

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

**Name: Ibrahim Pam**

**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)?**

The International Criminal Court represents the triumph of a regime of laws that elevate the human aspiration for justice, and that also defend the most vulnerable in society from the terror and injustice of the worst crimes known to man. This noble mission of the Court is one that deeply resonates with me and is at the heart of my motivation to be the fifth Registrar of the Court.

In my professional career I have had the privilege to serve the course of justice at both national and international levels, and particularly in countries across Africa that have borne the scars of mass atrocities, including in Nigeria, Chad, Central African Republic, Sudan, South Sudan, Uganda, Mali, Senegal and Kenya. I have also conducted official missions in numerous other countries in Africa, Asia, Europe, Middle East, Latin America and the Caribbean, and the Pacific Islands. I have worked in teams with diverse gender and geographical compositions.

In addition to holding accountable those most responsible for these mass atrocities, it is the essential mission of the International Criminal Court to provide redress to victims of these atrocities, including by where possible through the Trust Fund for Victims to offer support to restore the dignity of such individuals and communities by implementing Court-ordered reparations, and implementing programmes of physical, material and psychological support.

Having worked in the Office of the Prosecutor as analyst and investigator for over six years in its early life between 2005 and 2012, investigating and supporting the prosecution of some of the most hideous crimes, I have a personal and professional commitment to continuing to promoting the cause of international criminal justice and to advancing the work of the Court, in addition to having a deep insight into the workings of the Court.

My commitment is also founded on my early life experiences in the context of a national conflict, that enables me in a unique way, having also previously worked in the Office of the Prosecutor as an Analyst and Investigator, to connect victimhood and ICC purpose such that I can readily converge the realities of both.

After a thirty-two year career in law, human rights, integrity oversight and accountability, institutional governance, sustainable development, and international criminal justice, I am prepared for the challenge of becoming the Registrar of the International Criminal Court, with primary responsibility to lead the provision of administrative and judicial support, and to convene the support of States Parties, civil society and other stakeholders.

My vision should I be elected Registrar of the International Criminal Court, is founded on four main ambitions:

(i) Acting under the authority of the President, to execute the statutory responsibilities of the Registry by providing efficient support impartially and transparently in all non-judicial matters that are the remit of the Registry. I will be guided in this by a strict adherence to the principle of equality of arms in judicial proceedings, and the obligation to protect the integrity of the processes, decisions and judgments of the International Criminal Court. Services provided to the Office of the Prosecutor, Defence and Victims' counsel will be further improved, and particularly field operations will be given special attention to elevate the standard of their performance. Field operations are particularly important as the preparatory and supportive work of criminal proceedings at the Court are conducted in the field locations where the crimes were committed and where victims, witnesses and perpetrators are ordinarily resident. Field operations are also the point of physical interaction between the Court and States authorities, and also of engagement with other stakeholders, including community-based civil society groups. Field operations of the Court are therefore critical not only for information and evidence-gathering, and other investigative activities, but also for building State cooperation at the operational level, and overall for enhancing the efficient functioning of the operations of the Court.

(ii) To maximise the efficiency of Court administration by delivering high-quality, reliable court services, particularly in information technology, translations and interpretation, records management, court security, and the security of court processes, as well as victims and witness management. To achieve this, I will ensure that Registry staff performing these essential functions are properly trained, motivated and oriented towards first-class service delivery in an environment that protects and secures their ability to perform. I will also maximise the use of available technology and ensure that Court processes are constantly re-engineered for maximum efficiency. The Court has competent staff in all areas who are able to deliver first-class judicial services, and it is the obligation of the Registry to ensure that they are optimally resourced to do so. I will exert every effort within the constraints of the budget to acquire and update the most appropriate information and communications technology applications to support all aspects of Court administration including verbatim reporting, simultaneous translations and the live broadcasting of open Court proceedings in traditional media, social media, and all other legitimate platforms and methods of relay;

(iii) To create a respectful and safe workplace for all staff of the Court, in which staff are self-motivated to optimise their productivity in an environment that protects their physical, mental and psychological wellbeing. Psychological safety is a paramount concern and it is essential for an institution such as the Court to guarantee a workplace that is free from any forms of harassment and abuse, and one that ensures that its personnel are able to exercise their full potential without fear or uncertainty. I am currently Chair of the Ad Hoc Advisory Panel on Workplace Culture for the Office of the Prosecutor, and in undertaking the work of the Panel, including by speaking to nearly two hundred personnel, the reality of the lived experiences of staff of the Office in particular and the Court in general is that for a significant number of staff the work environment is unsafe and threatening, and in many ways not conducive to the wellbeing and productivity of all staff. This was also the finding of the Independent Expert Review Panel which made 384 recommendations in its review of the Rome Statute system and the Court. Many of these recommendations pertain to matters of staff wellbeing and workplace culture. As Registrar, I will undertake a further examination of the report of the Panel (as has been done by the Chambers and the Office of the Prosecutor) to ensure that the recommendations in relation to the Registry are faithfully implemented, and will work closely with other Organs of the Court to elevate workplace conditions throughout the Court;

(iv) To enhance support towards the Court by States Parties, and to generate ownership of the Court and the Rome Statute system by communities impacted by the work of the Court. One of the most important challenges that the Court has faced in recent times is the challenge to its legitimacy that saw the threat of several States Parties to withdraw from the Court. That threat was largely unrealized, although two States

Parties have indeed withdrawn their membership. The vision of international criminal justice is the universalization of a system of accountability for the most egregious crimes known to man, and the International Criminal Court is (or ought to be) the Lighthouse of this vision to which all ships of States are drawn. The Court needs to extend all of its efforts towards projecting its legitimacy, and towards leveraging States support to ensure that this enduring global vision is attained. It would be my esteemed challenge to join the other principals of the Court to ensure that this is achieved. I would seek to strengthen the efforts that are already underway by engaging boldly with the issues that have sought to weaken global acceptance of the Court, and I will create further platforms for outreach and dialogue at all levels. I will exert all efforts to promote a superior value-proposition for the Court and the Rome Statute system by increasing efficiency to show value-for-money, and by supporting the innovative initiatives of the Office of the Prosecutor in encouraging national judicial authorities to genuinely exercise jurisdiction in line with the principle of complementarity as enshrined in the Rome Statute.

