

2023 ICC Judicial Elections
Questionnaire to candidates¹

Name: Haykel Ben Mahfoudh

Date: 29/07/2023

Motivation

1. What motivates you to seek election as a judge of the International Criminal Court (ICC)?

My reasons for running for election as a judge of the International Criminal Court are deeply rooted in my conviction that justice is an essential vehicle for peace and stability. As a candidate from the African continent and a representative of the multiple geographical areas linking Africa, the countries of the Mediterranean and the Arab world, I wish to contribute to the development of international criminal law and to strengthening the role of the International Criminal Court as a guarantor of the universality and representativeness of the different legal cultures making up the Rome system.

As a Tunisian, I am at once Arabic-speaking, French-speaking and multilingual, which allows me to be open to the different legal cultures of the world. My candidacy to sit on the ICC represents a new and distinct voice within the institution, bringing a unique regional and cultural perspective.

My multilingual profile and my understanding of the varied legal contexts and legal developments in regional criminal law enable me to contribute effectively to the Court's representativeness. I am convinced that my presence would reinforce the diversity of perspectives within the ICC, guaranteeing fair and enlightened justice for all parties concerned, thus contributing to greater adherence to the Rome Statute system.

Thanks to my understanding of regional and cultural realities, I am able to draw on my knowledge and experience in the fields of international humanitarian law, international human rights law, international environmental law and, more generally, international peace and security law, to develop approaches that are sensitive and adapted to the contexts of crime-affected countries and communities and to combat impunity. I am convinced that taking local specificities into account is essential to ensure a fair justice system that respects human rights, which is a crucial element in understanding the procedure and in preventing and punishing the most atrocious forms of crime.

My contribution to current and future developments in international criminal justice is based on ethical, human and professional values that are recognized and appreciated, as well as a broad spectrum of knowledge in public international law. The experience I have acquired over the years in contexts of conflict or democratic transition enables me to propose approaches that are

¹ This is a translated version of the candidate's answers. To access the original French version, please follow this [link](#).

sensitive to victims' rights from a variety of appropriate regional and cultural perspectives. I therefore rely on this broad spectrum of knowledge and experiences to enrich the Court's debates and decisions, and bring them closer to the universal values of justice.

Thus, my aim is to strengthen public confidence in the ICC and to contribute to its mission of preventing impunity and promoting justice for all. By integrating a regional and multicultural perspective, I will strive to promote dialogue, interculturality and representativeness within the Court, so that it can continue to fulfill its essential role as guardian of international justice.

Relevant experience as a criminal law practitioner (List A) or international law expert (List B)

For LIST B candidates

2. Please describe your international criminal law experience, particularly regarding legal research, legal opinions, and/or litigation concerning international criminal law matters and themes, as well as cases and situations. Please indicate any legal material, publication, or opinion that you authored or co-authored.

I have acquired solid knowledge and expertise in international criminal law thanks to my studies in international law and my professional experience in areas related to the exercise of the Court's jurisdiction.

Throughout my career as a university professor and as a specialist in security and human rights affairs, I have had the opportunity to produce in-depth research and legal opinions on various issues relating to international criminal law. Documents and publications I have produced in the field of international criminal law include :

- 1) *Academic research and publications:* I have written articles and research papers on subjects such as individual criminal responsibility for international crimes, the jurisdiction of international courts over war crimes and crimes of genocide, and international cooperation mechanisms in terms of criminal justice. (See for instance : Ben Mahfoudh, H. (2023). "The Arab World and the International Criminal Court: Who Needs More the Other?". *Journal of International Criminal Justice*, (Forthcoming, 2023). I have also contributed to a number of collective volumes and legal journals specializing in international criminal law, in which I have addressed a variety of current and substantive issues in this field.

In addition to the above-mentioned references, here is a non-exhaustive list of my publications and research that are most relevant to the Court's work:

I. Books and monographs :

- Stéphane Doumbé-Billé (†), Haykel Ben Mahfoudh, Kiara Neri, (Dir.) (2020). *Le droit international actuel est-il sécurisant ?*. Editoriale Scientifica, 402 p., 2020, 9788893918824. <hal-02983614>.
- Ben Mahfoudh, H. (sld.) (2019). *Les victimes en droit international*. Publication du Laboratoire de recherche en droit international et européen et relations Maghreb-Europe (LR-DIERME) – Faculté des Sciences Juridiques, Politiques et Sociales de Tunis – Agence Universitaire Francophone.

- Ben Mahfoudh, H. (2011). *L'environnement, l'humanitaire et le droit international*. Centre des Publications Universitaires, Tunis.

