

**2023 election of the registrar of the International Criminal Court
Questionnaire to candidates**

Name: KOUDA Pouraogo Julien

Date: 10/09/2022

Please reply to the following questions by Sunday 11 September 2022:

Vision for the ICC Registry:

1. Why have you applied for the position of registrar of the International Criminal Court (ICC)?

✓ Contribution to a noble cause

Through the preamble of the Rome Statute which created the International Criminal Court (ICC), we notice that this jurisdiction is not attached to a category of people or a definite geographical area but is working for all the populations on earth without distinction. The activities performed by ICC since its creation confirm this original mission. It's about the refusal of impunity, the defence of human rights through prosecution and punishment of the perpetrators of crimes within its jurisdiction. ICC is working finally to hold accountable the States through universal jurisdiction. So, we can say that among the panoply of international jurisdictions, ICC is the one which works directly to defend and safeguard the human beings. Therefore, working in ICC is an extremely rare opportunity of contributing to a noble cause.

✓ A Professional coronation

There is a legitimate ambition that the entire human beings share, the will of still going forwards whatever the field in which we evolve. We know that beyond the national jurisdictions, there are sub-regional, regional, continental and finally international levels. Every legal professional wishes graduating in his career. For a registrar it's an undeniable professional achievement and an immense honor to be able to work within this essential jurisdiction that is the ICC.

✓ Conviction of being useful

In a world where more and more people get the skill of being unpleasant and of committing acts of incomprehensible uselessness and atrocity, it's good to row against the tide. We're convinced to keep our sense of humanity when we devote part of our career to working directly to save the human race, which is more than ever threatened on all continents.

2. What do you believe are the top two or three challenges confronting the ICC and Rome Statute system in the coming years, and how would you address them, focusing in particular on the role of the ICC Registry?

ICC is facing enormous challenges that are increasing day by day. Among these, we can mention States diligence and cooperation, mobilization of financial resources and deployment.

A. States diligence and cooperation

According to the principle of universal jurisdiction, the international crimes are within the jurisdiction of the States. Indeed, as recalled in the preamble “it is the duty of every State to exercise its criminal jurisdiction over those responsible for international crimes” Consequently, ICC is a supplementary jurisdiction, it acts when the relevant State cannot or doesn’t want to act. Anyway, the Court cannot be deployed in every State or even in every region in the world. It’s necessary that in one way or another States and especially State parties may provide in their legislations their jurisdiction and undertake diligently investigations and prosecutions dealing with crimes within the jurisdiction of the Court. States must also have this culture of defense and protection of human rights. Furthermore, according to article 87 of the Rome Statute, “States Parties shall, in accordance with the provisions of this Statute, cooperate fully with the Court in its investigation and prosecution of crimes within the jurisdiction of the Court.” In other words, even in event that it’s the Court that takes the initiative of prosecution, the States cooperation is unavoidable.

In all cases, State cooperation is undeniable at the beginning during the trial and even after.

✓ At the beginning of proceeding

Whether it is an outreach action or an investigation aimed at gathering evidence of the commission of crimes in order to prosecute, the cooperation of the State on whose soil the crimes were committed is unavoidable. When the crimes are committed by individuals or non-State entities, the investigation and prosecution are relatedly easy. In contrast if it’s the State, guarantor of the defence and the protection of human rights itself who is involved even through omission in the disrespect of those rights, its cooperation can be gotten only through politico-diplomatic ballet. It should be specified that this cooperation deals with the arrest, detention and transfer of suspected persons. It also deals with the access to some places, to victims and witnesses and to non-governmental or intergovernmental organizations (NGOs/IGOs) in order to gather information and evidence during the preliminary investigation.

✓ During the trial

We know that in penal matters and especially in criminal matter, the perpetrators are assisted and not represented due to the personal nature of the criminal offense. Contumacy is always a substitute, a trial by default. Ideally, States should transfer all persons suspected of having committed crimes within the jurisdiction of the Court. According to the article 87, paragraphs 1, (a), and 7 of the Statute, The Court shall ask the cooperation through a request to States Parties and invite any State not party to this Statute to provide assistance under this Part on the basis of an ad hoc arrangement, an agreement with such State. The cooperation deals with pre-trial detention transport and transit so that both States Parties and non-States Parties are involved. In both situations, if the States don’t comply, the Court takes note and defers to the Assembly of States Parties or to the Security Council if it is the one which referred the matter to the Court. We see that the means of the Court present certain fragility.

