

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

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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?

My vision is for the Court and the Rome Statute system to fully contribute to the achievement and maintenance of international peace and security through its leading role in the establishment of a widespread and mainstreamed international culture of justice, accountability and rule of law that has at its heart the dignity of all human beings. In order to achieve this, it is crucial that the Court continues to develop into an institution that ensures a culture of team work, dedication, excellence and diversity, as well as a safe working environment for staff and everyone who comes into contact with the Court. My vision is for the Court, and the impact of its work, to become known around the world through the Registry's outreach, public information and its field presences, and for the Registry to contribute to meaningful restorative justice through victim participation and reparation. My vision is for not only the Court's administration to become a model of public international administration, but for the Court's criminal practice and procedure to become the internationally recognized standard for a fair trial.

I have extensive senior leadership experience and a demonstrated ability to deliver results in diverse areas, including human, financial and physical resource management, security, and field operations. I have over 35 years of well documented progressively responsible managerial experience in judicial institutions at both the national and international level. The privilege of serving as ICC Registrar since 2008 has provided me with important working knowledge of the Court. I understand that the goals of the Court cannot be achieved in isolation and that collaboration among all stakeholders is necessary. I would utilize this leadership experience and skills to achieve my vision for the Registry and the Court.

All over my first mandate, I led the Registry through an increasing phase of judicial proceedings, which culminated with the organization of up to three simultaneous trials running. The Registry demonstrated its capacity to handle successfully such a peak in the Court's activities. Organizing hearings and making sure that they run smoothly is only the most visible part of the work of the Registry though. Having simultaneous cases and situations running in the same time also means that all Registry sections shall remain mobilized to carry on the back side work, such as receiving, analyzing and transmitting thousands of applications for participation and reparation from victims, planning for the smooth appearance of witnesses without causing delays in the proceedings, maintaining

the contact with affected communities through outreach and public information programs, efficiently managing the resources of legal aid in spite of ever increasing requests from Counsel, etc. These are the concrete implementation of the culture of team work, dedication, excellence and diversity mentioned above.

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

To date, the ICC has had many successes and achieved many firsts in international criminal law. To date, 15 cases in 7 situations have been brought before the Court and, historically, on 15 March 2012, the Court issued its first verdict in the case of *The Prosecutor v. Thomas Lubanga Dyilo*. The Registry plays a vital role in every aspect of the Court's functioning and in achieving these results. In the past years, the Registry has consolidated the establishment of a judicial administration that is able to fulfill the needs of the Judges and support the mandate of the Prosecutor, the Defence and the Victims.

As the Registry's work exceeds that done by national registries, and is unique in many ways in international law, the Registry is often required to create practices and processes for the first time, setting international standards. The Registry has made great advances in tackling sometimes unprecedented obstacles to delivering justice. For example, field offices have been set up in the face of severe logistical and security obstacles; the Court operates in a variety of dialects and languages, some of which had to be codified in order to be transcribed and translated; and over 4,000 victims in remote parts of Africa are participating in proceedings before the Court.

I would evaluate the performance of the Registry by stating that while there have been many laudable achievements, important improvements still need to be made going forward to ensure that the Court learns from its experiences and remains at the fore of international criminal law best practice.

Accordingly, it is important that a thorough review of the structure and processes of the Registry is undertaken in order to reflect in a more accurate manner the current needs and challenges of the institution. While some important changes have been achieved during the last five years, the Registry's current structure generally continues to reflect the needs of the Court at its young age, when focus was put on the creation of a *sui-generis* international organization. In looking forward, the Court requires structures and processes devoted to a much more operational stage of the development of the institution, in particular in terms of its judicial activities, a structure flexible enough to allow the Court to efficiently manage increase in its activities and operations. For this reason, another important achievement has been the initiation of a process aimed at evaluating and reviewing the organizational structure of the Registry, and the Court as a whole.

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?