Overall, I would ensure that the Office of the Registrar constantly aligns itself with the vision of the Court, and I would coordinate fully with the Presidency, Chambers and Office of the Prosecutor, particularly in areas of shared responsibilities, and broadly in the following areas:

- (i) external operations, including implementation of judicial decisions and ensuring States cooperation;
- (ii) providing optimal support in administration and human resources;
- (iii) fully implementing the recommendations of the report of the Independent Expert Review panel by taking steps to ensure a physically and psychologically safe work environment, given the unique challenges of the work environment in the Court, the recommendations of the Independent Expert Review panel, and measures being currently undertaken to improve the work culture;
- (iv) establishing and improving on existing mechanisms of operational cooperation between the Presidency, Office of the Prosecutor and the Registry, in line with the “One-Court” principle and the Three-Layered Governance model, in the areas of management of victims and witnesses; States cooperation in the areas of implementation of judicial decisions, and overall assistance; and management of field offices and other external operations;
- (v) improving coordination with civil society and non-governmental organizations to further the mission of the Court both for advocacy for the Rome Statute, as well as for operational support in communities where the Court operates.

**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?**

The promulgation of the Rome Statute and the creation of the International Criminal Court was a triumph of multilateralism, and a further validation by the global community of the aspiration expressed in the Charter of the United Nations to free succeeding generations from the scourge of war by, inter alia, “taking effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace...in conformity with the principles of justice and international law...”.

This aspiration has not been without its challenges in the twenty-one years of existence of the Court. In the years that the International Criminal Court has existed, it has faced a number of internal and external challenges to its legitimacy and ultimately to its very existence as a forum for accountability for mass crimes

and for combating impunity. To my understanding, three of the most serious challenges confronting the ICC and the Rome Statute system currently are:

- (i) Ensuring State cooperation in judicial and non-judicial aspects of the Court's operations to enable the full exercise of the Court's mandate and the enforcement of its decisions;
- (ii) Efficiently curating and administering the limited budgetary and financial provision in order to enable the Court fund all of its operations, particularly in the light of current global financial constraints; and
- (iii) Ensuring a safe working environment for its staff and personnel.

In addressing these challenges, should I be elected Registrar, I would focus on ensuring that the International Criminal Court functions effectively to the standard required of an international organization. It would be my responsibility as the Principal Administrative Officer to ensure that the Court positively displays not just the intrinsic value of its mission as a judicial entity, but also a good value-proposition as an international organization.

Given the complex governance structure of the Court, I would ensure that the Registry works closely with the other Organs of the Court to understand the specific challenges of State cooperation. I would ensure greater engagement with States Parties through the ASP to promote cooperation in the particular areas of enforcement of Court decisions and judgments, release of suspects, submission to the Court's jurisdiction, cooperation in preliminary examinations, witness management (including relocation of witnesses), and matters relating to victims. I would establish structured dialogues with regional groups of States to address challenges to States cooperation that are peculiar to particular regions, paying attention to the specific issues that negatively impact cooperation.

In relation to the Registry, I would review the baseline set in the 2019-2021 Registry Strategic Plan to implement the three strategic priorities, viz: continuous improvement, increasing staff engagement, and geographical representation and gender balance (GRGB). I would then measure the achievement of the strategic objectives against this baseline and ensure that the succeeding strategic plan takes into account programmes and activities that would achieve the set priorities. When we get strategic planning right, and appropriately aligned with the strategic plan of the ICC, we will be in a better position to define the right operational priorities.

I would work with the Registry Management team to create a workplan implementation matrix that would track the achievement of workplan objectives over the budgeting period, and over the period covered by the Strategic Plan. I would continue to ensure that the Registry Strategic Plan is in alignment with the Strategic Plan of the ICC, in order to ensure orderly implementation in line with the other Organs of the Court. In this regard, and in recognition of the independence of the Office of the Prosecutor, I would ensure effective strategic and operational cooperation between the Registry and the OTP, in order to ensure the provision of optimal administrative and operational support to the OTP for its operations.

I would work with the other Heads of Organs through the Coordination Council to agree measures of effectiveness in streamlining the provision of administrative support to all of the Organs so as to avoid waste and duplication. Given the nature and complexity of relationships between the Organs, this has to be done carefully and with due regard to the Rome Statute governance framework, and it would also require extensive negotiation and diplomacy. The key is to seek out and implement measures for operational efficiencies that would achieve the dual task of optimizing resources while still achieving institutional objectives.

With respect to the work culture, the report of the Independent Expert Review Panel made a number of stark findings in relation to the negative working environment at the Court. It found that there is a culture of distrust

and fear, as well as the prevalence of predatory behaviour such as bullying, sexual abuse, gender- and race-based discrimination, and gaslighting, as well as a risk-averse environment that inhibits decision-making and the assumption of responsibility. It charged senior management of the Court to work to rebuild and strengthen internal trust, to reshape the work culture of the Court, and to deal with predatory behaviour in the workplace.

The Office of the Prosecutor and the Chambers have both recently embarked on an externally-supported workplace culture review in consequence of the findings and recommendations of the report of the Independent Expert Review of the ICC. As Chair of the Ad Hoc Advisory Panel on Workplace Culture for the Office of the Prosecutor, I have worked over the last year to advise the Prosecutor on reforms that are necessary to improve the work environment in the OTP. My Panel interviewed 160 OTP personnel and reviewed numerous documents and reports relating to matters of work culture and the wellbeing of staff. Our findings validated the findings of the Independent Expert Review Panel, regarding the existence of a toxic work environment in the OTP. We identified the challenge before the Court in general to make integrity and respect the lived reality of every employee as means of developing an attitude of loyalty and commitment to the institutional mission.

I have had prior experience in managing toxicity in the workplace. In collaboration with Human Resources and the Office of General Counsel, I helped to design the internal grievance mechanism of the Green Climate Fund, including a mediation and ombudsman function, and to strengthen the implementation of the ethics framework guiding staff conduct. In addition to the work done by Human Resources to create an Employee Value Proposition, and to define a set of institutional values through broad-based consultation with staff, I strengthened the implementation of the integrity oversight mandate of the Fund to address staff misconduct through investigations and sanction. By a combination of these interventions, we have been able to redefine the work culture and to create a healthy working environment at the Green Climate Fund.

In addition to the intrinsic value of the mission of the International Criminal Court (which indeed is the essential attraction to the Court for many of its staff), it is important to redefine the value-proposition of the Court so as to ensure that all stakeholders, including the ASP, management, staff, civil society and other interlocutors are reinforced in their appreciation, support and commitment to the Court. We would do this in the Registry by recreating the moral ethics and shared aspirations of the Court by building on the culture work that has already been started, and in doing so by ensuring appropriate consultation with all stakeholders to ensure broad-based ownership.

**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 report of the Independent Expert Review Panel set up by the Assembly of States Parties in 2019 and which submitted its report in 2020, offers a clear explanation of the governance structure of the International Criminal Court and the relationship between the Organs of the Court under the Rome Statute. The Court has a dual character as both a judicial entity and an international organization. This dual character implicates a governance model that accounts for differentiated responsibilities between the Heads of Organs in the leadership of the Court.