✓

After the trial

The goal of a jurisdiction is to make decisions. Whether acquittal or condemnation, they must be executed. For the execution of decisions of the Court, it is obliged to count on the cooperation of the States. This concerns both imprisonment sentences and fines and confiscations. For sure, the ICC will not be able to have enough prisons at its headquarters to detain the criminals of the whole world whose number is increasing. The matter of the execution of imprisonment sentences is governed by fundamental principles. These are, on the one hand, the principle of shared responsibility for the enforcement of sentences set out in article 103 paragraph 3,(a) of the Rome Statute and the principles of equitable distribution dealt with in article 201 of the Rules of Procedure and Evidence.

According to the first principle stated, all States Parties share responsibility for the enforcement of imprisonment sentences. A State in charge of enforcement must be designated from a list of willing states. It accepts to welcome a sentenced and let serve his sentence.

As for the principles of equitable distribution, the choice of the State of enforcement involves the use of objective and transparent criteria.

Dealing with the enforcement of fines and confiscation orders ordered by the Court according to Chapter VII, Article 77, paragraph 2 of the Statute, they generally concern immovable property and cash located on the territory of the States. In accordance with article 109 paragraph 3 of the Rome Statute "Property, or the proceeds of the sale of real property or, where appropriate, the sale of other property, which is obtained by a State Party as a result of its enforcement of a judgment of the Court shall be transferred to the Court."

From all the above, we note a preponderant role of the States throughout the proceedings. However, there is a significant risk of collusion between nationalist or chauvinist interests on the one hand and the needs of defending universal rights on the other. To this, we must add that we are in the ultra-sensitive area of state sovereignty. This is evidenced by their eagerness to withdraw from the conventions to which they are parties when they feel that their activities fall under certain offenses making them potentially defendants of human rights courts. In this area, only cooperation, politico-diplomatic negotiations work.

Therefore, the major challenge for the Court will consist in doing everything possible to obtain the support of the States which are at the beginning and at the end of all its activity.

B. The mobilization of sufficient financial resources for situations still increasing.

This challenge is common to most national or international organizations. We always have a limited budget for needs that multiply exponentially. However, as we know, it is "money that is the sinews of war". It is noted that the Court has essentially two sources of financing. These are on the one hand the contribution of the States Parties and the financial resources provided by the United Nations (Article 115 a) and b) of the Rome Statute), and on the other hand the voluntary contributions of various entities, State and non-state (Article 115 of the Rome Statute). The first category of contributions is more or less stable and known in advance so that it can be easily budgeted. On the other hand, the second based on voluntarism is random, difficult to quantify, and it is necessary to refer to the custom of the donors to get an idea of it.

We note that this challenge has a causal relationship with the previous one and the next one. Indeed, when States adhere to the ideals of the Court, not only will they pay their contributions but they will also make voluntary contributions.

C. Deployment

With the proliferation of potential sources of crimes within the jurisdiction of the Court commission, it will be increasingly called upon to deploy agents in several theaters at the same time. The news is eloquent with the "war" in Ukraine which constitutes crimes within the jurisdiction of the Court. Similarly, it will be led to multiply special jurisdictions like the International Criminal Tribunal for Rwanda (ICTR) or the Central African Special Criminal Court (SCC)...

Alongside deployment through the temporary establishment of regional or local jurisdictions, itinerant outreach activities should be considered. Priority would be reserved for potentially explosive regions where the marginal propensity to commit crimes within the jurisdiction of the Court is very high. Indeed, we must focus on prevention through outreach. This aspect is often overlooked in traditional jurisdictions, but as far as the ICC is concerned, particular emphasis must be placed on it.

As we know, prevention is better than cure. Moreover, from humanitarian dramas resulting from serious crimes, we never recover. The proof, we are still dragging the aftermath of Hiroshima and Nagasaki 77 years later. Moreover, these serious crimes are sea serpents that never cease to affect the lives of men in the long term. There are endemic regions so that it's necessary to increase awareness-raising actions to minimize the opportunities for the commission of these crimes.

3. 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 vis-à-vis the ICC Presidency and the ICC Chambers; the Office of the Prosecutor? Additionally, how would you describe the relationship with the Trust Fund for Victims?

The registry is a technical service with extended attributions concerning communication, procedure, conservation of documents, authentication, assistance to the judge, formalization and execution of decisions, drafting and execution of budget, human resource management. By going through the fundamental texts of the Court, in particular the rules of procedure and evidence as well as the rules of the registry, we see that alongside the traditional general powers, the ICC registry has specific powers, in particular relations with certain services.