II. Articles, studies and opinions

- Ben Mahfoudh, H. (2022). "La confiance et la participation des victimes devant la CPI: d'une simple question de perception à un principe d'administration de la justice pénale internationale". In: *La confiance dans les procédures devant les juridictions internationales. Actes du colloque international de Nice, 3 et 4 juin 2021, Sous la Direction de Julie Tribolo-Ferrand, Éditions Alain Pedone, Paris, 2022.*
 - Ben Mahfoudh, H. (2020). "Les victimes en droit international : essai de typologie", In: *Droit, humanité et environnement: Mélanges Stéphane Doumbé-Billé (Français) Broché – 22 janvier 2020, Mohamed Ali Mekouar (Sous la direction de), Michel Prieur (Sous la direction de).*
 - Ben Mahfoudh, H. (2020). "Traverser à rebours, ou les finalités ambivalentes des accords de réadmission". *Les Cahiers de Tunisie (Dossier thématique)*, vol. 72, n. 226/227.
 - Ben Mahfoudh, H. (2020). "Tunisie". In: *Annuaire international de justice constitutionnelle, 35-2019, 2020. Dossier thématique: Constitution et environnement- La justice prédictive.* pp. 547-560.
 - Ben Mahfoudh, H. (2019). "Igualdad y género en la Constitución de Túnez de 2014". *Revista Jurídica Piélagus*, 18(1), 67–84. <https://doi.org/10.25054/16576799.2639>.
 - Ben Mahfoudh, H. (2018). "Tunisie". In: *Annuaire international de justice constitutionnelle, 33-2017, 2018. Dossier thématique: Juge constitutionnel et interprétation des normes - Le juge constitutionnel face aux transformations de la démocratie.* pp. 479-493.
 - Ben Mahfoudh, H. (2017). "Tunisie". In: *Annuaire international de justice constitutionnelle, 32-2016, 2017. Dossier thématique: Migrations internationales et justice constitutionnelle - Référendums et justice constitutionnelle.* pp. 501-515.
 - Ben Mahfoudh, H. (2017). "Security Sector Reform and the Struggle against Terrorism: State of Affairs, Issues and Challenges", *IEMed. Mediterranean Yearbook 2017*, pp. 233-235.
 - Ben Mahfoudh, H. (2015). "Le contrôle juridique et juridictionnel des opérations militaires à l'extérieur". In: *Annuaire International de Justice Constitutionnelle, Vol. XXXI, 2015, Economica, France*, pp. 591-612. Ben Mahfoudh, H. (2015).
 - Ben Mahfoudh, H. (2007). "Acteurs non étatiques et droit international », In: *Acteurs non étatiques et droit international/ sous la dir. de Rafâa Ben Achour et Slim Laghmani, VIIe Rencontre internationale de la Faculté des Sciences juridiques, politiques et sociales de Tunis: 6, 7 et 8 avril 2004 /, Publisher Paris: Pedone, Year 2007, Pages 215-241.*
- 2) *Legal opinions*: I have provided legal opinions for international organizations and national institutions concerning the application of international criminal law in specific situations, particularly regarding extradition procedures for international crimes, the principle of complementarity and the obligation to prosecute and punish crimes committed by mercenary groups. (See for instance: Ben Mahfoudh, H. (2016). "Protect, Respect and Remedy: A Framework for Accountability for Human Rights Violations Committed by Foreign Fighters", *International Community Law Review* 18 (2016) 418–430). I have also shed light on the need to

demonstrate the individual responsibility of the accused, and on repairing damages to the environment. (See for instance: Ben Mahfoudh, H. (2005). La protection de l'environnement en période de conflits armés, Faculté des sciences juridiques, politiques et sociales de Tunis, 699 pages).

- 3) *Litigation before national and international criminal courts dealing with international crimes:* I have worked closely with teams of legal advisors to develop pleading strategies, prepare legal arguments in favor of the accused, or present reparations claims on behalf of victims.
3. During your international law career, have you provided legal opinions or commentaries on Rome Statute provisions or other sources of international criminal or humanitarian law? Have you commented on the jurisprudence of the ICC, *ad hoc*, or special tribunals? If yes, please indicate relevant materials and publications.

Yes, in the course of my career in international law, I have had the opportunity to produce legal opinions and commentaries on provisions of the Rome Statute, as well as on other sources of international criminal law and international humanitarian law. I have also commented on the jurisprudence of the International Criminal Court and the *ad hoc* and special tribunals.