The governance model proposed in the report is a Three-Layered Governance Model that separates the functions of the Court into a judicial and an administrative function. The judicial and prosecutorial function in Layer 1 is led by the Judges, the Presidency and the Prosecutor. The administration of justice function in Layer 2 is managed by the Presidency and is responsible for matters related to the management of judicial proceedings and the administration of justice. Layer 3 encompasses the character of the Court as an

international organization, and the role of the Registrar as principal administrative officer of the Court responsible for the efficient management of its non-judicial administration.

The Registrar provides administrative support to the Judges, the Presidency and the Prosecutor in the management of Layers 1 and 2. In this respect, the Registrar functions under the authority of the President. However, as Principal Administrative Officer, under the Three-Layered Governance Model the Registrar is responsible to the Assembly of States Parties to account for the efficient administration of the International Criminal Court as an international organization.

It is the responsibility of the Registrar, working under the authority of the President of the Court to ensure the efficient administration of the Court in the three areas of the mandate of the Registry: Judicial Support, Administration and Outreach. As the “primary provider of services” the Registry is indispensable in the performance of the core judicial function of the Court, by ensuring the efficient provision of non-judicial aspects of the administration and functioning of the Court in line with the provision of Article 43(1) of the Rome Statute.

The Registry Strategic Plan 2019-2021 states the “overarching objective” of the Registry as follows:

“...to provide the entire Court with the administrative and operational services, policies and strategies needed to successfully manage its human resources and staff well-being, coordinate its information services, track and meet its budget and financial requirements, procure goods and services, run its facilities, arrange official travel and ensure safety and security, while centralizing an array of Court-wide executive functions such as risk management, reporting to governance bodies, audit and compliance.”

The Registry is neutral with respect to the discharge of its responsibilities to all parties in the adversarial proceedings that are elemental to the work of the Court. The Registry services all parties fairly, objectively and impartially, including the Chambers, Prosecution, Defence and Victims, and ensures the efficient functioning of every facility that supports the smooth operation of the Court, whether in proceedings before the Chambers, in field operations, or in other administrative and organizational areas.

The Registry also serves to improve Court efficiency and it supports all Organs of the Court by providing administrative and operational services that cover the requirements of the Presidency, Office of the Prosecutor, Assembly of States Parties and the Trust Fund for Victims in the execution of their mandates.

The Registrar participates actively in the functioning of the Coordination Council (“Co-Co”) which is a forum for the regular meetings of the three Principals of the Court. It is a vehicle for enhancing the effectiveness of inter-Organ cooperation, improved decision-making and implementation, and promoting the “One-Court” principle. The report of the Independent Expert Review Panel recommends the strengthening of this coordination mechanism and the improvement of inter-Organ coordination at the working levels. The report also makes a finding that there is resistance to inter-Organ cooperation due to the atmosphere of distrust between the Organs of the Court, and the lack of clarity about the governance structure. It would be important to work together with the other Principals to address these problems and implement the recommendation of the Panel report by ensuring inter-Organ cooperation at all levels to improve the efficiency of the Court.

The relationship of the Registry to the Presidency is covered by Article 43(2) which provides that the Registrar functions “under the authority of the President of the Court.” Whilst this is not further elaborated in the Statute, it is understood that this provision is particularly applicable in the Three-Layered Governance Model that for the purpose of provision of administrative support for the judicial and administration of justice functions of the Court, for which the Registrar is in a clearly subordinated relationship to the President of the Court as the apex of authority. Article 38(3) defines the authority of the Presidency (i.e., the President and the two Vice-Presidents) to include “responsibility for the proper administration of the Court, with the exception

of the Office of the Prosecutor.” Therefore, as Principal Administrative Officer of the Court, the Registrar is subordinated to the Presidency on matters relating to the judicial and administration of justice functions of the Court.

In this respect, the Registrar is responsible for ensuring the servicing of the Judges in order to enable their proper functioning. This support includes everything from service of processes, implementation of judicial orders, provision of court facilities and support (such as ICT and audio-visuals), evidence storage and retrieval, facilitating the appearance of accused persons, witnesses and victims, and ensuring court security.

The Rome Statute recognizes the independence of the Office of the Prosecutor, and grants the Prosecutor responsibility for the management of the OTP. The Registrar must (with due respect to the independence of the Office of the Prosecutor) work closely with the Prosecutor to align the operations of both Organs with respect to all matters that fall within Layer 3 in the governance model, to the extent where possible to create better synergies by removing any duplication of services and transferring to the Registry such functions as fall under institutional organization governance mandate and are therefore better suited for the Registry to provide to the OTP.

In any case, it is very important that all Organs of the Court cooperate in ensuring a safe working environment for all personnel of the Court.

The Rome Statute enunciates important provisions for the safeguarding of the rights of victims and the role of the Trust Fund for Victims is an essential component of those provisions. The Trust Fund for Victims is an independent mechanism within the Rome Statute which is established by the Assembly of States Parties acting under Article 79 of the Statute. It is responsible for enforcing reparation orders and awards made by the Court with respect to victims, and it provides physical, psychological and material support to victims and their communities. In this regard, and with due respect for the independence of the Fund, the Registry currently undertakes matters related to the implementation of reparations and assistance mandates, in addition to the other services already provided by the Registry ranging from field operations support, human resource management, security, legal assistance, budgeting support, communications and outreach.

In the light of the challenges faced by the Fund due to its lack of institutional capacity and resources, specifically as noted by the Trial Chamber in the Al-Mahdi Case, and also by the CBF, External Auditor and in an evaluation by the IOM, the Registry ought to provide every facility to support the Fund in dealing more efficiently with its responsibilities, whether that be in facilitating its compliance with Court-ordered awards, or in its engagement with communities.

The Independent Expert Review Panel recommends that the Trust Fund for Victims focuses on its core responsibilities of fundraising and administration funds, while the Registry should manage the administrative and operational support. This should enable the TFV to be more efficient.

**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.**

During the course of my career so far, I have had the opportunity to be in increasingly senior leadership positions in both national and international institutions, with responsibility for teams and staff members. As Special Legal Assistant at the Human Rights Violations Investigations Commission I supervised a team of police and special service investigators. At the Independent Corrupt Practices and Other Related Offences Commission where I was Chief Legal Officer and then Chief Legal Adviser (Investigations), I led and managed a special team of lawyers and investigators. At the UN Mission in South Sudan, I was deputy head of the investigations team with the responsibility to act as team leader in the absence of the substantive head, while as the pioneer Head of the Independent Integrity Unit at the Green Climate Fund, my initial responsibility was to set up the Unit, recruit staff and manage the team. This also involved drafting an annual workplan, proposing a budget for implementing the workplan, ensuring the efficient execution of the workplan and showing value for money.

