

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

**Name: Christian Mahr**

**Date: 11 September 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)?

In my capacity as the Director of External Operations, I have had the privilege of witnessing first-hand both the formidable challenges as well as rewards of serving as the Registrar of the ICC, and as such, I am confident that I have an excellent understanding of what the job of Registrar entails, and what is required to successfully assume the role of primary administrative officer of the Court. As the Court faces a significant upsurge in judicial activity at the exact same time as major investigations are being launched in Africa, Asia, Europe and Latin America, the Court will need a safe pair of hands from day one to navigate the plethora of issues which will inevitably arise from these developments. The Registrar will also be expected to play a key role in working closely with Member States to ensure the effective implementation of the numerous recommendations emanating from the Independent Expert Review of the International Criminal Court and the Rome Statute System.

I feel that the six years I have spent working intimately with and observing the work of our Registrars puts me in a unique position to help steer the organization at a time of unprecedented expectations for the Court's ability to deliver justice to victims of crimes which fall under its mandate—which is an end result I feel passionate about. I believe that my record to date at the ICC shows that I have the experience, motivation, vision, managerial skills and temperament to be able to work within this large and highly complex organization and successfully assume the challenging requirements of this post.

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?

There are numerous challenges that the Court and the Rome Statute system will be facing in the coming years. Of primary concern to the Registry and Registrar would be the ability to work closely with States to ensure that the Court has access to sufficient financial and human resources to enable it to efficiently and effectively support the rising judicial workload and complex investigations taking place in a multitude of localities spread out across the globe. There will be a need to ensure that this resource allocation is made available on a sustained basis, so that it does not adversely affect the ability of the Court to carry out its judicial activities which require long-term planning for it to be truly effective. None of this will be easy given the serious fiscal challenges that States themselves will be encountering as a result of the havoc wrought onto their economies by a combination of the COVID-19 pandemic, the high rates of inflation and the war in Ukraine. I trust that the best manner in which to achieve State support for this purpose is by continuing steps taken by the current Registrar to introduce greater transparency into the administrative workings of the Court by mainstreaming measurable indicators as part of the regular working practices of the organization and putting in place a working culture which vigorously promotes continuous

improvement and efficiency. As a result of these steps, the Court has made significant progress towards putting in place a readily quantifiable results-based budgeting and reporting system to facilitate its dialogue with States, as opposed to the previous approach which relied heavily on the Court's own interpretation of whether States were receiving value for money for their contributions to the Court. The ability of not just the Registry, but gaining the continued support of the Court as a whole to keep delivering as "One Court" on these priorities will be an important task for the new Registrar.

Directly related to the above-mentioned challenge is the need for the Court to address difficulties to its financial liquidity brought about by the growing amount of State contributions which are in arrears. Nothing short of a sustained and sensitive outreach to the affected States, with the full support of the Assembly of States Parties, will help realize this objective. It will also require the direct and constant attention of the Registrar for it not to evolve into an existential threat to the operations of the Court.

Another challenge relates to attacks aimed at the Court. It is safe to assume that this unfortunate, yet inevitable trend will continue, and may likely escalate on the basis of the latest investigations taking place at the Court. An important task for the next Registrar would be to focus on further strengthening the resilience of the Court and gathering support from its States Parties and other critical interlocutors—including advocacy, support and lobbying from civil society partners—so that it can protect itself and deliver business continuity in the event of potential attacks against the organization and its officials and staff.

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 neutral service provider to all actors within the Court. At the same time, the Registry is obliged to deliver services which fall within its own mandated responsibilities in areas such as witness protection, provision of legal aid, facilitation of victims participation, etc.

The relationship between the Registrar and President of the Court is defined by Article 43(2) of the Rome Statute, which stipulates that the Registrar shall be the principal administrative officer of the Court, and that the Registrar shall exercise his/her functions under the authority of the President. I understand this to mean that the Registrar is expected to be in constant contact with the President at both a formal and informal level to ensure that the President is fully aware of the key administrative activities within the Court and that he/she is both aware and supportive of the actions to be taken by the Registrar. I have witnessed in practice that the trusting relationship that a Registrar enjoys with the President, and the Presidency in general, is of utmost importance in enabling the Registrar to attend to his/her duties in an effective manner.