Here are some specific examples of my work in these fields:

- 1) *Legal opinions on the Rome Statute:* I have produced detailed legal opinions aimed at national authorities concerning their potential accession to the ICC. In these opinions, I have analyzed the obligations and legal implications of ratifying the Rome Statute, including issues of jurisdiction, immunity and cooperation with the Court (See for instance : Ben Mahfoudh, H. (2020). « Réflexions sur la plainte déposée devant la CPI pour crimes contre l'humanité et de génocide pour développement d'armes de guerre biologique par la République populaire de Chine ». Research Paper in Law 1/2020. Collège d'Europe, Études juridiques européennes).
- 2) *Commentaries on ICC jurisprudence:* I have written in-depth research articles analyzing recent developments in ICC jurisprudence concerning war crimes. These research papers have addressed many of the decisions made on specific cases before the ICC, examining the legal arguments presented by the parties and the decisions made by the Court (See for instance : Ben Mahfoudh, H. (2022). « La confiance et la participation des victimes devant la CPI: d'une simple question de perception à un principe d'administration de la justice pénale internationale ». In: La confiance dans les procédures devant les juridictions internationales. Actes du colloque international de Nice, 3 et 4 juin 2021, Sous la Direction de Julie Tribolo-Ferrand, Éditions Alain Pedone, Paris, 2022).
- 3) *Analysis of ad hoc and special tribunals:* As the director of a research center, I led a collective research project that studied the experiences of the *ad hoc* tribunals for the former Yugoslavia and Rwanda, as well as special tribunals such as the Special Court for Sierra Leone and the Special Tribunal for Lebanon. My analysis focused on the lessons learned and challenges faced by these tribunals in the pursuit of international criminal justice (See for instance : Ben Mahfoudh, H. (2007). « Acteurs non étatiques et droit international », In: Acteurs non étatiques et droit international/ sous la dir. de Rafâa Ben Achour et Slim Laghmani, VIIe Rencontre internationale de la Faculté des Sciences juridiques, politiques et sociales de Tunis: 6, 7 et 8 avril 2004 /, Publisher Paris: Pedone, Year 2007, Pages 215-241).
- 4) *Supervision of research work:* I have also supervised numerous doctoral research projects in Tunisia and abroad on subjects related to international criminal law and international

humanitarian law. Here are a few examples of research topics by doctoral students I have supervised:

- "La responsabilité pénale individuelle pour les crimes internationaux commis par des acteurs non étatiques : une analyse des défis juridiques et des approches de responsabilisation." (*Individual criminal responsibility for international crimes committed by non-state actors: an analysis of legal challenges and approaches to accountability*)
 - "L'impact des tribunaux nationaux sur la réconciliation post-conflit sur la poursuite et la répression des crimes internationaux : une étude de cas de la Tunisie, du Burundi et de la Colombie." (*The impact of national post-conflict reconciliation courts on the prosecution and repression of international crimes: a case study of Tunisia, Burundi and Colombia.*)
 - "L'évolution de la jurisprudence de la Cour pénale internationale sur la participation des victimes à la procédure pénale : une analyse comparative des décisions rendues à la lumière des systèmes juridiques romano-germaniques et anglo-saxons." (*The evolution of the jurisprudence of the International Criminal Court on the participation of victims in criminal proceedings: a comparative analysis of decisions rendered in light of Romano-Germanic and Anglo-Saxon legal systems*)
 - "La protection des droits des victimes devant la Cour pénale internationale : vers une standardisation des droits à la participation et à la réparation ou une autonomisation du droit international des victimes ?" (*The protection of victims' rights before the International Criminal Court: towards a standardization of rights to participation and reparation or greater autonomy for international victims' law?*)
- 5) *Publications on international humanitarian law*: I have published specialized volumes and articles on international humanitarian law, focusing on the norms and principles applicable to international and non-international armed conflicts and the rights of victims (see above-cited publications). These publications touched upon the legal aspects of war crimes and of the protection of civilians and civilian objects, in particular environmental protection, cultural property and the crime of ecocide, as well as on the responsibilities of States and individuals under international humanitarian law.

I have also actively participated in seminars and conferences, both in Tunisia and abroad. These events have provided me the opportunity to share my research, to comment on current international criminal justice developments, to exchange ideas with my peers in the field, and to contribute to academic and professional debates. Here are a few examples of seminars and conferences in which I have taken part:

- "Les défis régionaux de la coopération avec la CPI: exemple de la zone Afrique du Nord et Moyen Orient ". Colloque: Les 20 ans de l'entrée en vigueur du statut de Rome. Le principe de complémentarité : la clé d'un système global de lutte contre l'impunité. Cour de Cassation française, 24 octobre 2022, Paris. (À paraître aux Éditions A. Pedone, en 2023).
- "La conduite de poursuites et de procès contre les combattants terroristes étrangers, y compris ceux qui rentrent dans leur pays et ceux qui se relocalisent", organisé par le Laboratoire de recherche en droit international et européen et relations Maghreb-Europe et l'Association tunisienne pour les Nations Unies, à l'occasion célébration de la journée des Nations Unies, Tunis, 24 octobre 2019.
- "Technological change and international humanitarian law – amend, implement or simply manage expectations?", 3rd Stockholm Security Conference, SIPRI, 19–20 September 2018, Stockholm, Sweden.