In the last decade, the Court has evolved from a lofty idea into a robust judicial institution. Through the ICC, justice has been consolidated as an essential and integral

part of sustainable international peace and security. Some of the Registry's principal achievements are in relation to building a fully operative international judicial institution, victim participation, witness protection and public information. In the first ten years of operations, no witnesses have been harmed as a result of their interaction with the Court, and the Registry has consolidated its outreach program and is now better known and more relevant both to the affected communities as well as to the general public. Up to three trials have been running simultaneously. The e-Court model is universally acknowledged as a model of judicial administration. In addition, the Registry and the Court have successfully managed an annual budget of approximately €100million and over 800 staff. The progressive building of its administrative framework has also made substantial progresses, with no less than 27 out of the total 40 administrative instructions adopted over the last five years, covering important fields like the professional duties of ICC staff members, conditions of work on the field, data information security, internal security, etc. All these were recently compiled, indexed and made public in the *Vademecum* of administrative issuances, contributing to making the Court a model of transparency of its administration. The Registry continues to develop its policy framework looking into critical areas for the operations of the Court; most recently, the Registry has initiated a policy discussion within the Court on matters concerning privileges and immunities of the staff of the Court.

While the Registry has met numerous challenges, there are many more that it will face in its second decade. For instance, how can the participation and reparation system for victims be operationalized to ensure that it is sustainable and meaningful? How can the Court promote better cooperation to ensure that assets are frozen, warrants are executed and witnesses protected? How to continue to improve the e-Court system with a view of addressing the numerous problems related to the appearance of witnesses by creating a full-fledged e-courtroom model? The Court's administrative framework, despite the progresses made over the last 5 years, is not complete and still requires additional efforts. And finally, international justice is not a luxury. How can we ensure that the Court has sufficient resources to fulfill our statutory obligations?

I would address these - and other - issues by ensuring that the best information and expertise is available to the Court, ensuring that meaningful consultation is held with the relevant actors and stakeholders, and by building support and cohesion among such stakeholders so as to ensure that the Court's goals are shared and pursued with a common purpose. In the last ten years, we have become acutely aware of the interdependence of the actors in the international justice system and the need to ensure that this interdependent relationship functions effectively and is reinforced through trust and a commitment to make international justice work.

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.

As a judge in Italy, I managed a large staff and assisted in the administration of the Court. On the international level, I gained extensive experience at the International Criminal Tribunal for Rwanda (ICTR) in managing judicial proceedings, where I was responsible for the management and professional development of almost 200 staff and for the efficient and effective running of the Office of the Prosecutor. I have also demonstrated strategic leadership, having prepared the strategic and general work plan for the prosecution at the ICTR and for the ICC as Registrar. I have a proven track record of efficient management of public funds and experience negotiating with States to secure funding. I assisted the ICTR Registry with a review of all staff functions and, for the past five years, I have managed the ICC's annual budget of approximately €100million. Finally, I am fluent in French and English and have extensive experience working professionally in both languages.

Having worked for over 30 years as a lawyer, judge, prosecutor and now Registrar, I have long been held to high ethical standards and have never failed to execute my duties with due consideration and integrity. This professional experience and moral character also makes me well qualified and highly competent to be Registrar of the ICC.

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?

Throughout my career I have demonstrated my full independence and commitment, as a judge in Italy, a prosecutor in the ICTR and now Registrar of the ICC. Through these experiences I have learnt the crucial importance of professional independence. Indeed, an independent judiciary is both a human right and a central component of a fair trial. Both now and before, as a civil servant in the Italian judiciary, I have always operated independently, without taking instruction from or being influenced by Italy or any other government or external actor. When first elected Registrar I did not receive any direct political support or endorsement from my home country. If re-elected as Registrar, I would continue to ensure that the Registry functions independently by continuing to enforce the Court's transparent recruitment policies and Staff Rules.

The Court's governance framework clearly shows that the Registrar is elected by the judges and works under the authority of the President. The President of the Court, as *primus inter pares*, shall be the top figure representing, but also protecting the interests of the Court. The Registry shall be at the full service of the Court supporting the President and the judges. It is my perception that the clarification made over the last years on the governance framework of the Court greatly reinforced the independence of the Registry *vis-à-vis* external actors, who now clearly understand that the Registry serves no other interests but the interests of the Court.