In those previous and current positions at the African Development Bank, in the United Nations Office of Internal Oversight Services, and at the Green Climate Fund, I have had responsibility for addressing workplace abuses, including bullying, harassment, sexual harassment, abuse of authority, conflicts of interest, and other prohibited behaviours. In doing so, I have designed and drafted safeguarding policies for ethics and conflicts of interest, sexual exploitation and abuse, harassment, sexual harassment and other acts of staff misconduct, including bullying and retaliation. I have also drafted and implemented investigation procedures and staff rights in investigations, and I have led and supervised the conduct of administrative, fact-finding investigations. Very importantly, I drafted whistleblower and witness protection policies that are proactive and victim-centered, placing the responsibility clearly on the institution to take proactive measures to protect whistleblowers and witnesses, and to act decisively against any acts or threats of retaliation.

In addressing these prohibited behaviours at the Green Climate Fund, I have focused on creating safeguards that prevent the occurrence of misconduct by instituting a number of disincentives and undertaking extensive awareness-raising. I convened a working group of major stakeholders (including General Counsel, Human Resources, Ombudsperson, Staff Council, Internal Audit and Risk Management) and with the leadership of the Human Resources division, negotiated the responsibilities for designing various aspects of the safeguarding mechanism. We engaged in wide consultation with staff members to agree a set of normative values that describe the culture of the workplace. These values were then enunciated as the guiding norms of behaviour and have been duly popularized. This ensures wide acceptance and ownership by the staff population, and it reduces excuses for bad behaviour. Any breaches of the staff code of conduct and the prohibitions set out in the policies are investigated and sanctioned in accordance with the “zero-tolerance” policy of the institution. The overall impact has been a drastic reduction in reports of prohibited behaviour which is an indicator of a safer workplace.

Another feature of the reform of human resource management was the reform of the performance evaluation system to allow for greater participation and input by staff members, and a more evidence-based method of evaluation. Furthermore, a system of 360-degree evaluations was introduced so that managers and supervisors were also evaluated by staff under their supervision. Managers and supervisors have also been put through management training in order to enhance their capacities to properly supervise the staff under their management.

Human Resources also engaged in broad consultations with staff members in their various teams and in plenary to discuss and agree the “Employee Value-Proposition (EVP)”. This is an agreed set of propositions that define the mandate and mission of the institution, its work structure and design, the compensation and benefits of the employees, and their career track. It is an expression by the institution of the benefits or value that it offers to its staff members in return for which it seeks their commitment.

We also pay serious attention to the annual conduct of staff surveys. This is championed as an important element of the overall safeguarding architecture and staff participation is very much encouraged. An



important feature of the surveys is their anonymity. Staff are able to participate in them without the fear of retaliation. The surveys are implemented with full transparency, and external consultants are hired to aggregate the results and to present them to staff members. The survey results form a key input into defining strategic priorities for Human Resources interventions in the next year, and feed into the review and design of relevant policies.

My focus in driving these changes at the Green Climate Fund is to ensure accountability for all staff for their workplace behaviour, and also to institute systems of protection for preventing abuse and also for protecting staff who report bad behaviour.

The Assembly of States Parties had in 2019 embarked on a wide-ranging review aimed at strengthening the International Criminal Court and the Rome Statute system. As part of this process, it appointed a group of eminent experts to review the functioning of the Court. The Independent Expert Review panel submitted its report in September 2020 setting out 384 recommendations across all aspects of the running of the Court ranging from governance, workplace culture, strategic planning, efficiency of judicial proceedings, prosecutorial policies, and victims' participation.

In August 2021, the Prosecutor of the International Criminal Court, Karim A. Khan, QC appointed me to chair the Ad Hoc Advisory Panel on Workplace Culture for the Office of the Prosecutor. The Panel had the primary mandate to review the findings and recommendations of the report of the Independent Expert Review Panel as they relate to the OTP, elucidate the underlying causes of negative workplace culture in the OTP, review OTP rules and policies relating to workplace issues to propose appropriate revisions, and identify individual incidents of unsatisfactory conduct (harassment, sexual harassment, discrimination and other misconduct), and to advise the Prosecutor on necessary action to address these.

The Panel conducted its work over a period of nine months by reviewing all relevant documentation and interviewing over 180 past and present OTP personnel. We analysed the evidence and data collected based on the lived experiences of OTP personnel, and we reached findings that validated the findings in the report of the Independent Expert Review Panel as it relates to the OTP. We have submitted two reports to the Prosecutor in line with our terms of reference: a confidential report that presents allegations of serious misconduct which the Prosecutor may wish to cause to be investigated by the Independent Oversight Mechanism; and the other a public-facing report that contains an analysis of the underlying causes of the negative workplace culture in the OTP.

The report of the Panel offers the Prosecutor an important tool to implement his vision for a workplace that is safe, secure, respectful and inspiring for all OTP personnel.

I am aware that the Chambers has conducted a not dissimilar process to examine the workplace culture in that Organ, and to determine whether the findings of the Independent Expert Review panel are validated, and if so to recommend means by which this can be redressed.

As Registrar acting under the mandate as Principal Administrative Officer of the Court, I would utilise my experience and knowledge in internal oversight, accountability and workplace reform to institute measures to address allegations of discrimination, sexual harassment, bullying, harassment, and all types of abuse in the Registry and in the Court generally. I would prioritise the strengthening of the internal grievance management mechanism, including by empowering staff to report misconduct, by clarifying the prohibition of acts of misconduct including sexual harassment, bullying and discrimination, by referring serious complaints to the Internal Oversight Mechanism for investigation and sanctioning, and by modeling zero-tolerance for all forms of misconduct.

Of serious concern are any acts of sexual discrimination, geographical discrimination and racism, whether overtly expressed or in any of its implicit and subliminal forms, particularly targeting the most vulnerable people or groups, and the forms of gaslighting and dissension that were found by the Independent Review Panel to permeate the work culture at the Court. I would target this behaviour with serious consequences within the administrative legal framework of the Court.

I would also create channels for resolving disputes of a de minimis nature, which often mutate into serious grievances if they are unresolved. Such channels would include an ethics function, ombudsperson and mediator. In this respect, I would work very closely with the Staff Council to ensure that staff representatives play a frontline role in the design and implementation of an effective internal redress mechanism.

