last three years, provided me with the opportunity to widen my expertise in the international arena even further. I was able to deepen my knowledge in legal matters, by investigating the legal position of an international organization within the framework of national and European legislation and leading negotiations with national governments in regards to host site agreements. Being additionally trained as a professional manager in the private sector, I possess today a comprehensive frame of reference, allowing me to select from a wide variety of strategies to address both strategic and operational challenges.

Based on above, I strongly believe that I am highly competent and have the demonstrated ability to take on the responsibility as Registrar of the ICC. As previous Director and also Acting Registrar of the ICC, knowing all the key staff in the Court and especially in the Registry, I enjoyed an excellent relationship with the CBF, the States Parties and the NGOs. Therefore, I could be an effective manager from the

very first day of my assignment. In spite of my previous service, at present I would consider myself an outsider who has an intimate familiarity with the matters of the Court. Nevertheless, I would like to leave the evaluation of my achievements during my first tenure to the stakeholders of the Court.

Finally, for more than 20 years I work in the English language and I have developed excellent drafting skills.

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?

Above I have elaborated on the strategic goals of the Court. It is my strong belief that the Registry as service provider should solely aim to support the Court in achieving these goals. During my more than 25 years of professional career, it always has been of utmost importance that I serve an organization with its vision as a whole. It is against this background that I actively share this vision with staff to create a working environment orientated on achieving commonly agreed objectives rather than serving the interests of specific groups or parties. In view of the fact that I spent my professional life with several different organizations, I have no personal ties or obligations to commercial, governmental or non-governmental organizations or institutions, which I trust, I was able to demonstrate while serving as Director of the ICC.

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.

As previous Director of Common Administrative Services, member of the management team of the Registry, Acting Registrar of the ICC, member of Tricom and CoCo, I have accumulated comprehensive knowledge and expertise in many areas of relevance to the work of the Court. I am aware of the issues in the context of providing special assistance to women and children who have been victims of violence, rape or sexual assault. Furthermore, with regard to my expertise, I refer to my responses to other respective questions.

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?

As mentioned above, I have spent more than 25 years in leadership and management positions with international organizations in both the public and private sector in the most diverse cultural environments, managing more than 400 staff, servicing more than 2000 people with budgets of several hundred million Euros. During this time I have developed a professional competence in change management and an excellent knowledge of information technologies, demonstrated in numerous managerial reforms, reorganizations and improvements in various large administrations.

When working for the ICC I was in charge of HR, Finance, Budget, Controlling, IT, Field Operations, General Services, Procurement, Logistics, Facility Management and Administration, representing the Registry at and also chairing several different inter-organ committees. Additionally and as indicated earlier, on behalf of the Registry, I signed responsible for the development of the Court's first strategic plan and its first risk management framework. I served as the key liaison person for the Registry and also the Court as a whole in matters relating to the budget and other issues of concern at meetings of States Parties, the Committee on Budget and Finance, NGOs or other stakeholders, always enjoying very constructive working relationships.

I have demonstrated skills to motivate, lead, manage and develop staff, enabling a working atmosphere which produces the most effective utilization of resources. Whilst providing leadership, vision and guidance, I believe in empowering staff and the delegation of authority in order to create a team of highly dedicated people who can progress and develop as competent professionals, taking ownership of their work. My management philosophy is people orientated and appreciates the individual's well-being, recognizing that fostering a common culture is one of the most crucial factors for generating an efficient and effective work environment.

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?

Budgets are means of communication about the plans for future actions between organizations and their internal and external stakeholders. The better this communication is, the better are the results.

As indicated above, I have a successful track record of developing and managing large budgets of international organizations in both the public and private sector. Furthermore, I have extensive experience in liaising with States Parties, Committees on Budget and Finance and NGOs with the ability to effectively communicate such budgets. Most of the budgeting tools applied in the Court, including the results-based budgeting, have been developed and implemented under my guidance as Director of Common Administrative Services and Chairman of the Budget Steering Committee of the ICC.