A. Traditional attributions

The registry is a technical service with extended attributions concerning communication, procedure, conservation of documents, authentication, assistance to the judge, formalization and execution of decisions, drafting and execution of budget, human resource management. By going through the fundamental texts of the Court, in particular the rules of procedure and evidence as well as the rules of the registry, we see that alongside the traditional general powers, the ICC registry has specific powers; in particular it has relationship with certain services.

They are transversal and allow on the one hand the other services to have reliable information for effective and efficient actions, on the other hand the parties to the trial to be at a level of information allowing them to defend their interests in the framework of a fair trial. The most emblematic relate to procedural acts and communication.

✓ Performing procedural acts

The registry is the guarantor of the procedure. Many deeds are filed there in different forms and on given dates. It is therefore up to the registry to specify by whom and in what form the documents were filed with the registry. It is also from the registry that we will know exactly the date on which such an act was filed, such a formality was completed. However, we know that all acts are governed by definite time and form. We also know that the form keeps the content as it is and that any court seized, before examining the substance, must decide on the admissibility, that is to say decides on the question of whether the case has respected the conditions of form and deadline. The consequence of non-compliance with these conditions is inadmissibility, in other words the merits of the case will not be examined.

✓ Communication and assistance

Communication falls within the classic remit of the registry and we know that it is essential throughout the procedure and we can even say that without communication, there is no trial.

• To victims and witnesses

This involves sending the victims and their legal representatives notices and notifications in order to keep them informed of the dates on which they must report to certain places to carry out acts or formalities. The aim is to help them obtain legal advice, to be represented and to facilitate their participation in all stages of the procedure. The Registrar will also provide victims of sexual violence and other vulnerable persons with specialized assistance. This assistance continues with the support of victims and witnesses through the Victims and Witnesses unit (VWU)

• At the level of the right of defence

According to rule 20 of the Rules of Procedure and Evidence, "In accordance with article 43, paragraph 1, the Registrar shall organize the staff of the Registry in a manner that promotes the rights of the defence, consistent with the principle of fair trial as defined in the Statute" This shows the preponderant role of the registry dealing with the right of defence. It consists, among other things, of providing aid and assistance to all counsel appearing before the Court and providing support where necessary when the use of professional investigators is necessary for the effective and efficient conduct of the defence. It is also a question of proposing the criteria and the procedure of legal assistance to the indigent.

B. The specific attributions of the ICC Registry

The Registry has specific relations with other services of the Court in accordance with the provisions of the Rome Statute, the Rules of Procedure and Evidence and the Rules of the Registry... This is the case with the Presidency, the Office of the Prosecutor and the Trust Fund for Victims

✓ Relationship with the Presidency

In addition to the usual relations relating to the classic attributions above relating, among other things, intended to provide technical information to the presidency for efficient and informed conduct of proceedings, the registry intervenes in specific activities of the presidency.

- Preparation of the draft code of professional conduct for counsel (Rule 8 paragraph 1)

The President draws up the draft code of professional conduct for counsel on the proposal of the Registrar. In view of the proposal, the Registrar seeks the opinion of the structure of independent bodies representing associations of lawyers and legal advisers.

- Election of Deputy Registrar (Rule 12 paragraph 4)

When there is a need for Deputy Registrar, the Registrar expresses it to the President who decides the question in plenary session. When the plenary is of the opinion, the Registrar presents a list to the President.

- Approval of the Registry Regulations (Rule 14 paragraph 1)

For the operation of the Registry, the Registrar draws up Regulations. These Rules are approved by the Presidency.

- ✓ Relationship with the Office of the Prosecutor (Rule 14 paragraph 1, Rule 9)

- Developing of the Regulations of the Registry and the Office of the Prosecutor

For developing and modification of the Regulations of the Registry and the Office of the Prosecutor, reciprocal opinions are taken.

- Developing of a code of conduct (Rule 17, paragraph 2, a), v))

As part of the protection of victims and witnesses who appear before the court, the Registrar may recommend, in consultation with the Office of the Prosecutor, the elaboration of a code of conduct. This code will emphasize the paramount importance of security and professional secrecy. It will be especially dedicated to Court and defense investigators as well as to all intergovernmental and non-governmental organizations acting on behalf of the Court, as the case may be.

- General administration, communication and retention of physical evidence (Articles 42 paragraph 1, 43 paragraph 1 of the Rome Statute, Rule 10, Rule 13 of the Rules of Procedure and Evidence).

