

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

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*Conscious of the critical importance of the role of the Registrar of the ICC, 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: John Hocking  
Nationality: Australian

### **Vision for the ICC and the Registry:**

1. Why do you wish to be elected as the Registrar of the International Criminal Court (ICC)?

When I joined the International Criminal Tribunal for the former Yugoslavia (ICTY), the scars of the wars in the Balkans were still fresh and justice from a faraway court which had no more than a handful of accused in its custody seemed improbable. Beyond the Balkans, as pockets of conflicts dotted the world, the criminal justice response of the international community was a barren landscape.

Yet, within two decades, at the ICTY, accused after accused, leader after leader, eventually saw their day in court, until there were no fugitives left. And, globally, one court after another turned barren land into a village. Today, we have a permanent international criminal court, national courts, policy makers, activists and all of us demanding justice for genocide and war crimes. It is no longer revolutionary that rape can be an act of genocide, and that Heads of State can stand trial. We live in a world in which we all demand and expect justice. Today, justice for the worst acts of humankind is no longer a question of "if", it is a question of "when" and "how".

I have dedicated two decades of my professional life to the journey of international criminal justice, from those early days to the consolidation of a new era in the demand for accountability. I joined my efforts to those of the pioneers who propelled this process, as a legal officer assisting the ICTY Judges in landmark cases. When the workload of the ICTY increased, I supported, as Deputy Registrar, the seamless running of up to eight simultaneous judicial proceedings – a record in international criminal justice. In the course of the last decade, as a Registrar of the ICTY and later the Mechanism for International Criminal Tribunals (Mechanism), I ensured high-level services to Presidents, Judges, and parties, as well as witnesses, victims, convicted persons, other courts and the public through model legal, policy, diplomatic, external relations and administrative services.

As I prepared the closing-down of the ICTY through a transparent downsizing which has been praised as a "best practice in leadership of a change process" across the United Nations, I set up

the Mechanism, setting a vision of efficiency for the Registry and carrying it through its first five years. I presented and obtained budgets which provided fully for institutional requirements, whilst remaining fiscally responsible, and have a proven track record of ensuring the most effective utilisation of limited resources. I promoted a positive, highly efficient and diverse working environment, in which gender parity was reached in 2009 for Professional and Director level staff and maintained since, and which enabled staff to develop professionally and personally. In full respect of national ownership and our mandate, I offered the widest support to domestic proceedings for genocide, war crimes and crimes against humanity, and through making the work of the ICTY and the Mechanism increasingly more accessible, inspired local and global efforts for justice outside the courtroom.

I would now feel privileged to join the efforts of the President and the Chambers, the Prosecutor, the Assembly of States Parties (ASP), the staff and the global community for an even stronger ICC, by contributing to the Court my sense of purpose, excellent service and seasoned leadership which have helped sustain the journey of international criminal justice thus far.

2. 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 Court*” (French and English). Please describe briefly how you meet these criteria.

I have been appointed and subsequently re-appointed four times by two United Nations Secretaries-General to serve as an Assistant Secretary-General, Registrar of two United Nations courts which require comparable professional competencies and moral character.

My track record includes: leading the ICTY to its successful closure as one of its Principals; efficiently supporting multiple, concurrent international criminal judicial proceedings; fair downsizing of a +1,300 staff institution, labelled as a best practice in change management United Nations-wide; obtaining seven United Nations biennial budgets totaling approximately US\$1.1 billion with virtually no cuts and impeccable administration of resources; achieving gender parity in two United Nations institutions; accomplishing the seamless start-up of the Mechanism, and managing it for its first five years as a small and efficient institution, with recognition from Member States to auditors; fostering mutually beneficial cooperation with Member States; prompting exchanges of know-how with States in the former Yugoslavia and Africa in which the Mechanism has operations; revamping the Outreach Programme in the former Yugoslavia through EU funding and encouraging initiatives aimed at youth; strengthening links with academia and civil society, through conferences, dialogues, events, particularly in the last year of the ICTY; building a new United Nations premises in Tanzania, on budget, praised for its use of local resources; and, earlier in my career, providing senior legal advice to Judges in landmark international criminal law cases.

As a high-ranking United Nations official, I was required to and did act in full accordance with, and commitment and loyalty to, the aims, values and guiding principles of the United Nations, coupled with integrity, independence, impartiality, objectivity and confidentiality. I made yearly voluntary public disclosures of my financial interests under the United Nations Financial Disclosure Programme. I had delegated authority and responsibility for handling misconduct in relation to discrimination, harassment, including sexual harassment, and abuse of authority, misuse of United Nations assets, financial mismanagement, and other infractions of the United Nations rules and regulations. As Registrar, I performed my duties with loyalty, discretion, good

conscience and in faithful observance of all the provisions of the respective Statutes and Rules of Procedure and Evidence, consistent with my solemn declaration before the Presidents of the ICTY and Mechanism, respectively. Prior to my appointment as Registrar, I aligned my conduct appropriately for an international civil servant with the United Nations and OECD, and as a barrister in two jurisdictions, Australia and the United Kingdom, and as a solicitor in Australia.

I am a native English speaker. I obtained the United Nations Language Proficiency Certificate in French in 2002. Although my understanding of written and oral French continues to be fully proficient, I require preparation for speaking and writing in a professional context to ensure that my communications, remain deliberate, clear and fully accurate particularly when at a high-level of responsibility. I am unreservedly committed to respect for the two working languages of the Court.

3. What do you believe are the most important achievements of the ICC in its first 15 years?

I believe that the most important achievement of the International Criminal Court is its establishment into a fully functioning court. The Court has expanded its reach to almost two-thirds of the United Nations Member States. It has been able to handle a progressively sizable docket of situations and cases, and to deliver justice, including in highly volatile settings. Rulings on sexual violence in conflict, enlisting and conscripting child soldiers, armed attacks on civilian populations and destruction of cultural property have set new precedents, and inspire the work of courts and lawmakers across the globe. Similar advances have extended to the procedural and operational aspects of the court, which have made justice more accessible and more expeditious, whilst remaining fair.