Communication is the most important factor in the budget process. It is crucial that every stakeholder has the same understanding of and agrees on the mandate of the Court and the financial implications thereof for the following period. As a result, the budget process should be a commonly appreciated outcome. In this context, the prediction of future judicial activities, at a time when the Court has not yet seen a complete judicial cycle of a case, has proven to be extremely challenging. Important lessons have been learnt and considerable improvements have been made, nevertheless, there is still a long way to go.

In my five years of service at the ICC, it was my vision to create an integrated substantive link between the strategic plan, the key strategic objectives, work plans, the performance appraisal system, performance indicators and the budget, connecting longer term plans with the day to day objectives and the justification for

the use of resources. Even if some substantial progress has been made, as Registrar I would like to continue working on this project. I would focus on improving the transparency and the communication process of the budget, contributing to the understanding and allowing enough time for negotiations amongst all stakeholders, in order to find an acceptable compromise between resource requirements and financial considerations.

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?*

The present financial crisis and the resulting financial constraints for States Parties are serious counter-developments to the increasing workload of the Court, requiring some extraordinary efforts in order to find creative solutions to provide satisfactory answers to requests for additional resources. The number of situations has increased to seven and the preliminary investigations to eight. These additional requirements present significant challenges especially for those parts of the Court, e.g. Chambers, Field Operations or Outreach, who have to deal with all activities simultaneously.

The time appears to be ripe to undertake a fundamental review of structures and activities to increase the effectiveness and efficiency of the Court. Flexibility seems to be one important measure, allowing to direct resources where needed. It would be beneficial to evaluate how the Court can adapt its organization, infrastructure, processes and the resulting distribution and use of budgets to react to changing requirements, even within one budget period if necessary.

As Registrar, I would start a dialogue, first internally as an inter-organ initiative on how the Court could develop a concept institutionalizing the optimized use of resources across the organization. Externally, the discussions would focus on how stakeholders could support such a system while exercising management oversight and being mindful of financial constraints. I am certain that my excellent relationship to the CBF and the delegations of the States Parties will be of added value in this undertaking.

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?*

In formulating its strategic plan the Court manifested the objective to become the leader in public administration. Therefore the Court has to continuously recruit the most qualified staff, whilst balancing geographical and gender representation. Before the background of changing demographics and communication technologies, the Court finds itself in its search for the best in a tough competition with very appealing employers around the globe.

One of the most critical challenges is the ability to identify and reach the most competent people as well as distinguishing the Court as a desirable employer; an employer who offers the most interesting employment opportunities within an attractive working environment, providing competitive packages and an extraordinary international culture. In this context, it is critical to recognize that is not enough to offer the above, but to find means to make it known to all relevant communities.

Under my guidance the ICC's Human Resources Section has developed recruitment strategies, putting at their core the objective to target underrepresented countries and making increasing use of the new media communication channels. Ever since the appearance of social media like Facebook or LinkedIn, the challenge of recruiting the best has entered a new dimension. In the future, it will be of utmost importance to give special attention to these developments, if the Court wants to remain a competitive employer. Equally important is the effectiveness of reaching communities who do not have access to these means of communication. States, NGOs, professional groups, academia and other international institutions are vital in assisting the Court in this undertaking.

However, retaining highly qualified staff requires more than just a competitive package, including adequate compensation, training opportunities and career development. The Court, employing international staff from more than 90 different countries, needs to provide a work and living environment, taking staff welfare, the needs of the families such as quality of life and living conditions, social integration or spouse employment opportunities into consideration.

In the context of staff motivation, the Court is facing several challenges simultaneously. In order to create a performance orientated, enabling working environment in which staff is able to develop to their fullest potential, an employer needs to find means to incentivize and reward good performance.

It seems to be crucial that the Court provides enough mechanisms to stimulate good performance, but also a transparent and comprehensive appraisal system integrating this performance orientated approach. One critical success factor is the leadership quality of the managers conducting such appraisals and the ability to objectively honor good work as well as professionally address performance problems. It is only too often that excellent technical employees gain management positions with responsibility for staff without having ever received relevant training or the respective education. As Registrar, I would give this subject matter some priority.