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 demonstrated by my Statement of Qualifications as published on the Court's website, I have specific expertise of relevance to the work of the ICC, including, relating to gender equality and violence against women or children. I have over 30 years of well documented managerial experience in judicial institutions at both the national and international level. I have a proven track record of efficient management of public funds and, significantly, for the past five years I have managed the ICC's annual budget of approximately €100million. I refer to question 8 below for more details regarding financial management.

Having worked as a lawyer, prosecutor, judge and registrar, I have in depth knowledge of legal substance and processes, including a specialization in international criminal law from my work as a prosecutor at the ICTR and Registrar at the ICC. In both these positions I gained relevant expertise relating to gender equality and violence against women or children. As a prosecutor at the ICTR, I was responsible for dealing with victims and witnesses of sexual and gender based crimes for the purposes of investigations and giving testimony. At both the ICTR and the ICC, I have worked with vulnerable populations in general, including children, women, the elderly and displaced populations. As Registrar of the ICC, I am responsible for the Victims and Witnesses Unit and the Victim Participation and Reparation Section, which both deal extensively with women and children who were victims of the crimes before the Court. I have spoken numerous times on these topics at conferences and events for the purposes of building awareness and working towards improving best practices.

I also have an excellent working knowledge of international diplomacy and negotiation through my work as the Italian delegate to the Rome Conference in 1998, a member of the ICTR delegation to negotiate an agreement between the UN and Italy to enforce the ICTR judgments, and in my current role as Registrar of the ICC. Having spent a significant period of my career working internationally, I have experience both working in and leading diverse and multicultural teams.

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?

The services provided by the Registry are diverse and require expertise in numerous discrete areas, including finance, ICT, security, as well as translation and interpretation. As noted above, I have over 30 years of well documented managerial experience in judicial institutions at both the national and international level. I was responsible for the management and professional development of almost 200 staff and for the efficient and effective running of the office of the Prosecutor at the ICTR. As ICC Registrar, I have

been responsible for the non-judicial aspects of the administration and servicing of the ICC since 2008 and have managed the performance and development of approximately 800 staff – over half of which are directly in the Registry.

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?

As noted above, I have a proven track record of efficient management of public funds and experience negotiating with States to secure funding. At the ICTR, as a certifying officer with delegation of authority for accounts, I achieved a substantive reduction in expenditures and also assisted the ICTR Registry with a review of all staff functions. More importantly, for the past five years I have diligently managed the ICC's annual budget of approximately €100million.

In that time I have been responsible for consulting with the other Organs of the Court during budget preparation, compiling the proposed budget, presenting and negotiating it with the Committee on Budget and Finance, The Hague Working Group and, ultimately, the Assembly of States Parties. I have also been responsible for ensuring the implementation of the approved budget within a financial year in strict compliance with the Financial Rules and Regulations and the Court's legal framework.

Regarding the strategies to ensure support for the Court's budget, I would aim to foster trust and collaboration between the Court, the ASP and the Committee on Budget and Finance. I would hold open, inclusive and comprehensive consultations with stakeholders early in the budget process. I would communicate effectively the Court's constructive efforts to find economies and savings, as well as to fully justify the budget proposals. I would implement an "open door" policy, encouraging robust discussions and welcoming all input for achieving efficiencies and securing an appropriate budget for the Court's mandate.

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 current budget pressures on the Court have been and continue to be a significant challenge for the institution. I have responded to this situation to ensure that the Court is adequately funded by engaging in open discussions with the CBF and States Parties, as mentioned above. I have ensured that Registry staff remain available to discuss issues with the States, and ensured all requests for funds were fully justified. Meeting operational requirements within very strict financial limitations has required prudent judgement, resourcefulness, as well as the ability to effectively lead the Registry in order to reach established goals. I believe that it is incumbent on all publicly funded institutions to use their resources wisely and efficiently and to be accountable for their use while maximizing value for money. All over my mandate, I had to take sometimes very

unpopular decisions denying requests for additional resources coming from all sections and offices placed under the administrative umbrella of the Registry. Keeping in mind the Registrar's accountability under Financial Regulation 101.1(b) to ensure that the financial rules are administered in a coherent manner by all organs of the Court was my strongest support against the various pressures put on my office to accede to these permanent petitions. Regardless of the budget situation, both in strict and affluent times, I would ensure that the Court is responsible and accountable for its budget and expenditure. Through sound financial management, transparency and open dialogue, both internally and with external stakeholders, the Court will continue to build the trust of States Parties and the internationally community.