While the Court is for many the symbol of the consolidation of a new era in which justice for heinous crimes is demanded, it was recognised from its creation that the Court could not, and should not, respond alone to the demand for justice worldwide. Over the years, the ICC has been able to translate into practice the complementarity principle encouraging domestic justice by offering best practices, know-how and inspiration.

Furthermore, with the Rome Statute, victims of mass atrocities have been able to participate in the proceedings before the ICC. It is a success of the Court that the number of victims seeking to express views in the proceedings and reparations have increased from hundreds to thousands. While this presents a series of operational challenges, and several methodologies continue to be tested, the Court has already made strides to promote consistency and give full effect to victims' rights.

4. What do you believe are some of the major challenges confronting the ICC and Rome Statute system in the coming years?

The major challenges of the Court are in no small part linked to its success.

As the global expectation for justice for atrocity crimes grows increasingly strong, the Court's reach is challenged by lack of universality and jurisdictional limitations. When the Court's ability to deliver justice in some of the world's most serious conflicts is limited, its credibility and support can suffer as a result. Beyond the immediate impact on the Court's ability to fulfill its central purpose of combating impunity worldwide, this can also have cascading

consequences which may extend to the expeditious completion of ongoing cases and contribute to unfounded criticisms, such as those of selective justice. Furthermore, the challenge of universality is closely tied to the challenge of confronting withdrawal, or consideration thereof, from the Rome Statute.

Sustained State cooperation is essential to the implementation of the mandate of any international court. It is even more fundamental at the ICC, where work extends to multiple regions and a wide range of matters. Increased support will be required in certain areas, including outstanding arrests, gathering of evidence, operational challenges, particularly in volatile situations on the ground, and in helping counter narratives which seek to distort or undermine the work and credibility of the Court.

The growing number of situations and cases being handled by the Court, and the pressure to deliver justice expeditiously, are even more challenging in a climate of shrinking resources. The Court must respond to this challenge by being able to work more efficiently and with a broader reach, within budgetary constraints and whilst safeguarding due process. This will require constant creativity and innovation to improve efficiencies, with an appropriate distribution of resources among organs and between Headquarters and the field, as needed. It will also require strong financial management and transparency to demonstrate that the funding provided is being used in the best possible way and that requests for any additional resources are fully justified.

5. What do you believe are some of the current challenges the Registry specifically faces and how would you address them? What are some of the qualitative indicators you might consider when assessing the performance of the Registry and what would you suggest to enhance efficiencies?

The challenges facing the ICC are also challenges of the Registry. To gain global support and ensure the successful implementation of the mandate of the Court, the Registry should support the institution in consolidating itself as a model international court, a model of efficiency, and a model employer.

The ICC must be a model international court. The Registry must be able to meet the challenge of offering high quality and reliable support to an ever-increasing number of proceedings, notwithstanding time and resource constraints. It must ensure qualified legal representation to all accused; conditions of detention respectful of the presumption of innocence and meeting recognised international standards; and the safe, and to the extent possible, positive participation of witnesses and victims to the proceedings. The magnitude of these responsibilities can be greatly assisted by solid partnerships and monitoring systems with professional associations, NGOs and State authorities (see responses 11, 13, 15, 17). The Registry must be able to secure cooperation with States, particularly in the areas within its purview, including enforcement of sentences, witness protection, implementation of orders, and relocation of acquitted and released persons. Open dialogue and seeking mutually beneficial arrangements is often key to promoting sustainable cooperation. Additionally, the ICC should strive to bridge the gap with the affected communities making the Court's work not only accessible, but also intelligible and meaningful across boundaries, ages, education levels and legal systems (see responses 12, 14). Lastly, the Registry can offer models, procedures, technical innovations and practical tools which can assist domestic jurisdictions and further the Rule of Law (see response 11).

The ICC must be a model of efficiency. The Registry must make the best use of the limited resources it has and the best case for the additional resources it must have. Redistribution of resources based on well assessed needs, lighter procedures and lighter structures, better coordination among services and between Headquarters and the field, creation of economies of scale and elimination of duplication promote the optimum management of limited resources. Additionally, budgets demonstrating transparency, fiscal restraint and responsiveness to the concerns of States help greatly in securing all resources needed to support operational requirements.

The ICC must be a model employer. None of the challenges above can be met if the Court's most precious resource - its staff - is not empowered. The Court must rely on the talent of a diverse workforce, with wide geographical and appropriate gender representation, particularly at the management levels. The working environment must be positive, open and respectful. It must reject harassment, abuse, discrimination and stereotypes, as it must promote innovation, opportunities and a work-life balance which enhances both personal and professional growth. The ICTY and the Mechanism have showed that this is possible, having successfully recruited staff from all over the world, achieved gender parity and having excelled across the United Nations for staff empowerment, work-life balance, integrity, inclusive environment free of abuse, internal communication and more (see response 9).

As the Court's main service provider, an important qualitative indicator of the Registry's performance is the satisfaction of its clients, which include other organs of the Court, defence counsel, victims' counsel, victims and witnesses, detainees and the public at large. Audit reports and recommendations, responses and observations from the Committee on Budget and Finance and reactions from States Parties on the Registry's functions are also helpful indicators. Obtaining feedback from staff on their work environment and gathering their suggestions for improvements is also an important qualitative indicator of the Registry's performance.

6. All Court officials must perform their functions with full independence and should not act under the instruction of any State or external actor. Do you expect to have any difficulties in taking a position independent of, and possibly contrary to, the position of your government or any external actor?

No.

