

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

*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: Peter Lewis
Nationality: United Kingdom

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

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

I believe the Court is at a key moment in its development. If it is to continue to attract the support and funding necessary to continue its mission it must make the transition from an organization which promises so much to one with a growing reputation for competence and delivery. I have the skills and experience to lead the Registry through this vital transition. As one of the sub coordinators at the Preparatory Commission on the Rules of Procedure and Evidence of the ICC I have a deep personal commitment to the mission of the court and a strong desire to make whatever contribution I can to ensure the Court is successful.

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 a public servant all my working life. I have always personally demonstrated and promoted public service values of selflessness, integrity, objectivity, openness and honesty. My contribution to public service in the United Kingdom was recognized in 2013 when I was made a Companion of the Order of the Bath.

I have a first class record of delivery as Chief Executive of a UK Government Department with measurable and sustained improvement in performance, efficiency, cost effectiveness, inclusiveness and morale.

I am a native English speaker.

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

The ultimate test for the Court and the Rome Statute system is to continually demonstrate that a permanent institution is a far better way of promoting and guaranteeing international justice than a system dependent on the creation of ad hoc tribunals to deal with the aftermath of particular crises. I believe the Court has taken significant steps to meet this challenge. First it has created a new functioning institution, which has proved its ability to deal with major cases. Secondly it has brought individuals to justice in circumstances where it is unlikely that a mandate for an ad hoc tribunal would have been secured. Thirdly by its very presence it serves as a beacon for international justice and accountability at a time when the international community is distracted by pressing concerns about peace, prosperity and stability.

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

The challenge for the Court and the Rome Statute system is to ensure that it continues to bring the most egregious cases to justice at a cost which the Assembly of States Parties are willing to pay. There is now a greater focus on value for money and efficiency of the organs of the court. There is a real danger that unless the Court meets the scrutiny that it rightfully faces, funding will be constrained with inevitable consequences for its future effectiveness.

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 Registry is rightly the key focus of the Assembly of States Parties in terms of the efficiency of the Court both in respect of its role in providing services to the Court and its responsibility in promoting the "One Court" agenda. The priority of the Registrar now is to secure the Assembly's confidence in the efficiency, effectiveness and value for money of the Registry. The Registrar should strive to agree a set of key performance indicators with the Assembly that measures value for money. In view of the unique jurisdiction of the Court there are no direct comparators to establish benchmarks for performance but there is sufficient historical data from the cases heard by the Court to establish some measures for value for money and efficiency. However having a set of agreed performance indicators is only one step to creating a true performance culture within the Registry.

From all my management experience I am convinced the route to the achievement of true efficiency is through a relentless focus on the pursuit of excellence by the Registry staff. If I were successful in being elected as Registrar my priority would be to ensure that all the staff within the Registry had a clear understanding of their roles and what success means in terms of their individual contribution to service delivery. I would also demonstrate a clear commitment to providing them with the skills and tools to provide an excellent service.

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?

During the majority of my career in the UK I was a member of the Crown Prosecution Service (CPS), an independent prosecuting authority and as a result I am very well practiced in maintaining and demonstrating independence and objectivity. I am confident therefore that I will face no personal difficulties in taking a position independent of or contrary to the position of the UK government or indeed of any other external actor.

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?

The Registry needs to fulfill two functions. The first is as a service provider to the other functions, the defense community and victims by providing excellent services. Secondly it must play a central role in promoting, organizing and delivering the "One Court" agenda. The organs of the Court are rightly independent of each other but the Court is a single and unique jurisdiction and the States Parties should rightly expect that the Registrar will work with the other organs of the Court to develop a shared view of how that jurisdiction will be organized and how it should be funded. I also believe that there is a special responsibility on the Registrar to foster the most open and transparent relationship with the Assembly of States Parties with regard to the efficiency and value for money of the Registry.

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?

As Chief Executive and prior to that as Chief Operating Officer of the CPS one of my key priorities was the initiative to deal with Violence Against Women and Girls (VAWG). During my tenure at the CPS the responses to VAWG was transformed with a significant increase in the number of prosecutions and the success of those prosecutions. The pursuit of the VAWG initiative led the CPS to fundamentally reconsider how it prioritized, measured and supported victims. It also led to a fundamental appraisal of its public role in promoting the importance of the initiative and gaining widespread publicity for the actions the CPS was taking to support the initiative.

In seeking to raise awareness of what the Rome Statute is trying to achieve I believe much more needs to be done with the ICC website to ensure it provides a far more accessible and contemporaneous portal into the work of the Court.

#### **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?

I am a very experienced and successful manager having worked for nearly 10 years as Chief Executive of the CPS, a large diverse organization of 6,000 employees. The CPS is one of the most diverse organizations within the UK Government with a very high number of women and members of Black and Minority Ethnic (BME) communities in senior positions. Crucial to this success was the strong and constructive dialogue I had with staff associations who worked with management to address the barriers to the advancement of women and BME staff and to create an environment where talented staff from these groups could thrive and flourish.