Finally, also promotion, longer term contracts and flexibility are issues which seem to be matters of concern and relevant in the decision making process of staff for their future career moves.

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?

Almost 800 requests for cooperation transmitted in the period of 2011/2012 from the Registry and the Office of the Prosecutor to States and organizations, internationally and regionally, express how much the Court, but also the participants to the proceedings, depend on the support and cooperation from external actors.

Even when the general responsiveness and execution rate is reasonably positive (72% up to August 2012), the number of responses to various specific requests remain unsatisfactory. Relocation agreements for victims and witnesses, agreements

on the enforcement of sentences or freezing of assets are examples that convey both significance and urgency.

In order to resolve this dilemma the Court, with the assistance of its collaborators, needs to identify, understand and address the reasons for the reluctance to respond to such requests, those can be of political, informational, financial, security or practical cause.

Having a fundamental responsibility for the successful implementation of cooperation, the States Parties have acknowledged the significance of positive responses to the Court. Consequently, they initiated numerous activities by adopting resolutions and issuing recommendations, raising the attentiveness to the subject matter. NGOs play a key role in this respect as well, by supporting the Court's outreach activities and promoting the importance of cooperation.

Scarce financial resources limit the abilities of most stakeholders, making it necessary to join forces and conduct an open dialogue on how to disseminate information, eliminate skepticism, develop sound political solutions, elevate levels of security and generate financial and operational synergies. Voluntary contributions of States to the special fund for witness relocation, is an example of an initiative addressing just one dimension of this complex challenge.

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?

The preamble of the Rome Statute states:

“... that the most serious crimes of concern to the international community as a whole must not go unpunished and that their effective prosecution must be ensured...”

Having served at the Court and now being confronted with this question from the distance, I believe it is important to be reminded of what the purpose of this organization is and to realize that all elected officials, staff and other stakeholders are working for the same great cause.

The Registrar as the principal administrative officer and head of one Organ is responsible for all non-judicial aspects of the administration and a neutral service provider supporting the other Organs and stakeholders in fulfilling their respective mandates. Important elements for the Registrar in the discharge of her/his functions are the independence of Chambers and the Office of the Prosecutor and the need for internal and external management oversight.

Taking the above and the Registry's responsibility for the best utilization of resources into consideration, the relationships between the Registrar and Chambers and the Office of the Prosecutor require a high level of mutual understanding and trust to ensure that the Registrar is able to exert her/his services to the maximum benefit of the Court as a whole.

Established Court wide committees such as the Oversight Committee, the Coordination Council, Tricom and others are especially helpful in promoting such understanding and trust, by facilitating proactive consultation and coordination about respective objectives, commonalities, needs and future priorities. This communication process is crucial for the Registrar in facilitating all judicial activities and needs of the Prosecutor, Chambers, victims, witnesses and defence.

Management oversight is a necessary and very important instrument in all public and private sector organizations. Keeping this in mind, the Registrar should acknowledge and actively support both the President with the Presidency and the Assembly of States Parties in exercising their respective statutory obligations.

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.*

During my time as member of the management team of the Registry we defined the field offices as “the public face of the Court”. This decision was an essential definition towards the philosophy on how to operate in the field. It clearly underpinned the significance of the Court’s outreach activities, especially in perspective to victims and affected communities. In this context the field offices play a critical role. It was under my guidance that the Court decided to set up and open field offices rather than operating from the distant headquarters. Until my departure from the Court, the Administration had implemented six fully operational field offices in Uganda, DRC, CAR and Chad able to support all field related functions of the Court in regards to infrastructure, logistical requirements, communication, safety and security as well as crisis management when necessary.

Additionally to fulfilling the objective of being the visible and accessible public face of the Court, the field offices have to support different activities such as investigations, protection of victims and witnesses or defence for a variety of different stakeholders simultaneously. Nonetheless, outreach, as the overarching channel of communication between the Court and the relevant local communities, is a critical element, especially for the successful application and participation of victims in the proceedings of the Court.