I have never held a position in which I have had to seek, take or conform, directly or indirectly, to instructions from any Government, including my country of nationality. Rather, as a United Nations international civil servant for over twenty years, I have exercised the functions entrusted to me with all loyalty, discretion and good conscience, without seeking or accepting instructions in regard to the performance of my duties from any Government or other source external to the Organisation. In performing my duties, I have sought and benefitted from a wide spectrum of information, including from external stakeholders, and worked collaboratively with Governments and other external actors remaining, at all times, independent, guided by the values and principles of the United Nations, and with only the best interests of the Organisation in view.

As the Registrar of the ICC, I would continue with this track record of independence, genuine and diverse engagement, and full respect for the Court's mandate and legal framework, with the mission and interests of the Court always at the forefront of my mind.

7. The Registry is a neutral organ of the Court that provides services to all other organs so the ICC can function and conduct fair and effective public proceedings. How would you describe the relationship of the ICC Registrar with the ICC President; the Office of the Prosecutor; the ICC Chambers, and the Assembly of States Parties?

To succeed in the gargantuan task of delivering justice where it is most sorely needed, the ICC must rely on the concerted cooperation of those who lead it, manage it, oversee it and every day translate its lofty mandate into tangible action. As the service provider of the Court, the Registrar should establish, maintain and promote a relationship of trusted cooperation with all organs, elected officials and States Parties, grounded on the respect of the role of each and joined in the common goal to deliver justice, which the Registry must serve through the provision of consistently reliable services, ever increasing efficiencies, as well as constant and open communication.

The ICTY and the Mechanism, like the ICC, have a Coordination Council made up of the three Principals. Although the “One Court” principle was never adopted as such, this describes well the smooth and successful Principals’ management of these institutions during my times as Registrar. Trusted cooperation, competency and communication has helped me build a cooperative relationship with three Presidents and two Prosecutors, and fostered institutional unity and successful action. Within the distinct ICC governance framework, I would build my relationship with the Court’s Principals on the same principles. In giving effect to Article 43 of the Rome Statute, I would ensure that the Registry’s objectives and performance implement the vision of the President under his/her overall leadership and guidance. In my dealings with the Prosecutor, I would be responsive to the organ’s needs and proactive in proposing solutions carrying both immediate and long-lasting benefits, whilst remaining within the parameters of the independence of the Prosecutor and the neutrality of the Registry.

In relation to the ICC Chambers, the Registrar must implement judicial decisions timeously and correctly as well as ensure that the Judges receive all required and unhindered support for their conduct of fair and expeditious proceedings. From formal legal submissions on Registry matters, through the smooth running of technical equipment in the courtroom, to ensuring adequate staffing, the Registrar’s responsibilities vis-à-vis the Judges are extensive. To meet them, the Registrar must be able to act at a holistic and structural level, as well as through targeted actions; must remain available to assist and consult the Judges in person, whilst also counting on excellent Registry representatives; must act proactively to ensure efficiencies; and, must be ready to act swiftly when issues occur to mitigate further risks and re-establish smooth operations.

The Registrar must also establish and maintain a cooperative and open relationship with the ASP as the Court’s management oversight and legislative body. In working with the ASP, and its committees, the Registrar must ensure transparency, efficiency and responsiveness to the ASP’s concerns. Additionally, the Registrar should endeavour to seek opportunities and mutually beneficial partnerships in the interest and objectives of the Court. Transparency, efficiency and mutually beneficial cooperation served me well as Registrar of the ICTY and Mechanism in securing and properly administering seven biennial budgets; executing decisions of the Judges which required assistance from States; and, in furthering the objectives of both institutions in ways which benefitted both States and courts, including in sensitive areas such as enforcement of sentences.

8. Please describe any specific expertise of relevance to the work of the ICC that you may have, including, but not limited to, gender equality and violence against women or children. How would you ensure that women and children have access to justice and are cognizant of what the Rome Statute is seeking to achieve?

I joined the ICTY in 1997 at the beginning of the ICTY's second case, *Mucić et al.*, better known as the *Čelebići* case, as a Legal Officer supporting the Judges. Within my first few days, a female witness testified in excruciating detail about the multiple rapes and horrors she suffered at that camp. Eventually, *Čelebići* set the legal precedent that rape can be a form of torture. In later ICTY cases and on appeal at the International Criminal Tribunal for Rwanda (ICTR), I was privileged to assist the Judges as a Senior Legal Officer with judgements in groundbreaking cases which helped change forever the notion that sexual violence in conflict was just a crime against honour, to hold that it could amount to an act of genocide.

When I became Deputy Registrar of the ICTY, and later as Registrar, I moved from the substantive aspects of gender violence in conflict to more operational matters, including access to justice. Among the 5,000 witnesses who participated in the ICTY proceedings, a large number were also victims, including women and youth. For the very first time, at the ICTY, modern international criminal justice had to grapple with the daunting endeavour of witness management. Since 1994, when war was still raging, the newly created ICTY had to reach out to people in besieged villages; build an enabling environment for them to share their stories, often on their scarring physical and psychological wounds; and ensure that their security and well-being would not be placed at risk as a result. For over 13 years, I have worked closely with the Victims and Witness Section (VWS) of the ICTY to promote the progressive development of this pioneering witness management system which has responded, with excellence, to this daunting challenge. In my response to Question 17, I provide further information.

The ICTY witness management system - which has served as a model for other international and domestic courts, and has received positive feedback from the witnesses themselves - was witness-centered. It tailored support and protection measures to the individual needs of witnesses, within the limit of the institutional mandate, based on a comprehensive assessment of each witness. This included the gender of the witness and a number of other factors such as health, level of trauma, economic conditions, and family considerations. For instance, in the case of female or male witnesses who were also victims of sexual violence, the ICTY applied tailored measures to protect the privacy, security and emotional well-being of the person before, during and after their appearance in court with the ultimate goal to help the victim to regain some empowerment over his/her life through the process of giving evidence.