Particular attention will be paid to ensuring the fairness of the recruitment process in order to address structural imbalances in staff distribution, particularly at the most senior levels. The Rome Statute in Article 44(2) expressly incorporates by the mutatis mutandis application of the criteria in Article 36(8), due regard for representation of the principal legal systems of the world, equitable geographical representation and fair representation of female and male in the staffing of the Court. In implementing this, I would ensure the fair composition of recruitment panels to reflect diversity along these three criteria, and also including other minoritizing identities. I would also ensure appropriate training and orientation for all staff involved in the recruitment process. Sustained recruitment outreach will be targeted at underrepresented communities, particularly subscribing the support of civil society and community-based non-governmental organizations.

**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?**

Normatively, “high moral character” refers to the possession of high ethical standards, honesty, trustworthiness and reliability. In its simplest form it has been defined as “conforming to a standard of what is good and right.”

The Rome Statute in Article 43(3) requires the Registrar and Deputy Registrar to be “persons of high moral character” but does not define the term. The United Nations Charter sets the standard for all United Nations employees to demonstrate the “highest standards of efficiency, competence and integrity”. The United Nations defines its core values as integrity, professionalism and respect for diversity, and the Code of Ethics for United Nations personnel includes independence, loyalty, impartiality, integrity, accountability and respect for human rights. The International Civil Service Commission sets out standards of conduct for international civil servants to include in addition to those enumerated above, impartiality, incorruptibility, discretion and tolerance. It also requires international civil servants to share the vision of their organizations.

In my understanding, the positive indicators of high moral character in the context of Article 43(3) of the Rome Statute would be a person who is ethically upright, honest, trustworthy, reliable, emotionally stable, and committed to the mission of the Court. The individual must embody these characteristics and reflect the values of the Court, i.e., justice, accountability and impartiality. They must also have a reputation for being upright and honest. They should serve as a good example to colleagues and must be a good role model. They should positively reflect these values in their professional and private conduct and be a worthy representative of the Court.

In all of my years of professional service in both the private and public sectors in my home country, as well as in the course of my career in the international civil service, I have embodied the values of honesty and trustworthiness, and have always acted with high ethical values. I have always been dedicated to the mission

and have often gone over and beyond the call of duty to achieve the mission of the institutions that I have worked in. I have treated colleagues at all levels with courtesy and respect, and I have been a positive role model for peers and subordinates alike.

In my positions at the Independent Corrupt Practices and Other Related Offences Commission in Nigeria, the African Development Bank, the United Nations Office of Internal Oversight Services, and latterly at the Green Climate Fund, I have led and functioned in providing internal oversight and accountability for staff of these institutions. In all of these institutions, I have left a sterling reputation for high achievement and an unblemished record for moral uprightness. At the Green Climate Fund, in addition to my substantive role as Head of the Independent Integrity Unit, I have also been appointed ad interim Head of the Independent Redress Mechanism as a recognition by the Board of my excellent performance and my exceptional record for moral uprightness, dedication to the mission of the Fund and sterling leadership.

I am of the view that it is necessary but not sufficient for the Court to expect these standards of all of its staff and personnel. The Court must positively seek to empower its personnel to embody these values. Positive reinforcement, ethics training, structured dialogues, cultural awareness exchanges, sensitivity and diversity training are essential to encourage self-awareness, contemplation and reformation. The leadership of the Court also needs to set the right tone at the top and management needs to reflect these positive values. In that sense, there would be no excuse for other staff to behave in an unethical manner.

However, behaviour modification requires also an element of negative reinforcement and accountability. As there are incentives for good behaviour, so there must be disincentives and negative consequences for bad behaviour. The Independent Oversight Mechanism (IOM) was created by the Assembly of States Parties to investigate breaches of ethical standards of behaviour by Court personnel and to recommend appropriate sanction. This Mechanism serves the important function of ensuring adherence to ethical standards of behaviour by holding accountable anyone who breaches those standards. I would propose that the IOM be sufficiently resourced to achieve this objective, and thereby provide disincentives for bad or unethical behaviour by Court personnel.

Furthermore, the Court must develop and constantly update an appropriate policy environment for internal oversight and for safeguarding the wellbeing of its personnel. Staff and supervisors ought to be sufficiently empowered to enforce mutual accountability, and to act as guardians of the ethics and reputation of the Court, and overseers of the conduct of their peers and colleagues.

Another element that is under discussion in the ethics and oversight offices of UN and multilateral institutions is how to shut the revolving door that allows individuals who have been sanctioned in one institution for misconduct, from joining another institution which does not have knowledge of their prior misconduct. The agreement amongst these institutions is to establish a platform for information-sharing, much as the multilateral development banks share their sanctions lists and have established a system of cross-debarment. The Court ought to consider this option, and at the least establish a strong employment vetting system that is designed to track past histories of misconduct and sanctions of prospective employees.

### **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?**

Given my experience working in States that have suffered brutal conflicts, and with my personal experience of victimhood, I appreciate that victims are at the centre of the goal of international criminal justice and the work of the International Criminal Court.

As Special Legal Assistant to the Human Rights Violations Investigations Commission in Nigeria which was set up as a transitional justice mechanism to address the mass violations of human rights that occurred in Nigeria during the course of thirty-three years of military rule, I assisted the participation of victims in the work of the Commission and in its public hearings of the most egregious violations. I analysed and presented the petitions of over four hundred individuals and groups of victims and participated in the investigations of the petitions. The largest cohort of victims was in the petitions related to violations of human rights in the Niger Delta and it consisted of over ten thousand petitions alleging torture, killings, sexual and gender-based violence, environmental degradation, and destruction of livelihoods, amongst other complaints. I participated in the conduct of public hearings that involved the participation of the victims and their representation by counsel. I serviced all counsel that appeared before the Commission during the course of its public hearings by providing them with all the processes of the Commission, including summonses, orders and daily hearing lists. I also ensured that all orders of the Commission were duly drafted and signed by the Chair of the Commission, and service was promptly executed.

As Analyst and Investigator in one of the Situations under investigation by the Office of the Prosecutor at the International Criminal Court, I had primary responsibility in 2007 for investigating a particularly egregious war crime in the context of an internal conflict of attacking peacekeepers and protected persons. I was also assigned Trial Coordinator in that case, and in the course of the work, I coordinated with States authorities in Nigeria, Senegal and Mali, as well as the Victims Participation and Reparations Section of the Registry, and with victims' counsels to facilitate the participation of victims from those countries.

As Investigation Team Leader in the United Nations Office of Internal Oversight Services, I participated in the largest UN investigation of sexual exploitation and abuse allegations, committed by United Nations peacekeepers. The investigation was conducted in the Central African Republic, under the auspices of the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic (MINUSCA). We interviewed 139 complainants, out of which 130 were victims. The investigation was done in collaboration with relevant United Nations agencies and with psycho-social support provided by community-based NGOs. We ensured that the investigation was victim-centred, and all safeguards and psychological support was provided to the victims.