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?

Staff, who dedicate their competence, creativity and tireless efforts to the service of international justice, is the Court's greatest asset. As I have said before, more than just a statutory obligation, diversity is a core value at the ICC. With 700 staff members representing more than 90 nationalities, it is the common belief in the cause of the ICC that unites staff. While the gender balance of the Court's staff is almost equal, more needs to be done to ensure that women rise to and hold senior and leadership positions. Important achievements in this regard have been achieved within the Registry. Furthermore, the Court's geographic representation, while diverse, could be improved by increasing the number of staff from the Group of Asian and the Group of Latin American and Caribbean States.

Regarding retaining highly qualified staff and ensuring their satisfactory performance, I believe that mentoring and management are crucial. Securing employment with the Court is very competitive, which enables the Court to be highly selective in choosing the most qualified and best suited candidate for a position. Staff performance should be managed on a regular basis, in line with clear job descriptions, work plans and objectives. The Court's appraisal system should be improved to ensure that good performance is rewarded and that poor performance is expeditiously addressed and improved. High performing staff should be mentored by their managers and senior staff to ensure that their talents are well utilized by the Court and in order to prevent attrition.

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?

Cooperation is born from the Rome Statute and comprises both compulsory and voluntary cooperation. Furthermore, it is important to note that the UN Security Council referrals to the ICC state explicitly the obligation of situation countries to cooperate with the Court. The debates around the question of States' cooperation with the Court are very rich and revealing of the challenges faced by the ICC. There have been some significant developments in this area. In 2007, the Assembly of States Parties adopted 66 recommendations on cooperation, in which it recognizes the importance of international cooperation with the ICC and identifies as its first recommendation that "[a]ll States Parties should secure enactment of implementing legislation, legislation relevant to the investigation and prosecution of crimes under the Statute and ratify the Agreement on Privileges and Immunities of the Court".

Moreover, the Declaration on Cooperation, adopted in 2010 at the Review Conference in Kampala, Uganda, among other important points, stresses the importance of effective and comprehensive cooperation by States, and international and regional organizations so that the Court can properly fulfill its mandate. The Declaration further emphasizes the need to have in place adequate implementing legislation, or other procedures under national law, to enhance cooperation with the Court. Importantly, at its 9th session, also in 2010, in calling upon States Parties to comply with their obligations to cooperate with the Court, the Assembly encouraged mutual assistance and cooperation between States Parties to the Rome Statute to ensure and enable full and effective cooperation with the Court. One way to facilitate this mutual assistance is through regional organizations, such as the European Union. Processes should be developed to enable EU member States to provide assistance to each other to cooperate with the Court.

Last month, after an important debate on the issue of cooperation, the Assembly went a step further and adopted a resolution in which it underlined the negative impact that non-execution of Court requests can have on the ability of the Court to execute its mandate. In particular, it emphasized the negative impact of non-execution relating to the arrest and surrender of individuals subject to arrest warrants. Furthermore, the Assembly encouraged States to consider the establishment of a national focal point tasked with the coordination and mainstreaming of Court-related issues within and across government institutions.

To date, three important judicial decisions have been issued on matters concerning non-cooperation pursuant to Article 87(7) of the Rome Statute in the situation in Darfur, Sudan. These decisions clarified the obligations of States regarding the arrest of acting Head of States subject to an arrest warrant. In 2012, the Registry made over 330 requests for judicial cooperation, and 135 requests for arrest and surrender in the cases against Hussein, Bosco and Mudacumura. The response rate for requests for judicial cooperation was 43 percent, and unfortunately only 10 percent for requests for freezing of assets. This area of cooperation remains a priority for the Registry in order to secure funds for victims in cases where there is a conviction, but also in connection with the payment of legal aid. As you are aware, non-cooperation in this area can have significant cost consequences and could jeopardize the effective right to redress for victims.