When the Mechanism started in Arusha, Tanzania, I ensured that protection and support systems were in place for nearly 3,000 witnesses, many of whom were victims, who testified before the ICTR, often as protected witnesses. In Kigali, I prioritised and oversaw the complete revamping of a clinic for victims and witnesses which was successfully implemented in the early days of the Mechanism. The clinic has been a lifeline for 2,000 patients, many victims of sexual violence who contracted HIV from rapes suffered during the genocide. The clinic's services have been appreciated not only by its patients but also by the Rwandan government within the Security Council.

To ensure women and children's access to justice at the ICC, I would continue to strengthen:

- Access to information regarding the justice process in general, as well as regarding the direct contribution to the process that women and children can provide, through outreach programmes and witness and victims services. This would be done in ways which, from the first contact, enable the understanding of victims, and manage their expectations.
- Provision of required support and protection throughout the proceedings, in a consistent, impartial and non-discriminatory manner, whilst taking into account social, historical and economic realities and existing barriers to their participation. Certain support and protection measures may be required after the conclusion of the proceedings.
- Implementation of orders concerning women and children, in their capacity as witnesses or victims, in an inclusive and impartial manner, and, to the extent possible and appropriate, with the involvement of the witnesses and victims themselves and other actors.
- Operations which balance fair trial rights with the best interests of the child witnesses and victims.
- Partnerships with States, the United Nations, donors, NGOs, academia, media and private sector to help women and children regain control of their lives and foster faith in the justice process as a means of resolution of grievances and as an essential element in the rebuilding of the fabric of society.
- In-house capacity to handle specific trauma and specific psychosocial needs of children and women.
- Feedback from affected women and children so that their evolving needs and their perceptions may help improve operations and policies for others.

**Experience in Management and Budgetary Processes:**

9. How would you describe your management skills and experience that would be of relevance to the effective management of the ICC's human resources, including hiring and retaining highly-qualified staff and ensuring their satisfactory performance, as well as addressing the chronic imbalance in geographical representation of its staff and that of women in higher levels?

As the United Nations Secretary-General's representative for all staffing matters for the ICTY and the Mechanism, I managed up to 900 staff from around 80 countries over a period of nine years in two international tribunals.

The United Nations Joint Inspection Unit found that Staff-Management Relations at the ICTY stood out United Nations-wide for "excellence, cordiality, and cooperation". The Mechanism and/or ICTY ranked in the top 5 across the United Nations for ethics, integrity, staff empowerment, offering an environment free from harassment and abuse, confidence in leadership, internal communication, and other categories in the 2017 UN Global Staff Satisfaction Survey.

I was the Registrar, and previously Deputy Registrar, of the ICTY during peak periods of courtroom activity. I maximised existing resources to support unprecedented levels of judicial activities, with eight trials running concurrently and up to 28 accused in court each day.

Then, as our docket progressively cleared, I led the gradual downsizing of the ICTY's once 1,300 staff to zero at the end of 2017. This process was fair and transparent, supported by continuous dialogue between management and staff. The ICTY downsizing resulted in not a single claim

litigated by the United Nations Dispute Tribunal and was praised by the United Nations auditors as “best practice in leadership of a change process” across the United Nations.

While preparing to close one institution, I started up another, the Mechanism. When I was appointed its Registrar, the Mechanism had zero staff, except myself. In the six months leading up to its start, I recruited core positions to enable the performance of mandated activities from day one. Not long afterwards, it was fully staffed, with employees hailing from 65 countries evenly split between the Mechanism’s two branches, in Arusha, Tanzania, and The Hague, the Netherlands. Recruitment was supported by blind technical tests, assessment panels and review bodies with members from both branches, and full participation of the Gender Focal Point. The first staff recruited by the Mechanism was a woman, at the P-5 level, and the Mechanism reached gender parity from the outset. In the 2017 UN Global Staff Satisfaction Survey, the Mechanism ranked second in the whole United Nations for appointing the right people for the right jobs.

The ICTY reached gender parity at the Professional and Director level when I became Registrar in 2009, which we consistently maintained and exceeded until its closure. Specifically, only one year later, in 2010, it achieved gender parity in the higher levels of P-4 and above. For six years at the ICTY, female staff members had higher rates of promotion than male staff members.

Key to this achievement were several measures:

- Implementation of the progressive United Nations framework aimed at ensuring equal opportunities, from ensuring appropriate gender representation in interview panels to the focal point for women (or designate) participating in review bodies in an advisory capacity.
- Targeted action where gender was under-represented. For instance, together with the Chief of Security, I implemented measures which doubled the number of women security officers when they were a small minority. Additionally, the ICTY organised the first all-female induction course for women security officers across the United Nations. ICTY also took steps to integrate female security officers in all security functions, including initiating the assignment of female officers to escort male accused.
- Rejection of stereotypes that certain jobs would be for males and others for females. Women occupied senior positions in areas traditionally dominated by men, from general services to detention. The ICTY Chief of Security was the first female Chief of Security ever in the history of the United Nations.
- But beyond targeted efforts and rejection of prejudice, the greatest tool to the ICTY achieving gender parity has been the simplest measure of all: recruiting the best person for the job.

Achieving equality in the workplace and retaining a diverse and high-performing staff does not finish with recruitment. It is also about providing opportunities for staff to advance and thrive not only in their professional lives, but also in their personal lives, without sacrificing either.

Working closely with the Staff Union and the Gender Focal Point, I made available flexible working arrangements – such as staggered working hours, compressed working schedules and telecommuting. My support led to immediate supervisors being supportive of staff requests for such arrangements, and our 2017 ICTY internal survey showed that almost 80% of responding staff felt their supervisors were supportive of their requests and felt comfortable discussing flexible working arrangements with them.