- "L'assassinat de Mohamed Zouari : un crime international ?", Leaders Magazine, décembre 2016.
- "Workshop on The evolution of mercenarism and the implications for accountability and remedy with respect to human rights violations", Office of the United Nations High Commissioner for Human Rights, Palais des Nations, Genève, avril 2016.
- "L'atteinte aux biens culturels devant la CPI", Séminaire organisé par l'Association des historiens tunisiens et l'Institut national du patrimoine, Musée du Bardo, Tunis, Décembre 2015
- "Les archives judiciaires et l'histoire de la prépression en Tunisie", contribution à la journée d'étude sur: "La justice transitionnelle en Tunisie et le droit international: question de la compatibilité des standards de la JT avec les règles du du droit internationalé, LR-Dierme, UNHCHR, ICTJ, PNUD, 16/04/2015, Faculté des sciences juridiques, politiques et sociales de Tunis.
- "Les paradoxes de la CPI: éléments de différenciation et de distinction d'une justice pénale internationale". Séminaire organisé par le Ministère de la Justice et le Centre de Genève pour la promotion des droits de l'homme et le dialogue global, Tunis, Novembre 2011.

Victims' rights

Victims of Rome Statute crimes are the raison d'être of the ICC, and they have the right to participate in proceedings and to reparations, as well as to be effectively protected.

4. Please describe your experience and/or expertise relevant to victims' rights to participate in criminal proceedings and to obtain reparations, as well as your understanding of such rights before the ICC.

With regards to victims' rights to participate in criminal proceedings and to obtain reparations, I have developed significant expertise in this particular area of international criminal law. These issues have been at the center of my research, professional work and academic commitments. Here is a brief description of my experience and expertise in victims' rights before the International Criminal Court:

- *Academic research*: I have carried out in-depth studies on victims' rights in international criminal justice. I have examined the relevant provisions of the Rome Statute granting victims the right to participate in ICC proceedings, as well as the reparation mechanisms put in place by the Court. I have also studied ICC jurisprudence concerning victim participation and reparations decisions. See, for instance, the following publications:
 - "Les victimes en droit international" (Publication du Laboratoire de recherche en droit international et européen et relations Maghreb-Europe - Faculté des Sciences Juridiques, Politiques et Sociales de Tunis - AUF) et,
 - "La confiance et la participation des victimes devant la CPI: d'une simple question de perception à un principe d'administration de la justice pénale internationale" (Actes du colloque international de Nice, 3 et 4 juin 2021, Sous la Direction de Julie Tribolo-Ferrand, Éditions Alain Pedone, Paris, 2022).
- *Publications* : I have contributed to academic publications pertaining to victims' rights in international criminal law, notably by editing the collective reference book "Les victimes en droit international" (*Victims in International Law*), focusing on jurisprudential advances and

legislative developments in this field. I have also written articles such as "Les victimes en droit international : essai de typologie" (Dans: Droit, humanité et environnement: Mélanges Stéphane Doumbé-Billé - Mohamed Ali Mekouar (Sld.), Michel Prieur (Sld.), 22 janvier 2020).

- *Conferences and trainings:* I have led or participated in conferences and trainings on victims' rights before the ICC and other international tribunals. At these events, I have shared my knowledge of victims' participation mechanisms, reparations procedures, as well as the challenges faced by victims in international criminal proceedings. Most recently, I participated in the Forum of Legal Actors on Freedom of Expression, jointly organized by the Dutch Ministry of Foreign Affairs, UNESCO, Free Press Unlimited and T.M.C. Asser, in The Hague in October 2022.

My rich experience and ongoing commitment to victims' rights before the International Criminal Court and international jurisdictions prove my commitment to promoting and protecting victims' rights and to contributing to the advancement of international criminal justice.

5. How would you ensure victims' statutory rights to participate in proceedings and to reparations are meaningfully achieved?

Victim protection and participation are essential elements of international criminal justice. In order to ensure effective respect for victims' statutory rights to participate in proceedings and to obtain reparations, several measures should be implemented:

- 1) *Awareness-raising and information-sharing:* It is vital to inform victims of their rights from the onset of the judicial process, providing them with clear and accessible information on the different stages of the procedure, the participation mechanisms, and the possibilities for reparation.
- 2) *Access to justice:* It is crucial that victims have an easy access to the Court and to ICC mechanisms, by facilitating their access to the legal services and resources needed to exercise their rights fairly.
- 3) *Legal assistance:* Victims should benefit from free and qualified legal assistance throughout the proceedings, including assistance in preparing statements, participating in hearings, and filing applications for reparations.
- 4) *Victim protection:* Appropriate protective measures should be put in place to ensure victims' physical and psychological safety throughout the judicial process, and to prevent any form of reprisal or intimidation.
- 5) *Effective participation:* Victims should be able to participate actively in ICC proceedings, allowing them to express themselves before the Court, ask questions, and provide evidence to support their case.
- 6) *Access to reparations:* Victims should have access to effective and appropriate reparation mechanisms, including reparation programs, compensation and other forms of reparation for harm suffered, from the onset of the proceedings.
- 7) *Monitoring and evaluation:* A monitoring mechanism should be set up to ensure respect for victims' rights throughout the judicial process, in order to regularly evaluate the effectiveness of measures put in place and, if necessary, to make adjustments so as to ensure that victims' rights are fully respected.