The participation of victims in the proceedings of the International Criminal Court is a novel feature of the Court enshrined in Article 68(3) of the Rome Statute. This innovation is designed to give the victims a voice and to ensure that the rights and demands of those most affected by Rome Statute crimes are adequately addressed and their losses adequately redressed. Responsibility to facilitate the participation of victims, their representation by counsel, and their protection is vested in the Registry. Article 43(6) of the Rome Statute vests the responsibility in the Registry to facilitate the participation of victims, acting in consultation with the Office of the Prosecutor.

The ICC Strategic Plan 2019-2021 focuses in Goal 2 on developing the Court's approach towards victims. This an important area of focus as victim participation and reparations is central to the delivery of justice. According to the Annual Report of the International Criminal Court to the General Assembly of the United Nations, 11,000 victims participated in proceedings of the Court in the 2020/2021 reporting year.

As Registrar, I would act to re-engineer the process adopted by the Victims Participation and Reparations (VPRS) to ensure greater efficiency and security in the process of converging victims and managing applications to participate in proceedings. In order to be more effective in reaching witnesses, I would employ the

assistance of community-based non-governmental organizations who are closer to and have greater access to victim communities. I would also use the services of local media to communicate the opportunity for victims to apply to participate in proceedings.

The processing of large numbers of applications can be a hugely challenging task. I would seek to deploy additional resources to this task when required to support regular VPRS staff. I would also explore the possibility of making the use of surge capacity a regular feature of the process for managing victim participation processes, particularly during the stage of applications. In order to make the process more efficient and less time-consuming, I would task ICT personnel to devise a method of automating the application process without negatively affecting its integrity.

At all times, I would ensure that the orders of Court are executed timely and scrupulously, and that the appropriate court filings are done to ensure that the Court is fully informed at every stage of the process.

- 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.**

One of the principal dilemmas of the Rome Statute system and the Court is how to best fulfill the expectations of victims and communities by delivering justice as close to them as possible, and in the most impactful manner. One of the criticisms of the Court has been that it is too far separated from victim communities, and that for justice to be impactful the process needs to be conducted within or in close proximity to the affected populations. To address this, the Court has developed the capability to apply audio-visual technologies, whether by regular transmission and broadcasting or by social media and other means, to convey its judicial proceedings to audiences across the world. The Court has also developed a strong outreach capability to directly engage with the communities and victims in the Situation countries.

Field presence is indispensable for conducting effective engagement with States authorities to facilitate the operations of the Court. Field operations enable the Court to extend its reach to communities and countries where it is conducting operations, outreach to local communities and also very importantly for engaging effectively with non-governmental organizations that are closest to communities impacted by the operations of the Court. Having worked in four United Nations field operations in South Sudan, Abyei, Central African Republic and Uganda, I have significant professional experience of the operations of field missions and the challenges of field operations. A good knowledge of language, culture and operating environment is essential to be effective in the field.

As Registrar therefore I would ensure that field offices are appropriately staffed with personnel who either are indigenous to the locality or otherwise have a sound knowledge of the language, culture and working environment. In line with the recommendations of the Independent Expert Review panel report, and as a strategic priority, I would create hubs for field operations in a sub-regional location to serve a group of countries. This would enable the aggregation of operational capability that can be deployed to areas of need as surge capacity. It would also create a more permanent presence in the field and thereby bring the Court closer to victims and local communities.

An enhanced field presence would also enable improved engagement with civil society and non-governmental organizations in a partnership that is crucial to the operations of the Court. Civil Society not only increases the footprint of the Court to reach areas that would be ordinarily inaccessible due to the sheer geographical dispersal, but also civil society provides the Court with local knowledge and insights which could be tremendous leverage in conducting operations in the field.

In order to encourage staff to serve in field offices, the Registry ought to offer some form of rotation and other incentives that takes account of the degrees of hardship in the field, family circumstances, career prospects for training and advancement, and the operational imperatives of the Court.

Outreach activities are essential for ensuring that the Court is able to guide the narrative in the communities that it operates in. This is important in order to establish a conducive (if not welcoming) basis for Court operations, and to create greater space for operational cooperation and support. It is essential for the Registry as the Organ primarily mandated with the outreach function to establish and conduct outreach activities early during the Court's engagement in a country, beginning with the stage of preliminary examination. The engagement with government and public officials is necessary to enable State support which would facilitate security, access to locations, personnel and material. Engagement with civil society would activate positive advocacy for the Court and offer a trusted interlocutor with local communities.

As Registrar therefore, I would seek to initiate outreach activities as early as possible in the preliminary examination cycle, prior to the opening of a Situation. This way the Registry can collaborate with the Office of the Prosecutor to develop and outreach plan early ahead of commencing any operations in the country.

The outreach plan would include media engagements with senior ICC personnel speaking about the Court, the universality of the Rome Statute system, victims' participation, the investigative process and the trial process. The communication would be scripted and structured in a manner that is appropriate for the audience, and also appropriate for the level of activity that the Court is involved in. Joint media events with State officials where possible, and with civil society would also be explored to discuss the implications of ICC activities.

The Public Information and Outreach Section of the Registry would closely collaborate with the Public Information Section of the Office of the Prosecutor in agreeing an outreach and communications plan for each Situation that would account for the different stages of ICC operations in that Situation. The implementation of the outreach plan would be coordinated with civil society, the media, academia and other relevant interlocutors.

**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?**

The relationship between the Court and civil society is robust and dynamic. One of the most effective mechanisms that has been developed to bridge the gap between the Court and the communities that it impacts is the strong relationship between the Court on the one hand, and civil society, both global and local, on the other hand. Civil society has been a force-multiplier and an enabler of the work of the Court. From the process of negotiation of the Rome Statute to its coming into force, and from the inception of the Court, civil society has campaigned unceasingly for the universal ratification, implementation and domestication of the Rome Statute.

I have played a part in civil society campaigns for the domestication of the Rome Statute in my home country. I participated in a national workshop in 2014 and authored a section in a publication entitled "Domestic

Implementation of the Rome Statute of the International Criminal Court". This document is a record of proceedings of the national workshop organized by the Nigerian Coalition for the International Criminal Court (NCICC) to promote the domestication of the Rome Statute in Nigeria.

Most recently, I was keynote speaker at a stakeholders' roundtable in July 2022 organized by the NCICC on "Africa and the ICC – looking back into the future". My involvement with civil society stems from my commitment to civil advocacy and recognition of the place of this important group of stakeholders in advancing the goals of international criminal justice, the mission of the International Criminal Court, and the interests of victims.