In staff's professional lives, the ICTY, for example, has provided numerous training initiatives, from courses on topics including effective management and public speaking, to opportunities to cross-train by working temporarily in a different section of the ICTY. This training has allowed staff to advance within the tribunal, or, in the context of its closure, to move on to fulfilling careers elsewhere.

For all of this exceptional work by the ICTY's management team and staff, the tribunal was recognised as one of the finalists in the 2017 United Nations Secretary-General Awards in the category of gender parity.

10. Please describe your experience preparing and being responsible for a large budget, including whether you have experience in working with a results-based budgeting system. What are the size of the budgets and staff you have supervised in past positions? 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 the Registrar of the ICTY and the Mechanism, I successfully obtained a total of seven biennial results-based budgets with a combined value of approximately US\$1.1 billion before the United Nations General Assembly. Of these, four were ICTY budgets, worth about US\$750 million, and three were Mechanism budgets, worth about US\$350 million.

The budget proposals I presented were adopted in their entirety, with occasional *de minimis* cuts (in the order of US\$ thousands), if any at all. The budgets consistently demonstrated transparency, fiscal restraint and responsiveness to Member States' expectations, whilst fully providing for the operational requirements of each organ of the ICTY and Mechanism.

I believe that the first step for the success of a budget is the rigour of its preparation and an ongoing and open dialogue with the Budget Committees. During my leadership, I unfailingly ensured both. Each budget was supported by: 1) a rigorous assessment of the overall goals and workload, in close consultation with the other Principals; 2) clear budget preparation instructions to the sections, based on the expected resource levels given the overall institutional objectives and workload; 3) extensive internal review processes and quality control to ensure that: all workload requirements were accounted for; justifications, particularly if additional resources are requested, were clear and transparent; any duplication of resources was avoided; general cohesion; strong links between the expected results and resources requested; and 4) presentation of the proposal with interested States' representatives and provision of any additional information which they may require.

As the ICC Registrar, particularly mindful of the One Court principle, I would rely on similar strategies to ensure credibility in the budgets that I would present to the Committee on Budget and Finance, and to States Parties.

I would also manage all resources received as responsibly and accountably as I did at the ICTY and the Mechanism. As the United Nations Secretary-General's representative for all financial and human resource matters for nine years, I administered the resources entrusted to the tribunal, which included up to 900 staff, scrupulously. At both the ICTY and the Mechanism, I oversaw restructuring and efficiency measures to increase productivity with reduced resources. I maximised economies of scale, contained expenditures and avoided millions of

dollars in additional costs through “double-hatting” resources between the ICTY and the Mechanism – an arrangement which was favourably recognised by the United Nations internal auditors.

I also managed the high-profile construction project of the Mechanism’s new premises in Arusha, Tanzania, from the initial planning phase to occupancy. This construction project was completed within its US\$8.8 million budget and was praised by the Host State and other Member States, United Nations Headquarters and the United Nations internal auditors. The project had an irreproachable environmental, safety and ethical record and maximized the use of local materials and resources.

**Experience in External Affairs:**

11. One of the core challenges identified for the Court is obtaining a positive and effective response to its requests for cooperation. Please describe experience you may have that is relevant to address cooperation challenges for the ICC Registry.

From transfer of suspects to the collection and preservation of evidence, from the movement and protection of witnesses to enforcing sentences or relocating acquitted and released persons, from hosting to financing operations, State cooperation is a *condicio sine qua non* for the functioning and success of any international criminal court.

At the ICTY and Mechanism, I have dealt with States in these and other aspects of our mandate and I remain profoundly grateful for the cooperation received. My approach to State cooperation has been consistently grounded on open and sustained dialogue, aimed at removing obstacles and facilitating cooperation, including in sensitive matters. Driven by a belief that cooperation should not just be unidirectional (from States to court), I have sought and fostered opportunities for mutually beneficial cooperation within the institutions’ mandates, legal framework and budget constraints. I believe that this approach would be even more valuable in the context of the ICC.

Over my career, I have cooperated with States to help expedite transfers of ICTY accused where the transfer had encountered domestic procedural issues, or, most recently, as the Mechanism Registry facilitated the transfer of one of the last remaining ICTR accused at large to Rwanda to stand trial, following his arrest in the Democratic Republic of Congo. I concluded agreements with third states for the relocation of witnesses. I achieved progress in the longstanding issue of the relocation of ICTR acquitted and released persons who remain in Arusha pending resettlement, with three relocated in 2016, and the conclusion of an enforcement agreement which facilitates the temporary stay of persons released in the enforcing State.

Particularly following the adoption of its Completion Strategy, the ICTY engaged with Balkans States in what has been referred to as a sort of positive complementarity, through information sharing, support of domestic legal and institutional reforms as well as inter-state cooperation on war crimes cases in the region. During my time as Deputy Registrar and Registrar, the ICTY Registry was deeply involved in this process through numerous workshops, conferences, transfer of knowledge events, working visits to and from the region, horizontal partnerships amongst ICTY Registry and domestic interpreters, court officers, communication specialists, and many more. This manifold process eventually resulted in the establishment of new witness protection units, defence offices, and court management systems for war crimes processes in

the region. As domestic courts took on more cases, I oversaw the review of our own internal procedures and strengthened our capacity to respond to their increasing number of requests for assistance, including by making available a progressively greater number of records and through the translation of hundreds of thousands of pages from ICTY proceedings into Bosnian/Croatian/Serbian. I am pleased that the transfer of tools and knowledge from certain ICTY Registry practices, from witness protection to the recording of proceedings, had a larger impact in strengthening the Rule of Law beyond the war crimes cases into the judicial systems of the countries in the Balkans.