6. Describe any specialized training and/or experience you have in providing protection and support to victims (and witnesses) participating in judicial proceedings, including expertise in assessing harm, trauma, and the risks of re-traumatization.

With regards to victim protection and support, I have gained significant experience and contributed to setting up specialized training programs aimed at justice and law enforcement professionals to meet the specific needs of victims in legal proceedings. Here are a few examples of my experiences:

- 1) *Trainer in victim protection:* I was part of a mixed team of international and national experts who collaborated with various national and international partners to develop training-of-trainers modules on the protection of human trafficking victims in Africa and the Arab world. I have also delivered in-depth trainings in international human rights law, with a particular focus on crimes of torture and sexual violence.
- 2) *Legal assistance to victims of torture:* I have worked as a lawyer and international human rights expert with organizations specializing in the fight against torture, such as OMCT (World Organisation Against Torture), to provide psychosocial support to victims of torture and sexual violence during legal proceedings.
- 3) *Expertise in harm and trauma assessment:* I have developed expertise in assessing the physical and psychological harm suffered by victims of torture and of sexual violence, which is essential to support their reparation claims.
- 4) *Collaboration with international organizations:* I have worked with organizations such as the UN, OHCHR and DCAF to help victims of terrorism and human trafficking. The aim has been to set up psychological and emotional support programs tailored to people who have been traumatized by acts of terrorism. I also provided legal support to victims of human trafficking to ensure that their rights were respected throughout the judicial process. Additionally, I have provided legal advice to national and foreign NGOs on asylum and refugee status determination, to help victims of persecution better understand their rights and the legislation applicable in their host country.

Such collaborations have strengthened the capacity of victim support organizations to provide effective and tailored support to those in need.

Defence rights

7. Please describe any relevant experience implementing the rights of the accused, including specific experience managing fair trial considerations in criminal proceedings.

In the course of my professional experience, I have developed a solid understanding of the legal and ethical principles that are essential to protecting fundamental rights in criminal procedures.

Here are some of my relevant experiences:

- 1) *Awareness-raising and training:* I have had the opportunity to take part in awareness-raising and training programs for lawyers, magistrates and justice officials on the rights of the accused and the principles of a fair trial. These trainings were aimed at promoting a better understanding and application of the rights of the accused in the criminal justice system.
- 2) *Legislative reform:* I collaborated with national bodies and human rights organizations to contribute to legislative reform aimed at strengthening the protection of the rights of the accused in the judicial system. This included proposing amendments and laws to ensure that criminal proceedings are fairer and more respectful of the rights of any individual involved.

Through these collaborations, I have worked with members of parliament and legal experts to draft specific provisions that were eventually adopted by parliament, guaranteeing defendants' rapid access to legal representation upon their arrest.

- 3) *Compliance with international standards*: I took part in a working group with a governmental authority to revise the rules related to the use of special techniques for investigations, as well as for the collection, use and exchange of evidence in the context of criminal proceedings relating to suspected terrorists and to organized crime. The aim was to ensure the alignment of the legal approach with international requirements pertaining to the rights of the accused, while facilitating the effective prosecution of serious offences.

High moral character, independence, and impartiality

8. Share your understanding of the "high moral character" Rome Statute requirement (Article 36(3)(a)), and how you embody these characteristics. What qualities or activities would be contrary to a "high moral character"?

The "high moral character" requirement set out in Article 36(3)(a) of the Rome Statute requires States Parties to appoint qualified individuals with an irreproachable reputation and sound professional ethics to judicial office at the International Criminal Court. This provision is designed to ensure that those appointed to such roles are trustworthy and act impartially and fairly, thereby preserving the integrity of the institution.

To embody these characteristics, the individual must strive to demonstrate ethical conduct and integrity in both their professional and personal life. Honesty, transparency and respect for fundamental human rights values must be of paramount importance to them. Professionally, they must remain impartial and objective, and make fair decisions, which are based on facts and legal principles.