In these three areas, there is a kind of concurrent competence of the Registry and the Office of the Prosecutor, but there are very tangible limits to the competences of each of them.

At the level of administration, Article 43 paragraph 1 specifies that The Registry shall be responsible for the non-judicial aspects of the administration and servicing of the Court, without prejudice to the functions and powers of the Prosecutor in accordance with article 42.”

In terms of communication, the Registry does so without prejudice to the powers conferred by the Statute on the Office of the Prosecutor.

Concerning the preservation of physical evidence, the Prosecutor is responsible for the preservation, custody and safety of those collected during the investigations carried out by his Office.

✓ Relationship with Chambers

- Database management (Rule 15 paragraph 1)

In accordance with Rule 15(1) of the Rules of Evidence, the Registrar maintains a database containing all information relating to each case pending before the Court. These data are accessible to the public subject to a non-disclosure order issued by a judge or a chamber and the protection of personal data. This means that in this area, the Registrar has to consult the chambers and the judges to find out what action to take in relation to this or that case or information.

- File management (Rule 15 paragraph 2)

It is the Registrar who is the custodian of the files but there is always a back and forth of the files between the Registrar and the chambers in the context of the accomplishment of certain formalities. Furthermore, the Registrar can always be called upon by a Chamber to provide information from a given file.

- Implementation of the activities of the Victims and Witnesses unit (VWU) (Rule 18 b)

This unit makes every effort to respect the interests of witnesses by working with complete impartiality in its relationship with the parties in accordance with the decisions rendered by the chambers. In the effort to comply with the decisions of the chambers, this structure may refer to the Registrar who in turn may consult a chamber or a judge, anything that establishes a permanent relationship between the two services.

- Responsibility of the Registrar with regard to the rights of defense

Under Rule 20(1) (d) of the Rules of Procedure and Evidence, as part of the Registrar's responsibility for the rights of the defence, he may "Advise the Prosecutor and the Chambers, as necessary, on relevant defence related issues". It is noted that this attribution applies to both the Prosecutor and the Chambers. These are all opportunities for collaboration between the services of the Court, the Registry and the Office of the Prosecutor.

✓ Relationship with the Trust Fund for Victims

The relationship between the Registrar and the Trust Fund for Victims is very close and is governed by the Statute, the Rules of Procedure and Evidence and the Rules of the Registry (Articles 75, 79, 109 of the Statute; Rules 94, 96, 98 of the Rules of Procedure and Evidence and Regulation 118 of the Registry Rules...)

- Notification of Claims for Reparation (Rule 94 paragraph 2 of the Rules of Procedure and Evidence)

The process that will lead to the reparation of victims through the Trust fund for victims is carried out from the opening of the trial. In keeping with the protective measures, the Court directs the Registrar to serve the request for relief on the person or persons named therein or named in the charges. Notification is also made it possible to any interested person or State. This formality must be known to the fund for proper monitoring.

- Receipt of requests for reparation

Under Rule 94(1) of the Rules of Procedure and Evidence, requests for reparation are filed in writing with the Registry.

- Provision of information with a view to taking certain measures

The registrar provides information for making orders for reparations, transferring the proceeds of fines and confiscations, and deciding on the disposal or allocation of property or assets. At the request of the Chamber or the Presidency, the registry provides the secretariat of the fund for the benefit of victims with general and non-confidential information concerning them obtained after consulting them or their legal representatives.

- Publicity of the reparation process (Rule 96 paragraph 1 of the Rules of Procedure and Evidence)

According to Rule 96 paragraph 1 of the Rules of Procedure and Evidence, in accordance with the rules relating to the notification of proceedings, the Registrar shall, if possible, notify the parties to the proceedings. He also proceeds, taking into account the information that the Prosecutor may have provided to him, to take any measure necessary to give adequate publicity to the proceedings for reparations before the Court. This wide dissemination of information aims to inform as much as possible the other victims, the persons and the States concerned.

There are certainly other cases of synergy and relationship between the registry and the trust fund for victims because in reality it is an ongoing relationship that is maintained between them.

Experience in management and addressing workplace culture issues:

4. Please describe your skills and experience relevant to the effective management of the ICC's human resources, including in addressing allegations of discrimination, harassment (including sexual harassment), bullying and/or abuse of authority on the part of staff members; in addressing the chronic imbalance in geographical representation and that of women in senior management positions; as well as addressing issues that disproportionately affect women, minorities and people of color.