At the Mechanism, building on ICTR best practices, I ensured that, as Mali and Benin were enforcing sentences for the Mechanism, the Mechanism would, within the appropriate parameters, contribute to day-to-day enforcement in ways which enhanced conditions of detention not only for the international prisoners but for the local inmates too.

In Tanzania, as I led the construction of new premises for the Mechanism from the initial planning through to occupancy, the excellent cooperation fostered with the Host State, both at the central and local level, and with the private sector in the area, was instrumental to complete an iconic building, within budget, praised for the maximisation of local resources and which has become a repository of best practices for similar projects.

At no additional cost to the Organisation, I also supported and encouraged the Mechanism's archives section in developing workshops and sharing practices and know-how in advanced digital preservation, archival repository management and information security with civil servants from government bodies, educational institutions and public agencies from East and Southern Africa.

12. The Registrar has a special mandate vis-à-vis the outreach activities of the Court, especially regarding 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's field presence.

The ICTY pioneered outreach activities for an international criminal tribunal with the start of its Outreach Programme in 1999. When I became the ICTY Registrar, I revamped and modernised the Programme through the development and implementation of a new Outreach strategy. Based on the lessons learned through its first ten years, the new Outreach Programme was able to more widely and effectively translate our work across geographical distances, language barriers, different legal systems and competing narratives, which is necessary for raising awareness and helping promote peace in affected communities.

The Programme developed innovative activities tailored to engage diverse audiences, including youth – reaching more than 10,000 students in high schools and universities across the former Yugoslavia. Visits, brochures, conferences, seven documentary films which were broadcast on more than 20 regional television stations on more than 100 occasions, and the translation of ICTY public information material into Bosnian/Croatian/Serbian ensured a wide dissemination of the work and mandate of the ICTY in the region. As Registrar, I worked closely with the President to secure extra-budgetary financing of these activities, which were possible due to generous funding by the EU and others.

Outreach by the court is necessary, but not sufficient. In order to succeed, it requires far-reaching, targeted and sustained engagement, even long after a case has finished. I consider that engaging with appropriate local and global partners is critical to magnify the impact of outreach without significantly increasing costs, and to provide for long-term sustainability. This was crucial at the ICTY, and I believe it would be all the more significant in the context of the ICC. In the former Yugoslavia alone, the ICTY Outreach Programme partnered with some 50 NGOs and supported the establishment of locally owned information centres.

The ICTY had six field offices in countries of the former Yugoslavia, which it created and built up as needed. By its closure, the ICTY had also closed down five of these offices, with only one remaining to be transferred to the Mechanism. During my tenure as Registrar, the Mechanism took over the ICTR field office in Kigali, Rwanda, as well. These ICTY and ICTR field offices were indispensable for the tribunals' operations, and I view the ICC field presence as also indispensable. The ICC field presence should be able to rapidly scale up and scale down based on the progress of the proceedings, including through the temporary transfer of resources from Headquarters and based on well assessed exit strategies, in coordinated partnerships with local stakeholders, where possible and appropriate.

13. The ICC has established constructive and long-term relationships with nongovernmental organizations (NGOs). Please describe any previous experience you have working with NGOs.

At the ICTY and the Mechanism, I worked closely with NGOs in many different aspects of their mandates, some of which have been noted in responses to other questions.

NGOs, for example, played a crucial role as partners for the ICTY's Outreach Programme, discussed above in response to question 12 and for the continued support of victims and witnesses for a plethora of services, from medical care to legal assistance, as discussed below in question 17.

NGOs can also play an important role in the monitoring of atrocity crimes cases tried by domestic courts. For instance, when I was the Registrar of the Mechanism, I concluded an agreement with the International Commission of Jurists – Kenya to monitor trials referred to Rwanda by the ICTR *pro bono*, thereby increasing cost efficiency in this area of the Mechanism's mandate.

Additionally, I fostered fruitful cooperation between the Mechanism's archives section – the largest archive section within the United Nations – and the International Council on Archives (ICA), which raised the profile of this key mandated function of the Mechanism within the professional archival community worldwide and promoted access to the ICTY and ICTR archives.

Beyond NGOs, a strong cooperation with the International Committee of the Red Cross resulted in the implementation of a functional and fair detention regime, and assisted in the supervision of the enforcement of sentences in third States. I also strengthened intra-United Nations ties, working with peacekeeping and UNDP in support of Mechanism operations away from its seats. Additionally, I encouraged partnerships with diverse professional communities, for example in Registry areas such as language services (in 2017, the ICTY Language Services Section received the prestigious Hieronymus Prize from the German Federal Association of Interpreters and

Translators) and court management (also in 2017 the ICTY received the Justice Administration Excellence Award for its contributions to the field of court management). Partnerships such as these can promote continuous learning and exchange ideas for mutually beneficial cooperation and enhancements of Registry practices.

14. How would you see your role with regards to increasing the visibility of the Court?

Today information about the work of the Court is at the world's fingertips. Access to accurate, comprehensive information is less of an issue than it was some 25 years ago, at the dawn of modern international criminal justice. Yet, formal access to a court's documents is not sufficient to show what the court is actually doing, to bring comfort to the victims, to help reconciliation through justice or to minimise manipulation by political groups. Ensuring meaningful understanding and effective outreach to diverse audiences continues to require renewed energy, even in this age of ubiquitous information.

To increase its visibility, the ICC must be able to translate its message so that it becomes accessible to all - those who never experienced war, those who are suffering from the explosions of mortars, those who never opened a law book, those who are writing new laws in their countries, and those who are looking at applying ICC precedents in a domestic setting.