Further crucial responsibilities include the dissemination of information about the Court’s functioning to local stakeholders and communities through conferences, meetings, distribution of informational material or training sessions for legal practitioners about the international justice process.

Finally, equal importance needs to be attributed to the maintenance of confidentiality as well as protective and security measures, including rapid response systems for all participants and staff.

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 finalised and investigations in specific situations are closed?*

Without a doubt, the Registry’s services are almost indispensable for any work and presence in the field. As indicated earlier, support in areas like infrastructure, logistics

for staff and participants, outreach or security is crucial for any function performed. Even after finalization of investigations, activities continue in a variety of different areas and require meaningful services to be provided. Legacy, protection of victims and witnesses and reparations are only a few examples.

The necessary extent of the Registry's physical presence depends on the level of remaining operational requirements and on how successful cooperation efforts have been with local authorities, international organizations or NGOs. As elaborated under question 9, with an increasing number of situations in a broad geographical reach with ongoing conflicts, the financial pressures require intelligent concepts allowing the Court to fulfill its mandate. In this context, complementarity plays a substantial role.

Additionally, questions about redeployment of staff or assets and remnant costs need to be evaluated and answered. The Court does not have any expertise yet in completing its field presence. The field offices in Ndjamena and Abeche which have been closed down recently, provide a first opportunity to learn and to acquire knowledge in formulating exit strategies for the future to come. The Registry will definitely be a major contributor in developing such strategies.

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

Outreach activities are instrumental for the success of the ICC and a prerequisite for public and fair trials. Consequently, the Strategic Plan identifies several different objectives, presenting guiding principles for its outreach activities, i.e.

- enhancing awareness and understanding of the Court in affected communities
- ensuring publicity of all its proceedings for local and global audiences
- seeking necessary cooperation and support through enhancing communication

In the budget resolution of its 11th session, the ASP approved 766 staff for the entire Court; 34 attributed to the Public Information and Documentation Section. At the same time the Court conducts outreach activities in 7 different situation countries with more than 200 million inhabitants. It immediately becomes obvious that the objective of raising awareness within local communities alone already presents a severe imbalance of resources and tasks, presenting a challenge of several different dimensions and magnitudes.

Indeed, it is apparent that the Court has to rely on partners and intermediaries to make use of an integrated network of decentralized communication channels, bridging the distance between The Hague and the target communities. However, to ensure the objectivity, integrity and independence of information, the Court has to be extremely cautious in selecting its partners or intermediaries, preventing potential counter-productive risks.

As Registrar, I would reinforce strategies developed, build on achievements already made and existing expertise and further strengthen beneficial partnerships, e.g. with NGOs or local media, in conjunction with investigating potential inter-organ synergies to maximize the impact of all outreach activities of the Court.

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.

Being particularly vulnerable, women and children are among the worst victims in any armed conflict or war and it is not only for this reason that they deserve special attention in all activities of the Court. Providing meaningful access to justice entails more than just allowing participation.

One of the key challenges is the communication of the essential principals of the ICC and the dissemination of situation specific information and identifying the appropriate channels and tools. Reaching the relevant target groups is profoundly influenced by the accessibility of information, for example through restricted mobility, often placing women and children at a disadvantage. A strategy, intensively discussed during the formulation of the strategic plan, was to systematically reach out to school children, not only in situations, but on a worldwide basis. In order to reinforce its outreach activities, the Court has developed several informational booklets, addressing both the language requirements and the level of literacy of the communities concerned. In cases of participation in the proceedings, financial means, logistics and security are equally essential questions to be considered, as further discussed below.

Since NGOs and other partners are instrumental in facilitating the implementation of the Court's strategies, the appointment of a Special Advisor for Gender Justice to the Prosecutor is an important step to further the Court's continuous efforts to protect the human rights and interests of women and children.

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 illustrated above, as Director of the ICC, I enjoyed an excellent working relationship with NGOs and frequently attended meetings between the Court and NGOs, often giving presentations about the activities or the budget of the Court.