Furthermore, I believe that characteristics or activities that may contradict such "high moral character" include:

- 1) *Conflicts of interest*: It is crucial to refrain from any potential conflict of interest that could compromise one's impartiality in performing their duties. As a professional, it is essential to remain impartial, objective and to make fair decisions which are based on facts and legal principles, while avoiding any involvement in acts of corruption or financial wrongdoing.
- 2) *Discrimination*: Any discriminatory behavior based on race, gender, religion, sexual orientation or other protected characteristics, as well as the promotion of discriminatory ideas or policies, is incompatible with a "high moral character". In addition, one must be vigilant and steer clear of any form of harassment or predatory conduct. They must respect the dignity and integrity of all those involved in legal proceedings, whether they are defendants, victims, witnesses or colleagues.
- 3) *Human rights violations*: Any form of human rights violation, whether direct or indirect, would seriously compromise an individual's credibility to hold office in an international court of justice.
- 4) *Breach of professional ethics*: Serious professional misconduct, such as disclosing confidential information concerning ongoing court cases without legal authorization, would compromise the integrity of the judicial system and could violate the rights of the parties involved.
- 5) *Abuse of power*: Exerting undue influence on judicial decisions with the aim of favoring a party, interest group or particular individual, to the detriment of fairness and justice, or

taking advantage of the vulnerability or distress of people involved in judicial cases, such as witnesses or victims, to gain a personal advantage or to exert control over them, would be in total contradiction with the ethical values essential to holding judicial office.

In any case, such breaches of professional ethics could have serious consequences for the person involved, calling into question their ability to hold judicial office at the International Criminal Court, and further undermining the public's confidence in the integrity of the judicial system. It is therefore essential that individuals occupying such positions demonstrate irreproachable professional ethics, in line with the highest standards of "high moral character".

9. Have you ever been accused (formally or informally) of bullying, harassment, abuse of power, serious misconduct, including sexual harassment/misconduct, or unacceptable behavior? If so, please explain.

No, I have never been accused of bullying, harassment, abuse of power, serious misconduct, sexual harassment, or any other unacceptable behavior.

10. What difficulties, if any, can you envisage in taking a position independent of, and possibly contrary to, the position of your state of nationality? How would you act in cases where significant (direct or indirect) political pressure was exerted upon you and/or your colleagues?

Personally, I do not expect to encounter any difficulties should I take a position that is independent of, or even contrary to, that of my state of nationality. As someone who has worked for many years in the fields of international criminal law, international humanitarian law and in complex situations, it is essential to remain true to the principles of justice, impartiality and respect for human rights, regardless of any political pressure that may arise.

Should significant political pressure be exerted on an individual, reactions may vary according to the specific situation and that person's ethical principles.

Some possible responses might include:

- *Maintaining one's professional independence*: Remaining true to one's convictions and maintaining professional impartiality despite external pressures.
- *Consulting one's peers*: Seeking advice from independent and impartial peers and colleagues to assess the situation and determine the best approach.
- *Reporting pressure*: If the kind of pressure exerted is inappropriate or illegal, reporting such actions to the appropriate authorities.
- *Working as a team*: Collaborating with colleagues who share similar ethical values to build resilience in the face of political pressure.
- *Calling on specialized bodies and authorities*: In certain cases, seeking the support of bodies specialized in the protection of human rights and legal professionals.

11. Have you ever worked in the executive or legislative branches of government in your country? If so, please provide details about the capacities in which you served, the duration of these positions, and confidentiality obligations you may have undertaken.

No, I have not worked in the executive or legislative branches of my country.

Management and workplace culture

12. Please describe your relevant human resources management skills and experience, including: how you managed allegations of discrimination, harassment (including sexual harassment), bullying and/or abuse of authority on the part of staff members; ways you addressed chronic imbalances in geographical representation/race and gender in senior management positions; and how you grappled with issues that disproportionately affect women, minorities, and people of color.

Professionally, I have acquired solid experience in human resources management, proactively addressing issues of discrimination, harassment (including sexual harassment), bullying and abuse of power within the teams under my supervision. In terms of human resources management, I have:

- 1) Implemented policies and procedures to deal with allegations of discrimination, harassment, including sexual harassment, bullying and abuse of power in an impartial and confidential manner.
- 2) Promoted diversity and inclusion by implementing recruitment and development initiatives seeking to increase geographical, racial and gender representation in management positions.
- 3) Implemented specific professional development programs to support the career advancement of women, minorities and people of color.

My goal has been to create an inclusive work environment, whereby everyone can thrive and contribute to the success of the organization.

13. If elected, what concrete measures will you take to improve the workplace culture in the ICC's judiciary? Include examples in which you acted to improve the workplace culture.

If elected, here are some of the concrete steps I would take to improve the workplace culture within the ICC judiciary:

- 1) I would support the implementation of training programs to raise staff's awareness about diversity, inclusion and anti-discrimination issues. Such trainings would help promote a respectful working environment, where everyone would be valued for their skills and contributions, regardless of their origin, gender or race.
- 2) I would help set up a confidential mechanism to report cases of discrimination, harassment or abuse of power. This would enable employees to safely report any inappropriate behavior without fear of reprisal, and would also ensure that fair and impartial investigations address these issues.
- 3) I would support the creation of employee resource groups, such as support groups for women, minorities and people of color. These groups would enable employees to share their experiences, suggest initiatives to improve the workplace culture and help implement positive change.

