



**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: Phani Dascalopoulou-Livada

Nationality: Greek

Nominating State: Greece

List: B

Background:

1. Why do you want to be a judge at the ICC?

Having had a long career as legal adviser to the Ministry of Foreign Affairs, practicing international law on a daily basis, it soon became clear to me that international life direly needed one of the basic elements of any human society without which such society cannot function properly and effectively, i.e. criminal justice. It was because of that belief that I was convinced of the immense importance and value of the establishment of the ICC, which I followed closely and became deeply and consistently involved with since the beginning of the relevant exercise in 1995. Based on that experience as well as on that emanating from the long practice of international law, a great deal of which dealt with human rights law and international humanitarian law, I think that, as a judge, I could contribute towards establishing international criminal justice as the surest pathway to a more coherent, humanitarian and humane world society. It is essential, in my view, to take this broad view, since the stakes at hand are global.

2. What do you think will be the biggest challenges facing you as an ICC judge?

Those facing the ICC itself, which judges are an integral part of and which are described in my reply to the next question.

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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?

As a new international judicial organ, the Court is faced with a number of important challenges. It must convince the world community that it is up to this important task, that it will exercise it with diligence and without distinction, that it will be capable of rallying the support and cooperation it needs to bring about results, and that it will apply the highest standards set by its Statute and Rules of Procedure and Evidence, so that states and individuals may feel that the ICC is relevant, important and necessary for them and the world community at large. It must furthermore, in particular, convince the victims of the crimes which fall into the jurisdiction of the ICC that, apart from addressing the concerns of humanity as such, the Court is also concerned with their own plight and their own quest for justice.

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?
- How would you describe your experience as judge, prosecutor, counsel, or in another similar capacity, in criminal proceedings?

4 b) For candidates on list B:

- How would you describe your competence in relevant areas of international law, such as humanitarian and human rights law?

Having passed the examinations for admission to the Athens Bar, I worked as an independent lawyer mainly in criminal law cases. As a legal adviser to the Ministry of Foreign Affairs I have been involved in the drafting and preparation of many multilateral international instruments dealing with human rights, among which several Protocols to the European Convention on human rights and fundamental freedoms and the U.N. Declaration on Human Rights Defenders. I have also worked in connection with cases involving Greece before the European Court of Human Rights. In my professional life at the Ministry of Foreign Affairs, I have been dealing almost on a daily basis with cases concerning human rights, humanitarian law and international criminal law issues (extradition, transfer of convicted persons, legal assistance on criminal matters, cooperation with international criminal tribunals etc.) as well as with the elaboration and conclusion of relevant bilateral agreements with a great number of countries.

- How would you describe your professional legal experience that is of relevance to the judicial work of the Court?

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My professional experience as outlined above and set out in detail in my CV is, I believe, relevant to the judicial work of the Court as described in the ICC Statute and I am confident that it would allow me to successfully carry out my duties as judge, if elected.

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?

Having graduated successfully from any of the law schools in Greece (at the time of my graduation those of either the University of Athens or that of Thessaloniki) is an essential prerequisite. Passing successful Bar examinations is another one. Had I followed a judicial career I would therefore have been fully qualified to attain the highest judicial offices.

6. Article 36 of the Rome Statute provides for two possible nomination procedures. Please describe in detail the procedure used for your nomination.

The Greek National Group of the Permanent Court of Arbitration unanimously took the decision for putting up my candidacy, taking into account that the Greek Government had expressed an interest to present a nomination for the post of judge of the ICC.

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, I have.

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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?

Greece belongs to the civil (continental) law system. As I have had postgraduate studies in the U.K., (M.A., Ph.D), I have knowledge of the common law system as well.

- 8 b) What difficulties do you envision encountering working with judges from other legal systems? How would you resolve such difficulties?

I have been exposed to other legal systems since the time I was having postgraduate studies in the U.K. As a legal adviser of the Ministry of Foreign Affairs, I have been working with international lawyers from other legal systems during the whole of my career. I therefore do not expect to encounter any difficulties working with judges emanating from different legal 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?

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I have full knowledge and I am completely fluent in English. I have been working professionally in English for more than thirty years.

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?

I have full knowledge and fluency in French. I have been also working in French.

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?

-See above.

11. Do you have any specific legal expertise, including, but not limited to, violence against women or children?

-As indicate above, I have worked as a lawyer in criminal cases, among which were cases involving violence against women and children.

12. Historically, many of the grave abuses suffered by women in situations of armed conflict have been marginalized or overlooked.

a) What experiences have you had dealing with crimes of sexual and/or gender based violence?

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?

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?

--I have always supported the gender perspective during the whole process of elaboration of the ICC Statute as well as on all occasions where I participated in drawing up normative or other texts in the context of the U.N. or regional organizations (OSCE, Council of Europe etc.).

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?

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-During the process of elaborating the ICC Statute, I have, as Head of the Greek delegation or member thereof, in the Rome Conference, strongly supported victims' rights. In my work as lawyer I have represented the "partie civile" on several occasions.

14. Did you help advocate for the adoption of human rights or international humanitarian law treaties or other instruments? Please describe your experience.

As referred to in my CV, I have advocated the adoption of such instruments, including the ICC Statute all over the world and for many years.

15. Have you served on the staff or board of directors of human rights or international humanitarian law organizations? Please describe your experience.

-No

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

A list is referred to in my CV.

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.

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.

-No

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.

a) Do you disagree or have difficulty with this expectation?

-No

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b) How will you be able to meet this expectation?

-Respecting impartiality in the strictest manner is not and should not be a mere expectation from a judge. Indeed, it is one of his or her essential duties, to which I intend to fully adhere.

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?

-None whatsoever.

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

-It would be my duty to so and I would do so.

20. 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.

-I would have no difficulty with the abovementioned requirements.

21. 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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