In my previous positions in UN field missions, I worked in close collaboration with local and community-based civil society groups and non-governmental organizations in the Central African Republic to conduct the largest-ever UN-led investigation of sexual crimes committed by peacekeepers. These organizations acted as intermediaries with victims and their communities, provided psycho-social support to victims, facilitated the acquisition of evidence, and advocated on behalf of the Court with the local communities.

In my understanding and my experience therefore, civil society plays a crucial role overall in advancing the mission of the International Criminal Court, both by its advocacy for increased support for the Court by States and other stakeholders, as well as enhanced engagement to promote diversity through recruitment, and as a force-multiplier and intermediary in field activities and with local communities. Civil society and the media also play an important oversight role in ensuring accountability by States and the Court in the discharge of their obligations to support the faithful implementation of the Rome Statute.

The Registry is primarily responsible for outreach and communications for the Court. This is managed through the Public Information and Outreach Section. This Section organizes outreach and media events, communicates information through press releases, media events and other publications. PIOS engages with civil society, media, academia and other external stakeholders on behalf of the Registry, and also works closely with ICC field offices to conduct outreach activities.

For these reasons, I would ensure that the Registry continues to promote its collaboration with civil society. There is currently a bi-annual roundtable event with civil society groups organized by the Court in The Hague, as well as a programme of engagements with the Office of the Prosecutor. The Court is also engaged in numerous ad hoc activities with civil society. In my view, there is scope to further elevate the level of collaboration between the Court and civil society by further formalizing the platforms for such engagement. This could include by the following:

- Incorporating a specific function within the Registry dedicated to civil society liaison and cooperation;
- Designing a joint annual ICC/civil society workplan that elaborates proposed activities with clear outcomes and expectations;
- Empower ICC Field Offices to strengthen their engagement and collaborations with field-based non-governmental organizations, and to develop where practical joint events for the promotion of the activities of the Court.

## **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.**

Article 67(1) of the Rome Statute preserves the right of an accused person to a fair hearing and full equality before the Court. This is an important provision that derives from natural justice principles and it provides an essential safeguard of impartiality and fairness. The Court recognises that attaining complete equality may not be possible; however, it seeks to prevent any “significant disparities”. Specifically, the Statute provides that the accused shall have the right to be represented by legal counsel of their own choosing, or to have counsel assigned to them at no cost if they so require.

Legal aid and the right to defence counsel are procedural safeguards instituted by the Rome Statute to guarantee fair trial and the principle of equality of arms in the proceedings of the Court. These safeguards support the substantive law enunciated in the statute. Similarly, the provision of legal representation to victims to aid their participation in the Court’s proceedings is a safeguard that seeks to ensure effective victim participation in ICC trials, as victims are also entitled to representation in the proceedings of the Court. If the substantive law enunciated in the Rome Statute aims to hold accountable persons most responsible for the worst crimes known to man, then the due process rights to fair trial and equality of arms expressed in the right to legal aid for the accused and legal representation of victims are essential elements that guarantee the integrity of the judicial process of the Court.

As Junior Counsel in a law firm in Nigeria earlier in my career, I worked on a small number of pro bono legal aid criminal cases for indigent clients. The provision of pro bono legal services to an accused person is a responsibility that goes to the very heart of the principles of fairness and equality before the law. In addition to being an obligation of any fair legal system, it is also the responsibility of judicial authorities to ensure that such a system function effectively and efficiently. As such, the procedures ought to ensure that counsel must meet a minimum level of competence, and that sufficient resources are assigned to support their effective engagement.

The developing jurisprudence at the ICC shows that the Pre-Trial and Trial Chambers have consistently ordered the provision of legal representation for victims in proceedings.

My involvement with defence counsel was somewhat limited in my previous role at the Court as an Analyst and Investigator in the Office of the Prosecutor, except to the extent that I worked closely with defence counsel in interviewing suspects and also in managing disclosure obligations of the Prosecutor in trial proceedings, and generally in facilitating the trial processes. In the course of the interviewing of witnesses, where a witness or suspect in any case was assessed to require the services of defence counsel in relation to the investigative activities of the OTP, we would stop the interviewing of the witness and request the assignment of counsel. In carrying out my tasks I was able to appreciate at that level some of the challenges of defence counsel and legal representatives of victims.

The Office of Public Counsel for the Defence (OPCD) is an independent office that advocates for the right to defence and legal representation and promotes the rights of persons entitled to legal assistance. Registry has administrative responsibility only for the OPCD. The concept of legal aid is intrinsically linked to the right to counsel, otherwise the right itself would be incapable of enforcement. The Registry has responsibility also for assessing the need for legal assistance and for managing the process of legal aid generally. There are a number of issues that have arisen with respect to the remuneration levels for defence counsel and facilitation of the legal aid mechanism, including in relation to the Host State. The Registry would need to engage with OPCD to resolve these challenges.



It is important that defence teams are composed with sensitivity for issues of diversity, and in particular to address the gap in gender equality, and also in working conditions. I do not have a particular experience with these issues but as Registrar I would work closely with OPCD to address these inequities within the financial constraints of the Registry.

## 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?**

State cooperation is essential for the International Criminal Court to fulfil its mandate as both an independent judicial institution and as a public international organization. The Rome Statute itself is an expression of the will of States and the international community, and so the very existence of the institution and its dual character inherently rests on its ability to continue to command the respect and cooperation of that consortium of States. There is a considerable amount of scholarship on the issue of State cooperation and the effectiveness of the International Criminal Court, and all of it resolves in the conclusion that continued, sustained State cooperation is sine qua non for the effectiveness of the Court.

States are essentially driven by political interests, and the projection of those interests is fundamental to their engagement in multilateral institutions such as the International Criminal Court. States are also sovereign, and carefully guard their sovereign rights and interests. In that context, international agreements and treaties such as the Rome Statute express the free agreement of States Parties to submit their sovereign interests to the concept and principles of a global interest to ensure accountability for the worst crimes known to man. This involves some derogation from sovereign rights, but only to the extent agreed in the provisions of the Statute.

Seen in this context, the Court derives its legitimacy and authority from the willingness of the States Parties and the international community to continue to submit to the principles of international criminal justice and accountability for mass crimes, as well as their express obligations under the Rome Statute. Therefore, in negotiating State cooperation and in demanding the fulfilment by States of their obligations under the Rome Statute, it is important for the Court to demonstrate both an understanding of the concept of sovereign rights and obligations in the context of the Statute, as well as to continuously demonstrate its value proposition as a trusted, efficient and faithful enforcer of the Rome Statute.

As Registrar of the International Criminal Court, acting under the authority of the President of the Court, I would prioritize active engagement with States Parties in order to sustain cooperation at every level required by the Court, whether budgetary and financial provision, enforcement of Court orders, decisions and judgments (including the release of persons and custody of convicted persons), victim and witness management, facilitation of investigative processes by all parties, location and support of field operations, privileges and immunities, and Host State matters.