- ✓ Accumulated experience at national and African level

I had the advantage of working with large groups, in particular at the 1st instance Tribunal of Ouagadougou, which is the largest court in Burkina Faso in terms of the number of workers and the volume of cases for nearly 7 years. I served in this jurisdiction as Chief Registrar. In our system, this function includes that of Director of Human Resources (HRD). As such, it was up to me to manage more than fifty registrars placed at the prosecution, at the presidency, in the investigating offices and at the central registry. Difficulties of all kinds have not been lacking (Registrar in disagreement

with his hierarchical superior, Registrar who considers himself overloaded, registrar who considers that the tasks entrusted to him do not fall within his competence, female registrars who feel that their male subordinates do not respect them, female registrar who feels that in the Chamber she's working the work is not divided equally between her and her male colleague, etc.). It was necessary to communicate, to change positions, to send letters of explanation, to warn and often even to bring to a disciplinary council. I recall that according to our texts, it is the head of the registry of the Court of Cassation that I am who is the president of the disciplinary council of all the registrars. They are more than six hundred (600) members. As such, we have benefited from training for the operation of this structure. My group management work was enriched by my time at the United Nations Organization Stabilization Mission in the Democratic Republic of Congo (MONUSCO). I was able to intervene in more than twenty registries and secretariats with an average of ten (10) actors per service in a context of cultural plurality. This work continues at the Court of Cassation where I am called upon to find solutions to all human resources problems.

In addition, for MONUSCO, as part of the Check in, we sign a commitment to divest ourselves of any harassment within the framework of the mission. Such a commitment can be extended to any discriminatory behavior, intimidation and abuse of authority. It is also necessary to recall this commitment from time to time and provide for a monitoring body.

✓ Affirmative action

For more equity with regard to women, minorities and people of color, we can proceed by positive discrimination towards them, as has been experienced in several countries. In recruitment processes where there is a short list stage, for example, two-thirds of the candidates selected could come from these social groups up to a minimum balance.

As for geographical imbalances, it is necessary to multiply the channels for disseminating vacancies because the information does not get through. When the imbalance becomes glaring, we can even reserve certain positions for nationals of certain regions for a certain time to restore the balance.

5. What, in your opinion, does the Rome Statute requirement of "high moral character" mean and how do you embody these characteristics? What measures can be taken to ensure that all ICC officials and staff also embody the requirement of high moral character?

The requirement of "high moral character" means that the Registrar must have high moral qualities including integrity and impartiality. This is due to at least two reasons; these values are upheld by the Court and the Registrar performs very important functions.

✓ The values defended by the ICC

The Court works to be known and recognized. It is through efficiency and impartiality that it will be able to achieve unanimity. The Court is a jurisdiction of conventional origin, unlike national and regional jurisdictions to a lesser extent. Among the 195 states recognized by the United Nations (UN), 123 are members. 72 countries are not yet members with the possibility that some of them may join the train but, unfortunately, that others may withdraw. We know that for a legal person, its values are those which are embodied by the physical persons who drive it, especially those who hold certain responsibilities, that's why the Registrar, an important personality of the Court is required to embody these values.

✓ The main responsibilities of the Registrar of the Court

The Registrar plays an important role particularly in terms of procedure, financial management and human relations.

- The procedural role of the Registrar

The Registrar provides information on the form and dates of the acts and formalities carried out. In law we know that questions of form are preliminary and condition the examination of the merits of the case. We also remember that one of the objectives pursued by the Court is to ensure equality of arms in the trial. Therefore, the Registrar must be a personality equidistant from the parties and provide neutral and unbiased information.

- The role of the Registrar in financial management

In addition to the role of the Registrar in the preparation and execution of the Court's budget, we realize that he is involved in more than one act relating to finances. This is the case for the enforcement of fines and confiscation orders. This is also the case for the implementation of reparations for the benefit of victims. He intervenes in the process of assignment of counsel... The Registrar of the Court plays a preponderant role in financial matters. With regard to the Registrar's responsibility in relation to the right of defence, paragraph 2 of Rule 20 of the Rules of Procedure and Evidence specifies that " In accordance with article 43, paragraph 1, the Registrar shall organize the staff of the Registry in a manner that promotes the rights of the defence, consistent with the principle of fair trial as defined in the Statute."