In my previous experiences as director of a research center and manager within an international organization, I set up similar programs to improve workplace culture:

- 1) *Diversity and inclusion trainings*: I organized diversity and inclusion trainings for the entire staff, which raised awareness of discrimination and inequality issues, and encouraged constructive discussions on these topics.

- 2) *Mentoring program:* I launched a mentoring program to support the professional development of female and minority students within the Faculty. This program has provided learning and growth opportunities for students, while strengthening their involvement in research projects and teaching programs.
- 3) *Policy review:* I worked with the organization's Gender Division to review its existing human resources policies and integrate inclusion and equity best practices. This improved transparency, accountability and respect for employees' rights within the organization.

14. Please share examples of when you applied a gender perspective during your professional career.

During my professional career, I have applied a gender perspective in various contexts to promote gender equality and inclusion. Here are a few specific examples:

- 1) By encouraging gender parity in the recruitment of researchers and promoting gender balance in the governance of faculty bodies.
- 2) By revising human resources policies to make them non-discriminatory and gender-sensitive, notably by improving parental leave and offering flexible working hours.
- 3) By setting up a mentoring program to support women's professional development and enhance their skills.
- 4) By organizing awareness-raising sessions on gender equality to eliminate gender stereotypes and promote a culture of inclusion.

More specifically, the adoption of a gender perspective was an integral part of the programs and processes put in place while supporting reform and governance in the security sector. In this context, I contributed to the following :

- 1) Strengthening the training of security forces on gender issues and victim sensitivity, to ensure that they are trained to treat victims with respect and compassion, taking into account the specific problems women may face in situations of violence or conflict.
- 2) Establishing confidential reporting procedures: I have helped set up mechanisms to allow victims of sexual harassment or violence to safely report any incident involving members of the security forces, to ensure fair and thorough investigations into such unacceptable behavior.
- 3) Promoting women's representation in security forces: I have supported programs aimed at strengthening women's equal participation in security forces, with a focus on the balanced recruitment and promotion of women to leadership positions, thus contributing to reducing gender inequalities within security organizations.
- 4) Raising security officers' awareness about the importance of diversity and inclusion: I have organized awareness-raising sessions on gender equality and promoting a respectful and egalitarian work culture, in order to create a professional environment that values and respects the rights and dignity of all officers, regardless of their gender.
- 5) Implementing internal policies to prevent discrimination: As an expert, I have reviewed security organizations' internal policies to ensure that they include provisions to prevent all forms of gender-based discrimination, thus creating an environment conducive to justice and fairness for all staff members.

Sexual and gender-based crimes (SGBCs) and crimes against children

15. What do you consider are the main advancements in the Rome Statute regarding sexual and gender-based crimes and crimes against children, as well as the relevant jurisprudence and charges

brought so far at the Court? Please describe challenges and opportunities for improvement in adjudicating these crimes, and any experience you may have in this area, including addressing misconceptions relating to SGBCs.

The Rome Statute represents a significant step forward in the fight against sexual and gender-based crimes, as well as crimes against children. Here are some of its main advancements:

- 1) *Sexual and gender-based crimes*: The Rome Statute explicitly recognizes sexual crimes, such as rape, sexual slavery, forced prostitution, forced pregnancies, forced sterilizations and gender-based persecution, as serious crimes that fall within the jurisdiction of the ICC. This recognition is crucial to ending impunity for the perpetrators of such atrocities.
- 2) *Protection of children*: The Rome Statute pays specific attention to the protection of children by recognizing the recruitment of child soldiers, sexual violence inflicted on children and other acts of violence against them as crimes falling within the jurisdiction of the Court. This reinforces the accountability of the perpetrators of such crimes and offers greater protection to child victims.
- 3) *Mode of liability*: The Rome Statute establishes that those in higher positions of responsibility are responsible for crimes committed by their subordinates. Thus, military and political leaders can be prosecuted and held responsible for crimes, including sexual and gender-based crimes, perpetrated by individuals placed under their authority. This provision aims to discourage atrocities and prevent future crimes.
- 4) *Recognition of victims' rights*: The Rome Statute recognizes the rights of victims, including victims of sexual and gender-based crimes, to participate in judicial proceedings and to obtain reparations. This enables victims' voices to be heard and contributes to their recovery, while promoting a fairer justice system.

In terms of jurisprudence and charges brought before the Court, the Court has prosecuted individuals for acts of rape, sexual slavery, recruitment of child soldiers and other forms of sexual violence and crimes against children. Undeniably, the ICC's decision in the Ongwen case constitutes a major success in the fight against impunity for sexual and gender-based crimes. This decision marks a significant step forward, as for the first time, it allowed to recognize reproductive violence and to defend women's right to personal and reproductive autonomy, as well as their right to family.