As the ICC Registrar, I would work closely with the President and Prosecutor, and the external relations, public information and outreach specialists, to support the crafting of compelling and cohesive messages about the Court, and the coherent dissemination of integrated information through a variety of tools and platforms, including through social media. I would ensure the maximum use of the limited resources available, and, if appropriate, seek extra-budgetary fund-raising for targeted projects. I would support and maintain open dialogue with States, as discussed in my response to question 11; strengthen relationships with the field and partnerships with local and international NGOs, and international organisations, as discussed above in response to questions 12 and 13; establish a good relationship with the media and work with professional associations, as discussed in the response to question 13. I believe that even a small group of committed and dedicated professionals, if supported by a constant dialogue from the field and key international partnerships and campaigns, can significantly magnify the visibility of the Court.

**Experience in Judicial Support:**

15. Please describe your experience and/or expertise in dealing with victim participation in proceedings. 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?

While the ICTY and the Mechanism do not have direct victim participation in proceedings, many of the approximately 8,000 witnesses from the *ad hoc* tribunals were also victims. As also discussed in my responses to questions 8 and 17, I have worked extensively for 13 years to promote the safe participation of witnesses in international proceedings and to foster an environment in which testifying can be experienced as positive, strengthening and enriching, to the extent possible, including for victim witnesses.

The operations we developed served as a model for other courts and enabled witnesses, including victims, to have a positive experience in participating in the proceedings. This was confirmed in the first academic study about the long-term impact of testifying at the ICTY, where more than 90% of witnesses were satisfied with their testimony. They felt positive about the experience of contributing to justice and believed that sharing their truth made a direct contribution to the delivery of justice, and to the discovery of truth about the wars in the former Yugoslavia.

At the ICC, the opportunity for victims to participate in all stages of the Court's proceedings is one of the most innovative aspects of the Rome Statute, and a step forward from the *ad hoc* tribunals.

Victims' participation in proceedings is determined by the Judges in each case, considering, *inter alia*, whether a person is a victim, whether the personal interests of the victim are affected, and the manner of their participation. Based on the Judges' decision, the Registry's role is in assisting the implementation of that decision and the facilitation of victims' participation.

Within the Registry, the Victims Participation and Reparations Section and, for administrative purposes, the Office of Public Counsel for the Victims, play central parts in the victim participation process. The Registrar has an important role in ensuring appropriate coordination internally as well as with key partners in the field to expeditiously implement any decision by the Chamber, and to ensure assigned resources are used as efficiently and transparently as possible.

While at the ICTY, victims were part of the proceedings only in their capacity as witnesses, valuable lessons can be drawn and adapted to the broader context of the ICC. Based on the ICTY experience, I consider that giving full effect to this ICC statutory right starts from the field and the early contacts with the victims. Understanding and removing cultural and technical barriers to participation; providing accurate and standardised information to victims based on their level of understanding of the procedures; being approached in a tactful and culturally-sensitive manner; and managing expectations of outcomes and timelines are all crucial elements in the immediate contacts with the victims.

16. The ICC Registrar is responsible for establishing the eligibility and qualifications of defense counsel, providing support to them, and working with the Court to promote the rights of the defense. Please describe your experience with these issues, including with respect to Defense access to necessary facilities and resources in proceedings ('equality of arms'), including in addressing issues such as gaps in gender equality on ICC Defense counsel teams?

Respect for the rights of the accused was a cornerstone of the ICTY from its creation to its closure. But as the first international criminal tribunal, no blueprint existed on how to put this into effect.

Since 2004, overseeing the Office of Legal Aid and Defence Matters (OLAD), first as Deputy Registrar and then as Registrar, I worked to strengthen legal representation for the ICTY accused, so that they received the highest possible quality of legal representation. OLAD created a model operation which served the tribunal and the accused well, and became a repository of best practices for other courts.

The first step in the process of strengthening the defence was the creation of the Association of Defence Counsel practicing before the ICTY (ADC). They represented the common interests of defence, and, at the same time, became an invaluable partner for the Registry, acting as a second layer of quality control to ensure the highest possible legal representation, taking on disciplinary matters, and fostering, through feedback and open dialogue, the continuous enhancement of our services to accused and defence. The idea of establishing a quasi-bar association has spread across the international justice landscape, including with the establishment of the ICC Bar Association (ICCBA) in 2016.

The second step was developing and implementing a ground-breaking lump sum remuneration scheme, which attracted and, most importantly, retained throughout lengthy cases highly qualified attorneys from multiple jurisdictions. This remuneration scheme: 1) offered flexibility to the defence teams; 2) increased predictability and transparency in our budgets; and 3) ensured the necessary Registry oversight without requiring cumbersome administration. With about 90% of the ICTY's accused having benefited from full or partial legal aid, this scheme had a remarkable impact at the ICTY. Further, to those accused who chose not to be represented by a lawyer, we provided extensive facilities so that their self-representation was effective and meaningful.

The third step was the integration of the defence in the daily and institutional life of the ICTY. When I joined the ICTY in 1997, defence counsel had to be escorted by security at the tribunal and were not permitted remote access to case documents. This had to change if the ICTY was to succeed. Over time, through the constant cooperation between the ADC and the Registry, defence counsel gained appropriate access to the premises and documentation, as well as representation on certain ICTY cross-organ committees, and became an active participant in the Outreach Programme.

Based on these hefty pillars, the ICTY's accused received the highest level of legal defence possible. I believe that aspects of this experience adapted to the different context, such as a strong partnership with the ICCBA and the Office of Public Counsel for the Defence (OPCD), and an appropriate institutional integration, could, further enhance the provision of legal assistance at the ICC. Additionally, as Registrar, I would ensure that decisions made by the Registry are transparent, particularly on funding. I would also strive to simplify procedures, particularly regarding remuneration, to ensure that they are clear, promote streamlining and consistency, as well as reduce ambiguity to prevent unnecessary litigation, which may detract counsel time from their cases and Registry resources from other competing priorities. I would seek to enhance the role of the Registry as a service provider, ensuring that staff dealing with counsel are responsive, foster and maintain a polite and appropriate relationship, and are capable of offering reliable and correct advice in a prompt manner.