This engagement would primarily be facilitated through the Assembly of States Parties. I would, as Principal Administrative Officer of the Court, continue to ensure a high quality of regular reporting to the Assembly of States Parties on all aspects of the Court's administration as required under the relevant rules and procedures. Such reporting would highlight the Court's value proposition and demonstrate efficiency, sound management and fiscal discipline. I would also seek to establish thematic reporting on specific matters of interest relating to the non-judicial aspects of the Court's administration. This would allow a more focused discussion on matters that may be of particular interest to the States Parties.

Within delegated authority from the President of the Court, I would as Registrar convene regional dialogues with States Parties, and indeed non-States Parties, to discuss matters relating to the non-judicial aspects of the Court's administration. By paying attention to specific matters of regional interest, the Registry would be better served in seeking solutions to specific challenges. In order to facilitate this, I would propose to establish coordinating mechanisms with regional and sub-regional institutions as far as is possible within existing protocols. These coordinating mechanisms will be properly served by corresponding specific functions within the Registry that specialize in regional cooperation.

It would be a matter of priority to enhance the capability of the Registry to engage in high-level dialogue with States Parties, both on multilateral and bilateral bases. These dialogues ought to be dynamic and ongoing in order to promote confidence and trust. The dialogues would also be promoted on both a formal and informal level that balance both the demands of protocol and the need for dynamic problem-solving. The first step ought to be to understand the pain points and the perspectives of different States on what issues are of most concern to them in matters concerning the non-judicial administration of the Court. These could range from fiscal accountability and value-for-money to geographical representation and gender balance, to the operation of field offices. A properly undertaken diagnostic would enable the Registry to account for these issues in its strategic and work planning in order to design and/or refine specific operational responses to address them. It would also define the engagement with States Parties within a frame of proper dialogue and cooperation, thereby enhancing mutual trust.

The International Criminal Court has currently concluded eighteen witness protection and relocation agreements. A number of other States have agreed witness relocation on an *ad hoc* basis, while only one country has signed an interim release agreement.

Witness relocation, whether to avert a specific temporary threat or to provide a long-term solution, is a specifically important tool for meeting the obligation of the Court to protect its witnesses and intermediaries from threats of retaliation or other adverse consequences relating to their engagement with the Court. This is important as a legal and moral obligation, and also as a means of preserving the integrity of evidence. However, there are important protocols to observe in applying this particular solution, which is of last resort, and it is essential that the Court pay special attention to observing them. Witness relocation is an intrusive measure which should only be requested proportionate to the seriousness of the threat. Entering into specific, *ad hoc* agreements with States based on existing international legal frameworks or protocols is one of the means by which this can be done.

The court has also set up a Special Fund for Relocations which allows States that are not able to commit to relocation agreements to contribute to a Fund that underwrites relocation expenses of States who are willing to take on the responsibility but cannot afford it. This is an effective cost-neutral solution.

To the best of my knowledge, the Court has so far concluded agreements with ten States for the enforcement of sentences. *Ad hoc* agreements have also been entered into with one State. The Court also has entered a Memorandum of Understanding with the United Nations Office of Drugs and Crimes (UNODC) for technical assistance to States for improving custodial services.

I recognize that State cooperation is also influenced by other stakeholders in the international community. In this regard, as Registrar I would enhance engagement with civil society and with the media. The outreach mandate of the Registry and activities undertaken under that mandate will be further strengthened with structured dialogues with civil society on regional and thematic issues relevant to the Rome Statute system. The purpose of the Registry in undertaking these engagements will not only be to provide information, but to facilitate genuine dialogue in an open and transparent manner. Consultation with organized civil society and

the media would not only facilitate positive advocacy for the Court and its mandate but would also reinforce the goals of international criminal justice and accountability.

I am aware that there is currently an annual ICC-NGO roundtable. I am also aware that the Prosecutor has announced the commitment of the Office of the Prosecutor to establish two additional thematic roundtables with non-governmental organizations each year, as in his words “we cannot deliver accountability at arm’s length.” I would as Registrar support this programme by the Office of the Prosecutor of enhanced engagement with international, local and community-based non-governmental organizations by offering, where required, the services of the Registry to facilitate the dialogues within the context of inter-organ cooperation. I would also actively promote innovative solutions like the Special Fund for Relocations to drive alternative resolutions to the issues of witness relocation, release of persons and other interim measures.

#### **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?**

A budget is founded on a strategic plan that sets strategic mission and goals of the institution, based on which a workplan and a programme of activities is derived. The first step in the budgeting process is the identification of those strategic goals, followed by internal, inter-Organ consultation. This pre-budget process is important for agreeing the objectives and establishing the assumptions behind the budget requirements of each Organ. It is also useful for accounting for redundancies and for streamlining any duplications. The time spent in this process will be justified in avoiding potentially disruptive reviews and realignments later in the process. The OTP particularly needs to be consulted as most of the work of the Registry is demand-driven and it services the OTP and its operations.

I would engage in informal consultations with the Committee on Budget and Finance in the development of the strategic plan, as this would provide the opportunity for an exchange of ideas and an appreciation by the CBF of the scope of work anticipated in the budgeting period. This early engagement would ensure buy-in into the overall strategy of the institution, that is then reduced to operational plans and activities that are costed in a budget. In collaboration with the Prosecutor, I would offer technical sessions to the CBF for deep-dive discussions on any elements of the budget that requires detailed examination, and also a session to explain the entire budgeting process, including the consultations and assumptions. As a further indicator of transparency and for greater convergence, the Registry would offer a similar opportunity for engagement with civil society. By this process, there would be multiple points for engagement in the early stages of the strategic workplan development, and the budget planning.

At the Green Climate Fund, I am responsible for the workplans and budgets of the two independent accountability units amounting in total to over USD5 million. Preparatory to discussions with the Budget Committee of the Fund, I present the workplan on which the budget is based to the supervising Ethics and Audit Committee of the Board which scrutinizes and approves the workplan. The budget which consists of fixed costs, shared costs and demand-driven costs is then reviewed by the Budget Committee on the basis of the approved workplan, endorsed and sent to the Board for its consideration and approval having received the endorsement of both committees.

At the African Development Bank where I was Chief Investigator in the Integrity and Ant-Corruption Department, I was involved in the budgeting process, and we followed a similar process of agreeing the workplan and then basing the financial estimates on the expected outputs. The budget was then scrutinized by the Audit Committee of the Board before a full Board consideration and approval.

I do not have any experience with gender-responsive budgeting but I think that this is an important strategy in the context of the International Criminal Court, and I would be happy to incorporate it as a principle in the budgeting process.

Thank you.