As the Registrar, I would be responsible for ensuring that all judicial decisions are promptly and accurately implemented. In this regard, while much of the day-to-day contact between the Registry and the Chambers is handled by the Director of the Division of Judicial Services, and to a lesser extent, the Director of the Division of External Operations (DEO), it is crucial that the Registrar is in constant communication with both Directors to ensure that the support to Chambers is provided in a timely and effective manner and that there is consistency in the general approach of the Registry in meeting the expectations of all Chambers. The full involvement of the Director of the Division of Management Services will also be necessary to ensure that sufficient human and financial resources are made available, if necessary. On high profile issues or when significant complications arise, I note from experience that it is essential for the Registrar to personally intervene to guarantee that the matter is prioritized and that all relevant

resources at the disposal of the Registry are made available so that judicial proceedings remain uninterrupted.

The relationship that the Registrar has with the Prosecutor is also very important. Being aware in a timely manner of the priorities of OTP allows the Registry to improve its response time to service requests from the OTP which will likely continue to increase in terms of volume and complexity. There are numerous examples in which despite significant impediments, close cooperation with the OTP has allowed the Registry to deliver services on time and to do so in keeping with the spirit of the “One Court” approach. Constant formal and informal contacts, and a strong partnership between both the Registrar and the Immediate Office of the Registrar with his/her direct counterparts at the OTP are in my view of critical importance in giving effect to the “One Court” principle. I firmly believe, based on what I witnessed over the past six years, that a high degree of coordination and cooperation can be realized between the OTP and Registry without compromising in any way the independence of OTP and the neutrality of the Registry.

The Registry provides practical assistance at a number of levels, including support on budget, finance, procurement, external relations, security, transportation, public information and outreach, to ensure the smooth operations of the Trust Fund for Victims (TFV). Subject to a judicial order, the Registry also engages in the mapping and collection of reparations applications of victims. This high degree of interdependence necessitates, as stipulated in a number of ASP Resolutions and the Regulations of the Trust Fund for Victims, consultations to take place between the TFV and the Registrar to ensure that there is a common understanding of the upcoming activities of the TFV and that the Registry is practicably able to assist. Beyond this regular exchange of information, there are numerous ways in which a stronger partnership can be realized to the mutual benefit of the TFV and the Registry. The new TFV Chair will no doubt be an excellent and dynamic interlocutor for the new Registrar, and there will be an opportunity to reassess the existing modalities of cooperation and to look to new ways of further strengthening the cooperation between the two entities with the aim of ensuring that reparations and related assistance to victims are provided in a timely and meaningful manner.

I would also like to add that though not an organ of the Court, the Defence are an intrinsic part of the organization. The Registrar has an important role to play, amongst others, in ensuring the equality of arms of the Defence. Relevant aspects are further addressed in my response to question 9.

**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.

I have held managerial responsibilities throughout my 20-year tenure with the United Nations. Regarding my current managerial responsibilities at the ICC, which I assumed in June 2016, I directly supervise the work of 11 officials and indirectly oversee the work of over 200 personnel. I frequently interview and hire staff, and evaluate their performance. Eight senior managers at the P-5 level who serve as Section Chiefs and Chiefs of Country Offices report to me at Headquarters and our seven country and liaison offices.

As part of my interaction with managers and staff members within my division, whenever there has been a need to do so, I have scrupulously advocated that discrimination or any form of harassment will not be tolerated. I have also strongly encouraged managers to expose themselves to training and events which will provide them with the tools to preemptively address these concerns. While I have personally intervened on a number of occasions to address conflicts between staff members in my division, I fully

support efforts to make readily available mediators and ombudsperson services so as to deescalate these concerns at an early stage without having to resort exclusively to disciplinary measures, which tend to end up being costly and very injurious. The ratings I received for the leadership of my division during the latest comprehensive staff survey are amongst the very highest in the Court, and I trust that is an indication that steps I am taking to address staff wellbeing and welfare-related issues are supported by the staff members I supervise.

With regard to geographic representation, as a national of the country which is most underrepresented at the ICC, I am keenly aware of both the importance and the difficulties of alleviating this problem. I have taken it upon myself to launch a number of pilot projects with the support of our Human Resources Section to put in place measures to address this matter on a mid to long-term basis. I have also actively organized and participated in public engagements to encourage more applicants from under and unrepresented States to apply for employment opportunities at the ICC.

