



Coalition for the International Criminal Court (CICC)  
Questionnaire to ICC Judicial Candidates  
2009 Elections

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

Name: L.P.CHIBESAKUNDA

Nationality: ZAMBIAN

Nominating State: ZAMBIA

List: A YES or B \_\_\_\_\_

**Background:**

1. Why do you want to be a judge at the ICC? - I WANT TO BE ONE OF THE PROMOTERS OF INTERNATIONAL ACCOUNTABILITY, PEACE AND JUSTICE
2. What do you think will be the biggest challenges facing you as an ICC judge? - TO ESTABLISH A PARADIGM SHIFT IN THE CRIMINAL JUSTICE
3. What do you believe are currently some of the major challenges facing the Court and what do you believe will be some of the major challenges in the coming years? – FINDING ICC TO BE THE NOTION OF EQUALITY OF ALL THE NATIONS BEFORE THE COURT.

**List A or B Criteria:**

While this question is relevant to either list A or list B candidates, we know that some candidates have competence that would qualify for both lists. Candidates with competence in both criminal and international law should feel free to answer any question in 4 a) or 4 b) to give the reader a more complete view of their background and experience.

**4 a) For candidates on list A:**

- How would you describe your competence in criminal law and procedure? – VERY GOOD
- How would you describe your experience as judge, prosecutor, counsel, or in another similar capacity, in criminal proceedings? VERY GOOD – HUMAN RIGHTS LAW – VERY GOOD

**4 b) For candidates on list B:**

You may send your completed questionnaire by email to [punyasena@iccnow.org](mailto:punyasena@iccnow.org); by fax to 1 212 599 1332 or by mail to:

Coalition for the International Criminal Court  
708 Third Avenue, 24<sup>th</sup> floor  
New York, NY 10017, USA

- How would you describe your competence in relevant areas of international law, such as humanitarian and human rights law?
- How would you describe your professional legal experience that is of relevance to the judicial work of the Court? – VERY GOOD

**Nomination Process:**

5. What are the qualifications required in your nominating State for appointment to the highest judicial offices? How do you meet these qualifications? – BARRISTER AT LAW, LAW DEGREE, 10 YEARS AT THE BAR TO RISE TO HIGH COURT, 10 YEARS OR SO TO RISE TO SUPREME COURT
6. Article 36 of the Rome Statute provides for two possible nomination procedures. Please describe in detail the procedure used for your nomination. STATE NOMINATION (ZAMBIA)
7. Have you provided the statement required by article 36(4)(a) of the Rome Statute and by the nomination and election procedure adopted by the Assembly of States Parties? If not, why not? - YES

**Legal System and Language Abilities:**

- 8 a) Which legal system does your country belong to? Do you have knowledge or experience working in other legal systems? – COMMON LAW SYSTEM, YES AS A JUDGE AT THE AFRICAN DEVELOPMENT BANK (ADB) TRIBUNAL
- 8 b) What difficulties do you envision encountering working with judges from other legal systems? How would you resolve such difficulties? - FURNISHING THE OTHER LEGAL SYSTEMS WITH THE COMMON LAW SYSTEMS
- 9 a) What is your knowledge and fluency in English, if it is not your native language? Do you have experience working in this language? -EXCELLENT
- 9 b) What is your knowledge and fluency in French, if it is not your native language? Do you have experience working in this language? - NOT GOOD, YES AT THE AFRICAN DEVELOPMENT TRIBUNAL, FRENCH AND ENGLISH ARE THE OFFICIAL LANGUAGES

**Expertise and Experience:**

10. Please explain your qualifications for this position. What aspects of your career, experience or expertise outside your professional competence do you consider especially relevant to the work of an ICC judge?  
- MY DIPLOMATIC STINT IN JAPAN AND LONDON AND MY HUMAN RIGHTS WORK AS CHAIR OF THE ZAMBIAN HUMAN RIGHTS.
11. Do you have any specific legal expertise, including, but not limited to, violence against women or children? – YES – AS CHAIRPERSON OF HUMAN RIGHTS COMMISSION IN ZAMBIA FROM 1997 – 2003.
12. Historically, many of the grave abuses suffered by women in situations of armed conflict have been marginalized or overlooked. -

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a) What experiences have you had dealing with crimes of sexual and/or gender based violence? – AS HIGH COURT JUDGE, SUPREME COURT JUDGE AND HUMAN RIGHTS COMMISSIONER.

b) Are there situations or cases in the past where you believe you have applied a gender perspective, i.e. inquired into the ways in which men and women were differently impacted? If so, to what effect? – YES – WHEN HANDLING PROPERTY DISTRIBUTION IN MATRIMONIAL CASES.

c) Are there situations where you did not analyze the different impacts of a situation on women and men but on reflection now think such an analysis would have been appropriate? – NO.

13. Victims have a recognized right to participate in ICC proceedings and to apply for reparations under Article 75. What experience relevant to these provisions do you have? -NONE

14. Did you help advocate for the adoption of human rights or international humanitarian law treaties or other instruments? Please describe your experience. – YES – AS HUMAN RIGHTS COMMISSION CHAIRPERSON IN ZAMBIA, WE MOUNTED A CAMPAIGN TO DOMESTICATE CONVERSIONS ON THE ELIMINATION OF ALL FORMS OF VIOLENCE AGAINST WOMEN AND CHILDREN ETC.

15. Have you served on the staff or board of directors of human rights or international humanitarian law organizations? Please describe your experience. I HAVE SERVED AS CHAIRPERSON OF THE ZAMBIAN HUMAN RIGHTS COMMISSION FROM 1997 – 2003. IT WAS A BIG CHALLENGE.

16 a) Please provide us with a list of your writings and opinions relevant to evaluating your experience.

16 b) Please provide us with an electronic copy of any writing or opinion describing your experience as outlined in questions 1a), 1b) and 5. – I WILL E-MAIL ONE OR TO JUDGMENTS SHOULD YOU DIRECT SO.

**Other matters:**

17. 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.

18. 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, color, gender, sexual orientation, religion, national origin, disability, marital status, socioeconomic status, alienage or citizenship status? If yes, please describe the circumstances.

19. 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 and shall require staff, Court officials and others subject to his or her direction and control to refrain from such words or conduct.

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a) Do you disagree or have difficulty with this expectation? - NO

b) How will you be able to meet this expectation? – BY SELF DISCIPLINE EXPERIENCE AND ADHERENCE TO INTERNATIONAL HUMAN RIGHTS NORMS AND TREATIES.

20. Article 40 of the Rome Statute requires judges to be independent in the performance of their functions. Members of the CICC and governments are concerned about the difficulties judges might experience in interpreting articles of the Rome Statute where their government has already expressed an opinion.

a) Do you expect difficulties in your taking an independent position? -NO

b) Would you be able to judge impartially whether an investigation by your government was genuine?  
- YES

21. A judge is expected to be on the bench or otherwise handle legal matters for at least seven hours per day, five days per week, and at times a judge's responsibilities may require him or her to be on the bench or at work into the evenings and on weekends. Do you expect to be able, now and in the foreseeable future, to perform these tasks on your own or with reasonable accommodation? If no, please describe the circumstances. - YES

22. Do you know of any factors that would adversely affect your ability to competently serve as a judge, to comply with a judge's ethical responsibilities, or to complete the day-to-day responsibilities that a judge is required to assume? If yes, please explain. – NO.

**Thank you.**

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