In my opinion, NGOs have an important multi-faceted role in the Rome Statute system, ranging from being strategic partners in furthering the mandate of the Court to operational collaborators supporting and assisting the Court in its activities in the field.

NGOs with their own structures and a better understanding of the local contexts are crucial in facilitating the exchange of information with the civil society and their access to and participation in judicial activities of the Court. They are vital partners in supporting the outreach mandate contributing to the understanding of the work of the ICC and the international criminal justice system. Further, NGOs establish a link between the Court and victims and witnesses, assisting victims' participation in the proceedings.

Finally, NGOs are instrumental in promoting the accession and ratification process of the Rome Statute, the implementation of complementarity and a variety of cooperation efforts between the States and the Court.

In order to support all these activities, a continuous open dialogue amongst the main interlocutors is essential. As Registrar, I would ensure that the already successful

working relationship between the Registry and the NGOs would be strengthened even further.

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?

For the first time in the international criminal justice the Rome Statute grants victims the right to participate in all stages of the proceedings before the Court, giving them the opportunity to present their suffering, the chance to obtain justice and actively engage in working on closure. In order to ensure that victims are able to execute their rights, the Registrar has many obligations in facilitating their participation in the different phases of the proceedings.

It is the duty of the Registrar to inform victims about their statutory rights, requiring adequate publicity and outreach programmes, targeted at potential victims' communities, conveying information about their individual rights, the application process and the proceedings before the Court.

With more than 14.000 applications for participation expected for the year 2013, the application process presents an obvious opportunity to explore with internal and external stakeholders whether it can be optimized.

Since participation will in most cases take place through a legal representative, the Registry is responsible for assisting victims with the organization of their legal representation before the Court. To ensure efficient proceedings, particularly in cases with numerous victims, the competent Chamber may ask victims to choose a shared legal representative, which already has proven to be a positive measure. Furthermore, the qualification and competence of the legal representatives, who must be equally qualified as the counsel for the defence, is crucial for the efficiency of the proceedings. Therefore, providing specific information and training to lawyers and others, who might be expected to assist or represent victims before the Court, appears to be a necessity, especially with regards to the meaningfulness of the participation. The Office of Public Counsel for Victims, having been appointed in more than 3000 cases as legal representative and providing legal support and assistance to victims, makes considerable contributions to ensure the implementation of the right to participate.

Assisting the participation of victims in the proceedings further requires support for all logistical, travel, medical and other related needs. To ensure that victims' security is not compromised all protective measures and security arrangements must be in place to prevent them being subject to further victimization.

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?

The principle of "equality of arms" is one of the fundamental preconditions for ensuring the fairness of trials and therefore for the credibility and legitimacy of the Court. Rule 20 of the Rules of Procedure and Evidence mandates the Registrar to

promote the rights of the defence by providing support, assistance, facilities and information while ensuring the independence of defence counsel and protecting confidentiality. I strongly believe that the adherence to this principle is essential in the pursuit of the ICC's strategic goal "Quality of Justice".

However, the term "equality of arms" might be misleading, giving the impression that the defence necessitates equal financial, material and personal means to the prosecution, rather than providing the defence teams with sufficient resources to equally fulfill their respective mandates in the proceedings.

In order to achieve "Quality of Justice" it is quite obvious that the defence must be able to attract and employ the highest qualified lawyers. Firstly, they need to be adequately compensated with salaries equal to the remuneration of prosecuting lawyers. Further, counsel must be supported by qualified staff and receive professional training on the international criminal justice system, the law, the rules, the policies and practices of the Court and the Registry. Furthermore, the defence must have appropriate office space and equal access to the IT network and relevant information, as it is available in the Court's library or in the legal tools system. Finally, logistical and security support should accompany counsel when travelling to the field in order to conduct investigations.