The implementation of the Rome Statute system is the responsibility of the States Parties and it is imperative that this responsibility be taken seriously. In addition, States can also adopt framework agreements that are indispensable for the Court to be able to fulfill its mandate. I am referring to relocation agreements that are used for the protection of victims and witnesses and by which a State accepts to host on its territory victims and witnesses who are threatened due to their interaction with the Court. I am also referring to the agreement for interim release by which States agree to welcome onto their territory suspects or accused who have been granted interim release. This is a good example of effective cooperation with the ICC, as without these agreements the right for a person to seek interim release would remain an empty shell. Last, but not least, the Court needs political support of its States Parties.

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 Assembly and the Court, the President, the Presidency, the Judges, the Prosecutor and the Registrar all have different specific mandates, authorities and responsibilities aiming towards a common goal: the successful development of the ICC through the effective implementation of its mandate. I will not dwell into technical and legal specificities concerning the mandate of all these actors and the inter-relations such mandates trigger, I will simply add that in order for these complex and inter-connected functions to properly work, some elements are of utmost importance: clarity in the processes governing the relations and issues of common interest, dialogue and consultation on matters of common concern, and transparency.

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 presence of the ICC in the field is crucial. Public information and outreach form part of the Registry's mandate as channel of communication under Rule 13(1) of the Rules of procedure and evidence. I was the first elected official to visit Ituri in the Democratic Republic of Congo and to meet with affected communities. This and subsequent missions reinforced my belief that the Court's criminal justice process must be communicated to those expecting justice and that this must be a two way conversation. Such dialogue is critical, as it is the victims and affected communities who are the ones to determine whether or not justice has been done.

Effective field engagement contributes to the consolidation of the Court's credibility and legitimacy. Sustainable two-way communication and effective field engagement are

likely to increase the confidence of affected communities in the Court and in our legitimacy. Ensuring that victims understand and are able to follow the proceedings concerning them is an omnipresent challenge. One of the most difficult concepts to communicate to victims is that the Court cannot provide them with an immediate material benefit - other than the benefits of the judicial process itself, and its outcome. The Registry, through the Public Information and Documentation Section, will continue to work towards closing the communications gap, through face to face meetings, audio-visual programmes, listening clubs, and other innovative tools.

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?

I believe this question poses a key challenge that the Court will need to face in the near future. The field offices have often been set up in the face of great difficulties. Besides security aspects linked to the work of the Court in ongoing conflict areas, there are also logistical difficulties. Affected communities are very often in remote areas with a lack of infrastructure; where the internet is unheard of, where there is no television, and very often no electricity.

The strengthening of the Court's presence in the field for ensuring the successful execution of the Court's mandate has been one of the strategic priorities of my mandate as Registrar. And while the Court is a permanent international institution, it is of course understood that its work in relation to particular situations and cases should eventually come to an end. As such, adequate exit strategies, which include the Court's legacy on the ground, should be devised since the opening of a field presence. Operations and activities in the field should from the outset be carried out with a strategic approach towards the legacy of the institution. Furthermore, after the completion of the procedures before the ICC, protection of witnesses should be among the responsibilities which need to be transferred to national authorities.

As Registrar of the ICC during these past five years I have experienced many "firsts" in the life of the Court that have given me valuable insight and experience. Concerning the specific issue of field presences, I was able to lead the successful closure of the two field presences in Abeche and Ndjamen. A number of lessons learned as well as good practices have been drawn from this experience which have served as a basis for the strategic approach guiding the opening of new field presences, such as that in Nairobi and Abidjan. Similarly, for the first time, the Registry has, under my leadership, already begun to prepare for the necessary transfer of responsibilities to the national authorities, in particular in relation to protection of witnesses. Such responsibilities should be transferred in a very cautious and planned manner, assessing risks and devising mechanisms to address them. Importantly, any such transfer of responsibilities should take place in the context of a legal framework which shall be proposed and agreed among the relevant actors based on the judicial determinations by the relevant ICC Chambers.