In the context of gender representation in the defence, I am committed to gender parity at all levels. As discussed in detail in my response to question 9, when I became Registrar in 2009, the ICTY achieved gender parity and maintained or exceeded it until its closure. Within the Court's freedom of choice principle for the accused, gender-balanced representation should be promoted. I would work with the ICCBA to identify strategies to improve gender equality in defence teams, which may include the establishment of a gender focal point within the Association, as well as targeted initiatives and partnerships to increase the number of women admitted to the ICC's List of Counsel. Many viable options could bring immediate results with only negligible financial investments, such as reaching out in person, in writing, or through

various media to women lawyers associations to provide information regarding the work of the defence at the ICC; discussing with focus groups any existing or perceived barriers to women counsel; issuing statements encouraging applications from women for the List of Counsel; increasing female representation in legal assistants rosters (who are selected by counsel, rather than the accused), which may in turn increase the number of female counsel in the future.

17. 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.*” Please describe the experience or vision you may have with regards to the protection of victims and witnesses, particularly women, at the ICC?

At the ICTY, I worked continuously and closely with the Victim and Witness Section (VWS) for 13 years, providing vision and leadership as both Registrar and previously as Deputy Registrar. ICTY pioneered an integrated witness-centred approach to witness management, understanding that protection and support go hand-in-hand. VWS provided logistical support (e.g., assistance with travel, accommodation), practical and psychosocial support (e.g., counselling, medical care, information about the process of testifying), and protection measures in the field and in The Hague. The success of the VWS approach is reflected in the responses of witnesses to the pilot study discussed in my response to question 8, with 95% reporting they were treated fairly during their interactions with the VWS.

When I became Deputy Registrar in 2004, with the increasing number of trials taking place concurrently, I worked with the VWS to ensure a steady flow of witnesses for expeditious proceedings, and the myriad of challenging, and novel, protection and support issues that were surfacing almost on a daily basis. Each issue became a problem solved and each solution enriched the policies and practices framework of the ICTY. In the rare cases where it was required after a specific security assessment, my team and I also negotiated witness relocation agreements with third states.

In 2009, as the number of trials started to wind down, and the focus of the section began to shift towards support and protection, I sought the promotion of a comprehensive Follow-Up Policy for witnesses. The two main tenets of the policy have proven to be effective and cost-efficient: a follow-up call a few weeks after the return home; and referrals where necessary to NGOs, institutions and advocacy groups.

This commitment to protecting and supporting witnesses who had testified before the ICTR and the ICTY was also at the forefront of my agenda in starting up the Mechanism. Even before it commenced operations, I oversaw the development and implementation of plans which ensured the seamless transition from the ICTR with no disruption of services to witnesses. This was vital as many of the nearly 3,000 ICTR witnesses, and about one-third of the 5,000 ICTY witnesses, testified with protective measures. I am proud that on the very first day of the Mechanism’s operations, the field office in Kigali, Rwanda, was able to attend to 22 witnesses, harnessing two decades of best practices in witness management from the ICTR and ICTY.

Together with the Mechanism’s first witness protection and support professionals, I continued to build upon and improve models for long-term protection and support established by both tribunals, taking into account different local contexts in Rwanda and the Balkans. In Kigali, I wholly revamped a small clinic for victims and witnesses of the ICTR, which became the centre of our operations, and enabled Rwandan witnesses, many of whom were victims of sexual

violence, to seek medical and psychosocial care in a safe environment. In Sarajevo, rather than providing services directly, we strengthened the field office's ability to serve as an information and referral hub. The Sarajevo office referred victims and witnesses to other organisations (international and national NGOs, government offices, etc.) where they could obtain, for example, medical, legal or social assistance. Neither of these two approaches required overly large financial commitments or extensive staff resources, and both brought tangible and profound benefits to victims and witnesses.

I envision the ICC to be at the forefront of witness support and protection. The Court is uniquely placed to benefit from experiences from all parts of the world. To protect witnesses in the age of social media and biometrics, and to support those who saw or suffered from the most heinous crimes known to humankind, it is important to remain fully aware of contemporary trends in both protection and support, and incorporate best practices emerging from various jurisdictions in the particular context of the Court's operations.

Independently of the structure of the witness system in place, I believe that both the protection and support elements must be provided by specialists in the respective field. IT and psychosocial expertise from internal or external sources should inform and strengthen the operations of the section.

As decisions may have life-threatening impact, I would ensure clear lines of responsibilities and the demarcation of responsibilities between field and Headquarters, for effective and prompt action. Additionally, I would seek to strike a balance between consistency and different field realities, particularly in terms of services already available *in loco*.

Cooperation with Member States is crucial in witness movement and protection. Specifically, relocation of a witness within or outside a State cannot be achieved without the support of domestic authorities. In certain cases, particularly where mutually beneficial opportunities can be identified, States may be willing and able to support the significant costs of relocation either directly or through the establishment of funds.

Cooperation with other stakeholders is also vital. As the ICTY and MICT experience has shown, commitment to the witnesses is a long-term one, which extends after the delivery of a judgement. Additionally, witnesses and victims in a post-conflict society typically experience a myriad of needs which no court, domestic or international, can entirely meet, and which are tied into the broader post-conflict institutional re-building. Therefore, seeking and fostering partnerships with outside stakeholders, from NGOs to private sectors, from State institutions to academia, would be crucial for sustainability in the provision of continued support and protection.

**Miscellaneous:**

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, socio-economic status, and/or alienage or citizenship status? If yes, please describe the circumstances.

No.

19. Do you know of any factors that would adversely affect your ability to competently serve as the Registrar, to comply with ethical responsibilities, or to complete the responsibilities that the Registrar is required to assume? If yes, please explain. Are there any other issues or comments you would like to address?

No.

**Thank you.**