During my service at the ICC, I was already involved in setting up an appropriate support system for the defence counsel from an administrative and financial perspective, ranging from suitable offices to the availability of information and IT systems, including presenting pertinent information at the annual seminar for counsel. Today, I believe the Court is well positioned to provide the necessary means for an effective defence to counsel. It has set up the independent Office of Public Counsel for the Defence, providing the teams and defendants with advice and research on legal issues or, if necessary, to act as duty counsel. It also has set up the Counsel Support Section, providing administrative and logistical assistance as well as managing the Court's legal aid system for indigent defendants.

The Court also employs sophisticated staff who continuously monitor the system in place, consulting with all stakeholders involved and implementing improvements wherever appropriate, for example the revision of the legal aid system in 2012. As Registrar, I would support and encourage staff to persist in their efforts to guarantee adequate representation of accused persons and to ensure the "equality of arms".

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?

As indicated above, access to high quality legal support and representation is one of the most important preconditions for ensuring fair trials contributing to the "Quality of Justice". The Court's legal aid programme providing resources to indigent persons is the strongest pillar of this crucial support system and has been under scrutiny ever since its first implementation. It surely presents a significant challenge to consolidate a system which is still evolving and determining its requirements.

The recent revision of the legal aid system in 2012, addressing issues like multiple mandates, the travel policy, phases of reduced activities and the role of the Office of

Public Counsel for Victims, appears from the outside to be sensible adjustments. The States Parties have requested to further investigate and evaluate opportunities to strengthen the programme by exploring structural, operational and financial aspects. Improving the level of cooperation with States Parties, especially with the objectives of freezing and confiscating assets as well as a comprehensive review of the determination of indigence, attracts special attention and should be addressed with some priority. However, any amendment made to the legal aid system should be governed by the principle of a fair trial and that the rights of the defendants and victims must not be compromised.

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?*

As discussed earlier, the Court depends and needs to rely on the cooperation and support of many different partners in fulfilling its mandate. Just before I left the ICC, we had our first discussions on how to value intermediaries and what role they could and should play. Since a variety of actors can take over a diversity of functions, questions like trust, security, costs and relationship management are not always easily answered. I understand that ever since I left, a great deal of work has been done to develop guidelines for the relationship with intermediaries.

However, after the Court has collected several years of experience operating in the field, it might be recommended to conduct a comprehensive gap analysis to understand which functions the Court needs to perform in the field and to identify the activities it is able to perform by itself. The remaining tasks can then be carefully assigned to trustworthy and suitable potential partners and intermediaries who are best equipped to implement the Court's strategies.

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?*

A meaningful protection of victims and witnesses can only be achieved as a result of cooperative and coordinated efforts between the ICC, States Parties, the Host Country, the situation countries, local authorities, international organizations and the Court's partners and intermediaries. This multidimensional task requires activities ranging from relocation of witnesses and their families, to concealment of victims' and witnesses' identity, through in camera testimony or transcript redaction.

After the determination of the level and the type of required protective measures, all efforts must be made to provide victims and witnesses with medical and psychological support, giving special attention to the ordeals they have endured.

Taking all of the above into consideration, it is worth noting that the protection of victims and witnesses, including all related activities, e.g. the organization of accommodation, escorts or other logistics, is a responsibility the Court has proven to manage effectively.

Confidentiality is one of the paramount preconditions for the protection of victims and witnesses. Even in my authority as Director of the ICC, I was excluded from most

information in connection with operational activities, whilst only a few individuals of staff in my division were involved on “a need to know basis”. As Registrar, I would first seek to familiarize myself with the status quo of all activities, challenges and opportunities and if useful, explore with the relevant stakeholders if a “lessons learnt exercise” could potentially contribute to improving and strengthening the victims and witnesses protection programme even further.

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?

As Director of Common Administrative Services of the ICC, I also signed responsible for communicating and giving speeches about topics like the Court’s Budget, Strategic Plan, Risk Assessment or Interim Premises to the most different audiences like the CBF, the ASP, The Hague and New York based Working Groups and NGOs, the COJUR, several Ministries of Foreign Affairs, the Defence Counsel and the Court visiting groups.

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