In order to implement such transfer of responsibilities, consultations and coordination with the UN, States and other relevant agencies in the context of rule of law, transitional

justice and complementarity projects should be defined. For this purpose, I considered it a priority tapping into existing networks and specialized bodies in order to use their expertise, maximize use of resources and foster lasting national solutions through effective engagement with the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO) and UN Office of Drugs and Crime (UNODC). The Registry has provided specific witness handling training to the special Units trained by the UN civilian police. This initiative is aimed at fostering the development of a national capacity on witness protection, so that a national solution can be found. It strengthens both the ability of the Court to conduct fair trials in The Hague, as well as the local capacity to conduct fair trials in-country. This practice can be then used in other situation countries.

It is of crucial importance that in the situation countries, efforts are being pursued in the area of witness and victims participation as soon as possible by all relevant actors of the justice and development system. Investment, at this stage, in this area has the following long-term benefits: creation of a protection of witnesses and victims capacity at the national level ready to take over when the Court would have finished its work.

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

Making judicial proceedings public is a central element of a fair trial and therefore necessary to ensuring the quality of justice. As such, outreach is an integral part of conducting public and fair proceedings. Outreach is essential to ensuring that the affected communities build trust in international justice and better understand its complexity, including the relationship of local and international justice mechanisms. The Registry should continue to regularly tailor its communication strategies to the conditions and circumstances in the field with a view to increase confidence of these communities and to better understand the concerns and expectations of these communities in order to respond more effectively and clarify, where necessary, any misconceptions that might exist. Accordingly while experiences in other contexts are valuable references, there is no one single way of ensuring an effective outreach strategy, as this activity must be, by its own nature, fluent and adaptable to the realities in the field. As such, the ICC Strategic Plan for Outreach already provides a blueprint for the development of more tailored outreach activities.

I believe that the Court's outreach has been creative, interactive, and adapted to the realities on the ground, to ensure that tailored information is disseminated in a simple and effective way. Sustainable two-way communication and effective field engagement are likely to increase the confidence of affected communities in the Court and in the Court's legitimacy. Ensuring that victims understand and are able to follow the proceedings concerning them is an omnipresent challenge.

I should note that the experience built to date has reinforced the need for strategic partnerships with other actors of the international justice system and development agencies, local organizations, and international NGOs. It is essential that the Court be closely involved and leads the implementation of outreach projects led by its partners.

For example, this approach has had positive results in the Kenya situation, where outreach projects have been implemented by local actors with external funding and in close consultation with the ICC.

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 Statute seeks to guarantee that women who are victims of the gravest crimes under international law have access to justice and that they play a part in post-conflict processes. Societies cannot heal, cannot grow and cannot develop if half of the population is marginalized. We consider women and girls' empowerment to be a key step toward ending impunity, establishing durable peace and reconciliation. The Registry's revised strategy in relation to victims is based upon these fundamental principles.

In the process of reaching out to victims, the ICC system must pay special attention to women and girls in a way that minimises barriers, reduces potential negative repercussion and enables them to access their rights in the cultural contexts in which they are located. Not only must the ICC system focus more on women and girls, as they are generally affected by crimes differently from men, boys and from the community as a whole, but it must also speak to the men and boys about the principle of the rights of women and girls and the importance of female participation.

In addition, the List of Counsel, List of Assistants to counsel and List of Professional investigators have been created and are growing annually. I believe these lists can still become more representative and responsive to the needs of their intended end-users. To achieve this, in partnership with the International Bar Association, I launched a highly successful campaign in 2010 to encourage more female lawyers from Africa to apply for admission to the List of Counsel and List of Assistant to Counsel. The campaign achieved to a great extent its intended aim of enlisting the targeted audience into the different lists.

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?

NGOs have played a crucial role in the creation and establishment of the ICC, and continue to play an increasingly important in its institutional development. The expertise of NGOs in many important areas of the work of the Court has been one of the most important building blocks of many key ICC policies and practices. For this reason, the legitimacy of the Court's activities also relies on the consultative and inclusive approach with which the Court has managed to integrate the views and concerns of civil society organizations. The support and the constructive criticism has been a constant valuable source of inspiration for the Court and have facilitated important self-reflections on our work. Throughout my mandate, I have always ensured that all major policy developments

and discussions be prepared in a consultative manner with civil society organizations. In addition, I have supported strategic partnership with a number of organizations with a view to developing projects both in the field and at the regional level. If re-elected, I will continue to promote this culture of consultations and dialogue with a view to addressing the challenges to come.