- The Registrar's responsibilities in relation to human relations in the field

In terms of human relations, the Registrar plays a very important role. Indeed, in order to make proposals on the criteria and procedures for the assignment of indigent counsel, paragraph 1 of Rule 21 of the Rules of Procedure and Evidence stipulates that it consults any independent representative body of associations of lawyers or legal advisers. Similarly, in terms of victim and witness assistance, he comes into contact with many people, particularly through the Victims and Witnesses Assistance unit. The same applies to awareness-raising activities for victims and affected communities for which he is responsible. Concerning the resettlement of traumatized or threatened persons, he can even enter into agreements with States on behalf of the Court. (Rule 16 (4) of the Rules of Procedure and Evidence).

For these reasons, we understand the requirement of a person of "high moral character", otherwise, the image of the Court risks being tarnished.

- ✓ I embody these values: My qualities and experience

In my career, which is more than 20 years old, I have taken on increasingly important responsibilities. Currently the account of the Court of Cassation that I manage is more than one hundred million (100,000,000) CFA francs. I managed those of the First Instance Court of Ouagadougou which was more than two billion (2,000,000,000) for nearly seven years. Throughout the said career, the average of the marks of my hierarchical superiors is 9 out of 10. Similarly, I was awarded a decoration in the Order of Merit of Justice.

As part of the UN mission that I carried out, I initiated and participated in the implementation of various missions. For example, I can cite the obtaining of an additional budget (QIP NUA-17-21) which made it possible to complete three quick impact projects (Quick impact project, QIP), relating to the construction and equipment of the Tripaix, the Civil Prosecutor's Office and the Detached Military Prosecutor's Office of Walikale which I found overdue when I arrived at MONUSCO. I can also mention the urgent restoration project of the roof of the North Kivu's Court of Appeal (QIP NUA-17-72) for an amount of fifteen thousand eight hundred and seventy-nine (15,879) US dollars which was finally handed over on August 23, 2017 in Goma. I also mention my participation in a project that I will explain in point 7 below. I deal with the community violence reduction project (Community violence reduction, CVR) implemented in the Central Masisi Territory started on May 31, 2017 for three (03) months with a budget of thirty-six thousand three hundred and sixty-six (36,366) US dollars.

✓ Measures to ensure that ICC has officials and staff of high moral character

The conditions to ensure the Court has officials and staff of high moral character

some measures are to be taken or let's say to be scrupulously respected to have officials and staff of high morality:

- People who have already proven themselves

It would be preferable, especially for the most important positions, to recruit staff that has already proven themselves. This is achieved by the number of years of experience required.

- Long multi-step recruitment process

It takes a relatively long recruitment process with the possibility of having information on the career of the candidates.

- Transparency and equity

The recruitment process of recruitment should be led with transparency and equity throughout.

- Permanent control

A permanent monitoring-control system is needed to deter any tendency to slip.

Participation of victims and affected communities

6. 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?

✓ Organization of Mobile Court Trials (MCT)

To make this happen, a city is chosen within the jurisdiction of the court and which is of great interest with due consideration to the accused persons who are inhabitants of this city. Notification of this trial is done ahead of time through radio announcements and posters. All persons who

consider themselves prejudiced by the accused person are welcome to join the procedure and the witness or any person having a piece of information is heard.

✓ Organization of Court Open Days (CODs).

Burkina Faso has been organizing CODs for several years. During several days, judicial actors meet in courts to welcome all litigants and respond to their concerns. Prior to these days, and several weeks before, radio and television programs are broadcasted across the country. During these CODs all sections of the jurisdictions (registry, prosecutor office, judges, investigating judges) make presentations and respond to litigants' concerns. On this occasion, Burkina Faso Bar provides free legal consultations. Recurring themes developed during these days are: Bringing justice closer to the litigants, breaking psychological barriers down... As part of CODs, free simplified request forms are available to litigants to enable them to initiate any legal action.

✓ Participation in setting Reception and Information Office (RIO)

Burkina Faso set up reception and information offices on four pilot court compounds a few years ago. The approach consisted in building an office at the entrance of the pilot courts. The office is run by experienced court clerks in order to welcome, explain and guide litigants according to the legal action they want to initiate.

7. The registrar has a special mandate vis-à-vis the outreach activities of the Court, especially regarding victims and affected communities. How will you ensure that outreach is carried out at the earliest stages of proceedings, including preliminary examinations, and how would you describe the roles and responsibilities of the Registry and other organs in these different phases? Please elaborate on any experience relevant to fulfilling this mandate, as well as your philosophy regarding the role of the ICC's field presence.