I am very conscious of the lack of women in senior management positions at the Court. The Court will undoubtedly benefit from concrete measures being put in place to address this problem in the short to mid-term. An initiative I would introduce as the Registrar would be an element of personal accountability for all relevant managers in improving the gender imbalance at senior levels. (The same would apply for geographic representation.) For the time being, I have worked closely with the ICC Gender Focal Point in my capacity as a gender champion to help draw awareness to this and related issues.

I firmly believe, based on my present experience as the Director of DEO, that a close and trusting relationship with the Staff Union Council (SUC) is a key ingredient in improving the overall workplace culture at the ICC. In this regard, I see wisdom in involving the SUC at the earliest stages in the formulation of new approaches to human resources policies, and reserving regular opportunities for an exchange of views between the Registrar and the SUC President, both formal and informal, as a means of creating a truly collaborative relationship between senior management and the staff at large. There is no doubt in my mind that its dedicated staff is the greatest asset of the Court, and steps taken to continuously improve the working experience at the Court is both a necessary and sensible way of promoting an organizational culture which is relentlessly focused on effectively and efficiently implementing its mandate. For this reason, promotion of staff morale will be a priority if I am elected as the Registrar.

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?

Beyond general attributes such as reliability, truthfulness and professionalism, which are usually attributed to the term “high moral character”, as international civil servants working for the ICC, I believe there are additional qualities we are expected to possess. These include elements such as:

1. A keen awareness that our budget is derived from the taxpayers of our States Parties, and as such, our responsibility to give confidence to our States Parties that we are accountable for every penny that is being spent, and that good value is provided for the penny that is being spent.
2. We are not seen to fear or favor any particular country or region when carrying out our activities.
3. We operate not on the basis of our own self-interest, or that of our unit, section, country office, division or organ, but that of the greater interest of the Court in effectively and efficiently fulfilling its mandate. This means putting aside personal egos and differences when necessary and having a healthy dose of humility.
4. We strive for a workplace where decency is valued. In doing so, we desire something positive for everyone in the workplace and ensure everyone feels respected and valued irrespective of

factors such as position in hierarchy, gender, sexual orientation, race, religion, nationality, physical disability and mental health condition.

I believe that a key to ensuring that all ICC officials and staff embody the requirements of high moral character is in clearly defining the term and making staff aware not just of its minimum requirements but encouraging them through the example of senior officials to aspire to the highest standards. I fully intend in this regard to lead by example, as I believe I have done so throughout my career as an international civil servant.

### **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?

The ICC Country Offices that I oversee are responsible for directly or indirectly supporting contact with victims to ensure their participation in proceedings and access to reparations. This includes the conducting of victims registrations by the Victims Participation and Reparations (VPR) Country Office teams in coordination with the Victims Participation and Reparations Section (VPRS).

Successfully interacting with victims is intimately associated with effective outreach efforts that make victims aware of the role of the ICC, and the manner in which they can become involved in the judicial process. For example, in Uganda, prior to sending the VPR teams to collect victims applications forms, outreach missions were dispatched to prepare the groundwork to explain how the Court functions and how victims can participate. In order to replicate best practices such as these, more lobbying is required to make certain that sufficient resources are made available to allow the Registry to communicate widely and effectively to victims communities.

It is also important to ensure that significant numbers of victims can actually participate in the proceedings. Victims participate in the proceedings through legal representatives and it is for the legal representatives of victims to make certain their clients are informed of all judicial developments in a timely manner and to seek their views. In order to make this happen, the Registry will need to continue undertaking measures to ensure that high quality lawyers are added to the ICC list of Counsel and that training opportunities are made available to them at regular intervals. The Registry also provides resources and mission support to the legal representatives of victims so they can maintain close contact with their clients.

The growth in number of victims applications has put pressure on the ability of the Registry to process the applications without adding significant costs or slowing down proceedings. Measures to simplify the application process so as to reduce the administrative burden on the Court while simultaneously improving the accessibility of victims to the process would be something I would endorse. On a related matter, I fully support recent measures to use partnerships with information technology providers to enhance the efficiency of the Court to collect and process applications from victims, and believe that more can be done to encourage developments on this front. As the Registrar, I would work closely with the Director of Judicial Services and his team to incorporate additional approaches aimed at making participation even more meaningful to victims.

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.

During my six years as the Director responsible for outreach activities at the ICC, I have delivered strong and tangible results by leading my team in developing and implementing new projects and tools aimed at expanding the reach and impact of the Court's outreach efforts.