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?

Under the Rome Statute system, victims are afforded individual rights to apply, to participate in proceedings, and to seek reparations. It is the responsibility of the Registry to inform the victims of their rights, to hear their concerns, organize their effective legal representation, and assist their participation in the proceedings. The jurisprudence around victims and their rights is evolving over the course of the Court's proceedings. As the work of the Court expands, communicating, identifying and involving victims in proceedings will continue to present numerous challenges to the Court.

The partly collective approach taken in the *Gbagbo* case is currently being implemented. The Court is further investigating other methods to improve the application process, to ensure that it is sustainable, effective and efficient. The Registry has been working hard on the stock-taking exercise on victim participation aspects. It is my belief that victim participation can be workable and sustainable within the current legal framework without need for amending the Statute or Rules. In line with the Registry's concrete propositions made with respect to reparations for victims in the *Lubanga* proceedings, the Registry will use every opportunity to contribute to the debate leading to improving the conditions of participation of victims.

In most cases, victims participate in the proceedings before the Court through legal representatives. The effectiveness of victim's participation depends, therefore, on the quality of their legal representatives. The Registry should continue to provide victims with the highest quality representation and to assist those representatives where possible. In many cases, victims are provided with external counsel either from the country where the alleged crimes were committed or the country where the victims reside. In this way, the counsel understand the context, culture and language of the victims and are, therefore, able to communicate with them more efficiently and effectively. Going forward, the Registry should continue to explore ways to grow the expertise of legal representatives, achieve better communication with them in the field, and to bring victims closer to the proceedings, such as more collective participation and holding hearings *in situ*.

It was the plight of victims that compelled me to work - and to continue to work - in international criminal law, in the aim of securing justice, as is the right of all victims. The ICC has not only a punitive but also a restorative function: engaging with affected communities and enabling victims to participate in proceedings can be empowering and cathartic. In this way, the process can be as important as the result.

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? (see question 20)
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?

I strongly believe that members of the legal profession have been integral to the success of the Court to date through their contribution in several different capacities including as legal representatives of victims, counsel for accused and suspects, ad hoc and duty counsel, among others. Above and beyond advancing the rights of their respective clients, the intervention of counsel in the work of the Court has resulted in a number of important achievements and developments. For example, in settling disputed interpretations of the Court's legal texts, in generating jurisprudence on key issues ranging from witness familiarization to the scope of victims' participation and reparations in Court proceedings; in helping to establish the Court's disciplinary regime for counsel; and, finally, in bringing to life safeguards and guarantees enshrined in the Rome Statute regarding the rights of the defence, victims and witnesses. The work of Counsel has been and continues to be essential in consolidating and reaffirming the credibility of the Court and in fact, the cause of justice as a whole.

Therefore, it is essential for the Registry to support the work of counsel, including through training and provision of resources to enable the effective exercise of their function. In fulfilling my mandate under Regulation 140 of the Regulations of the Registry, the Registry has organized training for counsel at the seat of the Court as well as at the national level, in cooperation with national legal professional associations and organizations. I have would continue to make it a priority organizing training initiatives for counsel, in particular the Annual Seminar for Counsel.

During my term as Registrar, I have been a staunch supporter of this important annual event as well as the crucial need to involve and consult the legal profession on Registry policies and practices that have a bearing on the work of counsel in Court proceedings. I believe that the commendable aims of the Rome Statute can only be achieved when the defence and victims' pillars at the Court are firmly grounded – I also believe that this can only be attained through the intervention of counsel, who have sufficient facilities and the objectively necessary resources to conduct their important mandates.

As Registrar, I will continue to do what is necessary to facilitate the work of counsel and more importantly, to ensure that the rights of suspects, accused persons and victims are given full respect at the Court. I have already put in place offices, services, policies and

practices to ensure that the rights and guarantees afforded to defendants and victims in the legal texts of the Court benefit from tangible effect in practice.