As far as I am concerned, the format of the CVR (community violence reduction) that we experienced in Masisi in North Kivu in the DRC can be reviewed, readapted and duplicated. It includes conferences, broadcasts, posters, meetings with opinion leaders and influencers, meetings with crowds, gadgets etc. These activities are organized in areas characterized by an increase of crimes falling within the jurisdiction of the Court. Two purposes are targeted by the activities. The first is preventive and aims to raise community awareness about crimes. The second is to bring Justice closer to the litigant by providing explanations, in easy and accessible French, about the procedures, steps to follow by the victims to gather evidences to support their legal arguments during trials, how to sue for damages etc. Moreover, it is an opportunity to encourage the witnesses to break silence and to contribute to the work of justice. This objective can be reached through the information given to the witnesses about the measures taken by the Court to ensure their protection. To make it operational, below are the practical steps:

7.1. For VACs (Victims and Affected Communities)

- ✓ Meetings and discussion with the VACs
 - Setting up a communication channel
 - Providing legal opinions
 - Explanation about procedures
 - Assistance in choosing lawyers

- ✓ Setting up structures bringing together the VACs
- ✓ Conducting crisis prevention activities

7.2. For the Registry and other ICC organs

- ✓ Before trial
 - Develop a VACs monitoring document
 - Ensure strict compliance with professional secrecy by the members of the registry
 - Separate prosecution and defence witnesses
 - Provide legal opinions
 - Make notices
 - Provide advice
 - Organize trainings on relevant topics (respect for professional secrecy, security, medical and psychological care, etc.)
 - Develop, in conjunction with the Office of the Prosecutor, a code of good conduct with focus on the importance of security and professional secrecy with regard to certain actors (Court investigators, NGOs and IGOs acting on behalf of the Court)
 - Recommend to the organs of the Court to take appropriate measures to protect VACs
 - Help VACs to get appropriate care
- ✓ During trial
 - Provide assistance throughout the trial
 - Set up a convenience device
 - Provide specific measures for certain categories of victims (victims of sexual violence, children, disabled people, etc.)
 - Establish communication with States
 - Inform about the existence of the Victims and Witness Unit (VWU)
- ✓ After trial
 - Support by the VWU
 - Action to protect victims
 - Enforcement of Court orders for reparations to victims
 - Reintegration action for victims, witnesses and others at risk.

8. The ICC has established constructive and long-term relationships with non-governmental organizations (NGOs) and the press. Please describe any previous experience you have working with NGOs. How do you see the Registry's role towards these actors?

Examples of NGOs and IGOs I worked with a few years ago:

- ✓ Millennium Challenge account (MCA)

This is an American organization which, through a land security project, has enabled the government of BF through the Ministry of Justice and other Ministries to deal with land disputes between farmers and herders. .

✓ AAP (Aid and Action for Peace)

This is an NGO through which JCS (Justice and Corrections Section) of Goma (North Kivu, DRC) implemented a project called CVR (Community violence reduction) in the Territory of Masisi on the resolution of land disputes.

Several NGOs and IGOs are effectively involved in human rights protection and defence. They are therefore, excellent contributing partners to the day to day work of the Courts. This is also true for ICC. There are two types of NGOs in this regard. We have those funding certain activities of the Court falling within their domain. The others are those receiving funds from the Court because their activities are in line with those of the Court. Still others do both.

I Had the honour and opportunity to work with the above mentioned types of organization respectively in Burkina Faso and in the Democratic Republic of Congo.

For several years, MCA has supported capacity building activities for the benefit of actors from the Ministry of Justice.

AAP, implemented a project initiated by JCS (Justice and Corrections Section) of Goma in the Territory of Masisi in terms of land dispute settling.

✓ Position of the Media

The media are essential partners for the dissemination of information. In addition to the meetings with VACs, the media are often used to get the message across. They are communication specialists who know how to go about it so that expected changes can be accepted by the population. Sketches and forum theatres can be performed on relevant themes.

Fair trials and equality of arms

9. The ICC registrar is responsible for establishing the eligibility and qualifications of external counsel and team members and providing support to defence counsel and legal representatives of victims. Please describe your experience with these issues, including the administration of legal aid and providing access to necessary facilities and resources to protect the rights of the defence. Please also describe your experience in addressing issues such as gaps in gender equality and working conditions on external teams.