Given the very limited resources available for outreach activities during the preliminary examination stage, whatever the Court is currently able to do at that stage is highly dependent on the support of local civil society and media entities. As Registrar, it would be my priority to secure more resources for the Court's outreach activities at all stages of the judicial cycle.

While the Registry takes the overall lead on outreach efforts, the active involvement of key actors involved in the projection of information—OTP, Defense, VPRS, OPCV, etc.—are key factors in ensuring that an accurate, comprehensible and meaningful message is conveyed to the affected communities. In my role as the Director of DEO, I have stressed the need that the views and positions of all parties and participants are equally represented during outreach sessions, and moreover, that they be considered to be part of the Court's outreach.

In the course of leading outreach efforts at the Court, I have encouraged both Headquarters and Country Office staff involved in outreach efforts to apply creative means and partnerships to stretch our limited resources. For example, the Court's Uganda outreach projects were radically redesigned to account for the enormous interest by victims and affected communities, as well as other stakeholders, generated by the start of the Dominic Ongwen trial. This led to the start of the Access to Justice Project, a dynamic and highly interactive initiative started in 2017. The project included four types of activities intended to make the trial more accessible to the target audience: the public screening of videos from the trial, a call-in radio programme, establishment of radio listing clubs and the hosting of feedback meetings with people from Northern Uganda who had visited the Court in The Hague. This project has served as a blueprint for similar projects launched at other Country Offices. In another example, in the Central African Republic, a series of pop-up installations were created in urban public spaces in Bangui where animations and summaries of relevant ICC trials were shown to passers-by. After the projection of audiovisual material, passers-by were encouraged to participate in a quiz on the big screen with Q&As on what had been projected. These are but two of the highly creative outreach initiatives I have supported during the past six years.

As for the ICC's field presence, a lot of my time has gone into establishing robust presences of the Court in situation countries which are run efficiently by senior representatives of the Registry. An essential ingredient of the success of these Country Offices has been the nurturing of meaningful coordination at all levels between the Country Offices and Headquarters. I have no doubt that Country Offices will continue to be a necessity in allowing for judicial operations of the Court to be carried out in the most effective manner in situation countries. Having said that, I believe that instead of relying on a singular template, the Court will need to look at adopting a variety of tailor-made models when it creates a field presence going forward. The size, duration and key functions of these Country Offices will depend on the unique set of circumstances surrounding each new case. What needs to be a uniform consideration going forward, however, will be the ability to efficiently open and close Country Offices. Additionally, it will be important from the outset to be very mindful of the anticipated life cycle of each office from its point of inception and to take into account human resources, procurement, contractual and other logistical considerations from the earliest stages when the opening of a new office is being planned. Similarly, we have learned through experience and the wise counsel of our civil society partners that the legacy that the Court leaves behind after the closure of its Country Office should not be an afterthought, but something that is consciously considered and acted upon from its genesis.

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?

I have worked extensively with NGOs and the media throughout my 25-year career with UNHCR, the UN Secretariat and the ICC. I have found throughout my interaction with civil society and media representatives both at Headquarters and in the field that they play an indispensable role in helping the Court fulfil its mandate. I am well aware in this regard, that an essential aspect of this work includes holding ICC officials accountable for exercising their mandates fairly, effectively and independently.

Taking into account the wealth of knowledge and viewpoints they contribute to the Court's efforts, I find it to be clearly in the interest of the Registrar to engage in frequent, direct and regularly scheduled contacts with civil society partners. With regard to the existing mechanisms for interaction between the Court and civil society actors, I would continue to advocate for these engagements to focus not just on requesting the Court to provide information and ensure accountability, but to also focus on ensuring that there is a forum for jointly deliberating the key challenges of the day, and in discussing how these challenges can be addressed through complementary efforts.

### **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.

My core function as the Director of DEO includes providing support to Defence Counsel and legal representatives of victims for their activities in the field. This includes a range of activities such as judicial cooperation, outreach, obtaining visas, arranging local transport and obtaining security clearances and providing security support to facilitate their in-country travel to help further the judicial activities of the Defence and legal representatives of victims. A variety of activities are also undertaken by my division to provide support for family visits, including the raising of funds from States Parties to facilitate the visits.