Under my oversight, the policies and proposals presented and later implemented by the Registry have been guided by the organ's dual responsibilities of ensuring that public funds granted are managed and spent judiciously coupled with the overriding requirements of a fair trial. In the context of legal aid, and recent amendments adopted by overwhelming support of the ASP, the Registry proposals – which benefited from insights obtained from consultation with the legal profession, NGOs, and other stakeholders – have adjusted the legal aid system to make it more adapted to the real needs of legal teams in accordance with regulation 83(1) of the Regulations of the Court.

As such, throughout this year, I lead a review of the legal aid system which resulted in important efficiencies. This review was based on technical criteria upholding fair trial standards and without prejudicing the balance between the parties and participants. This review has delivered significant tangible savings to the Court's budget of over half a million Euros in 2012 as well as further savings of approximately 1.1 million Euros for next year's budget. I must stress, however, that the most effective way to achieve substantial reductions in the costs of legal aid is by ensuring adequate cooperation from States in the tracing and recovery of the assets of suspects and accused individuals.

The Registrar must ensure that the performance of the legal aid system is carefully monitored on a continuous basis in order to ensure that it is responsibly managed from a fiscal spending perspective, and on the other, to ensure that the funds furnished under the system to legal teams are sufficient and reasonable for an effective and efficient legal representation.

As Registrar, I have also ensured other important forms of support to the work of Counsel, such as exploring policies and guidelines on the role of intermediaries, putting in place standard operating procedures for facilitating investigations of legal teams in the field, promoting and canvassing ways of enhancing the participation of victims in Court proceedings, and strengthening relations and cooperation with states and relevant organizations to assist the Registry in its service delivery to legal teams.

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?

Intermediaries are a practical necessity for the Court's ability to carry out its mandate. Where possible, the Court's Outreach Programme has sought partners to develop synergies and amplify its impact. Victim-related units of the ICC system use local organisations as intermediaries both to facilitate outreach activities and to share information with affected communities and victims. As Registrar, I initiated a large consultation with internal and external stakeholders with fruitful results which have permitted to define the Court's *Guidelines Governing the Relationship between the ICC and Intermediaries*.

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?

In the area of witness and victims protection, under my mandate, the Registry developed a tool kit on protection reflecting its 10 years of experience. It includes ground-breaking initiatives such as Immediate Response System, for the implementation of which the cooperation of local law enforcement agencies is key. As a last resort, the international relocation of protected ICC witnesses is the only solution available for the international tribunals. In this area, under my mandate the Registry has opened a Special Fund where countries that have capacity, skills and resources donate funds for the relocation of witnesses to countries that have the willingness to accept protected witnesses, but no capacity or resources for doing so. Few years after its establishment, I can say that funds have been used to a limited extent. Efforts are needed to ensure that as many States as possible make use of this initiative. Geographical and cultural proximity is an important element when taking into account relocation of victims and witnesses and their families. Such protective measures can already be traumatizing for any individual, therefore, enhancing the ability of these individuals to culturally integrate into society could be of great benefit.

The ICC has already a very comprehensive protocol for familiarization of witnesses, with provides in detail the necessary assistance and support to be provided by the Court taking into account, in particular, the safety, physical and psychological well-being, dignity and privacy of victims and witnesses. While these practices have, to date, proven effective, it is important that the Court remains open to revisit these guidelines taking into account the experiences gathered throughout these past 10 years. In this regard, I should note that I have initiated a lessons learned review within Registry looking at the past ten years and with a special focus on the experiences from the finalization of the first trial before the ICC. Needless to say, these aspects of support and assistance to victims have a central role in this evaluation exercise.

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?

In my capacity as Registrar in the last five years, I have had the privilege and pleasure of making numerous speeches and presentations about the ICC and the Registry. Some of these are available on the Court’s website. Last year I published a book relating to my experiences at the ICTR, entitled *While the world was watching. Victims, perpetrators and crimes under international law: the struggles of a woman magistrate in the name of justice* (translated from the Italian). I refer to my Statement of Qualifications as published on the Court’s website regarding the relevant articles that I have written.

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.