✓ Assignment of Defence Counsel in Burkina Faso

In our legal system, the Registrar list the cases to be judged by specifying the victims who do not have counsel with a view to assign a defence counsel and the costs shall be borne by the state. He will then prepare a letter for the signature of the Attorney General at the Court of Appeal addressed to the President of the Bar Association for the appointment of lawyers. These appointed lawyers are entitled to a copy of the essential documents in the case at a reasonable time prior to trial.

During trials, the registry prepares a room for counsel and provides them with copies of documents relating to their files.

✓ Judicial Assistance

Decree No. 2016-185/PRES/PM/ MJDHPC / MINEFID of April 11, 2016 establishes judicial assistance in Burkina Faso. According to article 1° of this decree, " Judicial assistance means any assistance granted by the State to indigent persons and to the categories of persons determined in this decree to pursue their claims by judicial process " As part of the implementation of this Decree, a Judicial Assistance Committee is created within each First Instance Court. The Registry is represented in this committee and is in charge of reporting. This committee is responsible for examining requests for judicial assistance. The application includes documents from the town hall asserting to the applicant's indigence. When the committee considers that the requirements are met, it issues an order allowing the plaintiff to initiate proceedings at all stages.

Cooperation with the court

10. Cooperation of states parties is key for the court to discharge its mandate. What measures or initiatives will you take to increase cooperation with the court, including to increase the number of cooperation agreements in particular for the release of persons, enforcement of sentences and witness relocation?

The States' role is significant throughout the procedure so that any action should be taken to get their support; otherwise the procedure will often drag on or even face obstacles at some point. There is little margin to deal with it but we can still pursue the following approaches:

✓ Accountability of Court activities

Being in the conventional domain, coercion does not automatically work. There are other avenues to explore. Everything must be done to keep a permanent and active relationship with the States. With this perspective, we must develop a culture of accountability. If it is impossible to have sessions in each state, it rather possible organize regional sessions to which governments can be invited. During these sessions, the Court's activities can be reviewed, along with the difficulties encountered in the implementation of its mandate.

✓ Advocacy bodies for the States Parties and States Parties Assembly

With due consideration for the importance of the involvement of the States Parties in the implementation of the procedures both upstream and downstream, the registrar should have the services of a career diplomat whose task would be to maintain permanent negotiations with the States. The Registrar should engage himself in advocacy in accordance with the powers granted to him by the Rules of Procedure and Evidence (Rule 17, paragraph 1, a, vi))

✓ Establishment of regional and local branches

Considering the great number of institutions, ultimately we pay attention to those that are nearby. In this regard the Court should spread out more. Failing to have a branch in each State Party, then more regional branches are needed.

Experience in budgetary processes:

11. 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 and with gender responsive budgeting. 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?

Most institutional and even States budgets, nowadays, are program budgets focused on results. It is within this framework that I worked both in my country and during my mission in the DRC.

✓ Head of registry experience

- At the level of the courts hearing the main action
 - Management of assigned funds
 - Revenue Administrator

At the level of the courts hearing the main action, as head of registry for more than 15 years, I acted both as Manager of assigned funds credits and as revenue Administrator. This gave me the experience of working with funds. With regard to the assigned funds, even if the budget lines are defined at the level of the Ministry, the Registrar has the opportunity to deal with the need assessment of the Court.

As Revenue Administrator, it task was to collect the fees related the various court acts and transfer them to the public treasury.

- At the level of the Cassation Court
 - Budgeting

At the Cassation Court, on the other hand, we draw up a budget which is defended at the Ministry of the Budget and at the National Assembly. This is a program budget. This year, we have developed an institutional development plan (IDP) for five (05) years from 2022 to 2026, the implementation of which will require nearly 10 billion and following the results-based management approach (RBM)

-Including budget lines for gender-related activities

In the preparation of the budget we should include gender -related activities each year.

✓ Experience of the Mission in the Democratic Republic of Congo (DRC)

- Implementation of QIPs and CVRs

The process goes through the steps below. Either the populations in need make the request or we observe it and take the initiative. We discuss with the authorizing officer of the budget and we draw up the budget for the activity.

- Noticing the need or receiving of the requests of the beneficiaries'
- Advocacy with decision-makers
- Budgeting

- Organization of inspections of mobile court trials and awareness-raising campaigns

The organization of mobile court trials, awareness-raising campaigns or inspection of the functioning of courts follows the steps below.

- Inventory and assessment of cases
- Assessment of inspection needs
- Preparation of the activity with the competent authorities
- Discussion with the authorizing officer on the feasibility of the activity
- Budgeting

Thank you.