As part of my involvement in broader efforts aimed at reforming the overall policy, I have been closely following discussions on the review of ICC's legal aid policy. I acknowledge the complexity and difficulty of finding a comprehensive solution which is acceptable to all parties involved. I am well aware in this regard, *inter alia*, that the status quo presents difficulties for the working conditions of Defence team members and the legal representatives of victims, and that the adverse impact may befall unevenly on women. I also understand that more needs to be done to improve gender representation for persons admitted to the list of Counsel. I am aware that a number of creative ideas to tackle certain aspects of the broader problem have recently been introduced. As the Registrar, I would review all existing proposals and work closely with the ICC Bar Association, States Parties and other key interlocutors to determine whether immediate gains can be achieved in areas where consensus is achievable.

### **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?

If elected as the Registrar, based on my extensive experience with State cooperation in my current capacity as the Director of External Operations, I would undertake the following actions:

1. Provide support to the very effective measures taken by the co-facilitators for cooperation of The Hague Working Group—France and Senegal—to highlight the singular importance of the matter and propose practical solutions to improving the status quo.
2. Work with key supporters to highlight the significant challenges encountered not only by the ICC, but also by various international tribunals in obtaining State cooperation, which leads to the highly vulnerable system we currently face. Obtain support to highlight issue beyond just the context of the ICC since we have a common interest with the other tribunals to obtain more than an ad hoc solution to these ongoing needs. In addition, work toward securing the commitment of States that are willing to provide financial and political resources to devise long-term solutions to these challenges, while also gaining the support of a few States that are willing to allow us to discharge practical solutions within their countries. I have tried to initiate informal discussions regarding these ideas and in exchanging lesson learned with key partners in my current capacity, and I would like to take it to the next level as the Registrar.
3. Utilize partnerships with the media to highlight the critical importance of State cooperation in allowing the Court's activities to proceed.
4. Using every opportunity of the platform provided by the position of Registrar to encourage senior government officials and politicians to cooperate with the ICC. This would include encouraging and assisting States which have yet to do so to establish practical modalities of cooperation with the Court.
5. Work towards expanding the pool of States that are involved in supporting the activities of the Court. This could be achieved, *inter alia*, by providing additional support to the Presidency on universality-related efforts. Given the low rates of accession, the Asia-Pacific would be a natural focus for such universality efforts.
6. Ensure close coordination with the lobbying efforts carried out by civil society representatives to encourage greater cooperation of States Parties with the Court.

#### **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?

For the past six years, I have overseen the preparation and effective implementation of the budget of my division at the ICC. The size of our approved budget for 2022 is €21.55 million. As a member of the Registry Management Team, which is the Registry's highest-level forum for informing, advising and assisting the Registrar on a variety of policy and strategic decisions including the budget, I have provided regular inputs into the steering of the Court's budget. I am also a regular member of a core grouping of staff that works directly with the Registrar to address liquidity-related challenges.

I was involved in preparing a results-based budgeting systems throughout my tenure at UNHCR, and recent changes at the ICC have introduced a similar approach in the preparation of our budgets. Some gender responsive factors are taken into account in the preparation of our Country Office budgets, but the ICC has yet to deliberately and comprehensively incorporate gender responsive budgeting into its budgeting framework. I identify with the position taken by the Women's Initiatives for Gender Justice that gender responsive budgeting should not be synonymous with a budget increase, but rather as better budget

planning based on specific evidence regarding the beneficiaries of resources, and more equitably using existing resources. As such, if elected as the Registrar, I would welcome the offer of the Women's Initiatives for Gender Justice to work with the Registry so it can better appreciate the key aspects of gender responsive budgeting and gain the necessary expertise to mainstream it into the Court's budget planning processes.

With regard to ensuring support from the CBF and States Parties for the Court's budget submissions, as indicated earlier, I believe that we need to continue to build upon measures introduced by the current Registrar to introduce greater transparency into the administrative workings of the Court by mainstreaming measurable indicators as part of the regular working practices of the organization. All this means that the Court will be able to utilize quantifiable results-based budgeting and performance related reporting to the CBF and States Parties as a foundation for ultimately achieving greater efficiencies and savings. This has become the norm for most international organizations, and it is only reasonable that the ICC follows this trend as a means of assuring States Parties of its firm commitment to delivering value for money.

I understand from my frequent interactions with the CBF that frankness and transparency is the best way to maintain a high degree of trust with the members of the Committee, which is essential in obtaining their support. As such, I would advocate for simplicity (whenever possible), honesty and clarity as the cornerstone for the interaction between the Registry and the CBF and States Parties on budgetary matters. I would also welcome the CBF to undertake missions to key field operations so they are able to witness first-hand the full range of activities undertaken by the Court outside of its Headquarters.