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 Chief Executive of the CPS I was an Accounting Officer with personal responsibility for the efficient delivery of the objectives of the CPS and delivery of value for money. During the financial years 2010/2011 to 2014/2015 the CPS budget reduced from £709 million per annum to £588 million per annum as the UK Government embarked upon a period of fiscal retrenchment in response to the world economic crisis. During this period the staff of the CPS reduced from just over 9,000 people to just over 6,000 people. I was responsible for leading the efficiency programme which delivered these cost and staff reductions whilst improving performance, increasing productivity, improving morale and successfully introducing a significant IT transformation programme. As a result of the success of the efficiency programme the CPS was able to negotiate one of the best financial settlements of any UK Government Department in the 2015 Spending Review.

My approach to the Committee on Budget and Finance would be characterized by complete transparency on costs and spend. I would commit to moving the finance function of the ICC to a "mature model" characterized by a shift from transactions and compliance to a focus on change and reform. As part of the "mature model" I would agree a series of efficiency metrics with the Committee and embark on a series of benchmarking exercises to help identify efficiencies. As I have explained in Question 5 I would introduce a programme of staff engagement in the Registry based on the pursuit of excellence in service delivery. Finally I would spend a significant part of my time working with other organs of the Court to improve financial planning based on a clear adoption of the "One Court" agenda.

#### **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.

One of my priorities in my last years as Chief Executive of the CPS was to strengthen international co-operation on asset recovery. In this role I personally led an initiative to improve international cooperation in Europe, North America and the Gulf States. The lessons I learned from this experience were three fold. Firstly leveraging all the diplomatic influence available through local Embassies was very important. Secondly my personal engagement with senior representatives of important agencies in the relevant countries helped establish the importance of the initiative. Thirdly the presence of field staff that had good contact with the key local officials undoubtedly helped speed up processes and helped cut through bureaucracy. However I also learnt that such initiatives need to be approached with pragmatism and clarity recognizing that in some instances no progress may be possible.

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.

For many years I was Chair of the Community Accountability Forum of the CPS. This forum brought together all the main nongovernmental organizations with an interest in the performance of the CPS. Through this work I developed a deep understanding of the impact decisions made by the CPS had on individuals and communities. In response to specific threats to particular communities, for example the rise in hate crimes, I convened special meetings with representatives from those communities to better understand the issues and develop new protocols and initiatives to deal with the problems.

I believe that field presence will always be a part of successful outreach activity. However as mentioned in response to question 8 the majority of people will start their engagement with the ICC through the ICC website. At the moment the last meaningful report on outreach activity is from 2010. I would make it a priority to establish the website as an authoritative and contemporaneous record of outreach activity.

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

Through my work with the Community Accountability Forum (above in Question 12) I established strong relations with a number of the leading victim and rights based NGOs. I was able to use their experience and support not only to improve service delivery but to address employment issues, for example with the help of Stonewall I was able to launch a significant initiative for the LGBT employees within the CPS.

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

All the leaders of the organs of the Court have a responsibility through the "One Court" agenda to promote the jurisdiction of the ICC and the Rome Statute System. For the Registrar there is a particular need in the immediate future to explain and promote the pursuit of excellence within the Registry and to visit and meet States Parties to establish the credibility of the Registry as an efficient deliverer of court services.

**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?

Victim participation in proceedings is absolutely central to the jurisdiction created by the Rome Statute. I am very proud to have been one of the rapporteurs at the Paris inter-sessional when the Preparatory Commission began to develop what are now the Rules on victim participation. I also played a leading role with Hakan Friman in negotiating the rules on reparations for victims.

Within the UK I also worked personally with the victims of the worst disaster in British sporting history, which resulted in 96 fatalities and a significant number of injuries. The response to that disaster set a new paradigm for engagement with and participation of victims by the investigation and prosecution authorities. It confirmed to me that it is possible to have effective participation while safeguarding independent decision making, without compromising the efficient progress of the case.

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?

For many years I served on the Criminal Law Committee of the Law Society of England and Wales and in my final years on the committee I served as the Vice Chair. I am therefore very familiar and sympathetic to the difficulties and challenges facing defence practitioners. As Chief Executive of the CPS I was responsible for a series of cross jurisdiction efficiency initiatives and I worked hard to ensure that defence representatives were fully and constructively engaged on these initiatives.

With regard to the make up of Defence Counsel teams I would work with representatives of the Bar Associations to ensure we remove any barriers preventing Counsel joining the list and ensure the list contains sufficient information on skills and experience of Counsel to enable defendants to make informed decisions about who they want to represent them. Recognising that previous Registrars have tried to tackle this issue I would wish to understand why these initiatives failed so that any new initiative could be informed by their experience.

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?

The vulnerability of victims, witnesses and particularly women undoubtedly presents a substantial challenge to the court and may present a significant obstacle to effective victim participation in the proceedings. The approach to this challenge needs to be guided by a number of principles. The first principle is that victim participation is an essential part of the legitimacy of the court. The second is to be clear that the process of participation must not lead to revictimisation. The third is the court should utilize technology to pioneer new ways of ensuring safe, discreet participation. Finally without compromising the confidentiality of individual arrangements the full cost of providing such support should be an explicit and discreet part of the budget bid by the Registry.

The Registrar should accept a personal role and responsibility to educate and inform the State Parties of the significant challenges of providing assistance and seek their active support for making witness participation a central part of the unique jurisdiction of the Court.

**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.**