However, despite such progress, it will be essential to pay particular attention to defining the crime of forced pregnancy in any new convention pertaining to crimes against humanity, so as to avoid repeating the same shortcomings and to guarantee adequate protection for the victims of such crimes. In addition, some challenges remain and improvements can be made when adjudicating these crimes:

- 1) *Gathering of evidence*: Sexual and gender-based crimes are often under-reported, complexifying the gathering of evidence. The ICC must continue to strengthen its evidence-gathering mechanisms to ensure thorough investigations and a solid prosecution.
- 2) *Raising awareness and combating stereotypes*: Preconceived ideas and stereotypes linked to sexual and gender-based crimes can influence the perception of victims and alleged perpetrators. It is essential to raise awareness among the public, judges and lawyers to eliminate these stereotypes and ensure an impartial approach in dealing with these crimes.
- 3) *Victim and witness protection*: Victims of such crimes are often at risk of reprisals and threats to their safety. In order to encourage their participation in judicial proceedings, the ICC must continue to strengthen its victim and witness protection mechanisms.

- 4) *International cooperation*: The ICC depends on the cooperation of States to carry out its investigations and prosecutions. Closer and more effective international cooperation is needed to meet the transnational challenges posed by these crimes, and to ensure that perpetrators cannot escape justice by hiding in other countries.

Finally, it is essential to tackle preconceived ideas about sexual and gender-based crimes. Stereotypes and stigmatization can dissuade victims to report crimes, compromise investigations and weaken the prosecution of perpetrators. By disseminating accurate information, raising awareness and promoting equal rights for all, we can contribute to changing mentalities and to enhancing the effectiveness of the fight against these heinous crimes.

Judicial training

The ICC is a unique institution and ICC judges face many distinct challenges. Even judges with significant prior experience managing complex criminal trials may not necessarily possess all the requisite skills and knowledge needed to manage these challenges.

16. In this context, is there any area of your expertise, knowledge, or skillset which you think could be enhanced through workplace training? Would you make yourself available to take part in such professional training?

ICC judges face unique and complex challenges. Personally, I remain open to furthering my knowledge and professional training in order to keep abreast of the most relevant comparative legal and jurisprudential developments pertaining to the Court's jurisdiction. I believe that ongoing updating of knowledge and practices is essential to keep up with developments in international criminal law and to better respond to emerging challenges, such as those linked to the environment or the use of new types of weaponry, such as autonomous weapons.

I would pay particular attention to developing skills pertaining to the management and use of information technologies in criminal proceedings. New information technologies could represent a major asset for judges, which they could mobilize while performing their duties to ensure efficient and transparent judicial proceedings. The functioning of the Court and the management of judicial proceedings require a thorough understanding of technological tools and mechanisms, as well as an ability to adapt to international justice innovations.

I am also aware of the importance of artificial intelligence (AI) in the collection and management of evidence, particularly with regards to the most complex forms of crime. I would therefore like to consolidate my knowledge in the application and use of AI to help analyze large amounts of data, thus facilitating the identification of patterns, connections and evidence that are crucial to investigations and judicial proceedings.

However, I would also call for consideration to be given in the training of judges to the ethical and legal challenges associated with the use of AI in the context of international criminal justice. For instance, this could be done through organizing workshops to reflect on the essential safeguards to be provided to ensure that the use of AI complies with ethical standards and human rights, ensuring the protection of sensitive data and avoiding discrimination or algorithmic bias.

In addition, I would be attentive to exchanges of good practice in areas relevant to the Court. Experience and knowledge sharing among judges and all those involved in international justice can strengthen the ICC's ability to conduct effective and fair proceedings.

In short, I am ready to fully commit to any process of continuing education and skills development necessary to better serve international justice as an ICC judge. I am convinced that keeping abreast of legal developments, technology and best practices will strengthen my ability to meet the complex challenges facing the Court and contribute to its mandate to prevent impunity and promote justice for all parties involved.

National nomination procedure

- 17.** What is the current national selection and nomination procedure for ICC judicial candidates in your country of nationality? Please provide information on the procedure, including the application process, criteria, rules and legislation, public outcome of the process, bodies or organs involved in the selection process, and any other relevant information.

The national selection and nomination procedure regarding my candidacy for the ICC Judge position in Tunisia followed the provisions of paragraph 4-a-i of Article 36 of the Rome Statute, which govern the procedure for submitting candidacies to the International Court of Justice as provided for in the Statute.

The application process began with the submission of my file to the “Applications Committee” of the Ministry of Foreign Affairs, Migration and Tunisians Abroad. This committee, together with the Minister’s Office and the Directorate General for Multilateral Cooperation and Global Issues, examined and processed my application.

After having obtained the endorsement of the Presidency of the Republic, my candidacy was approved by the Republic of Tunisia and submitted to the Secretariat of the Assembly of States Parties to the Rome Statute. In examining my candidacy, the national authorities ensured that it complied with the Constitution of the Republic of Tunisia, with Article 36 of the Rome Statute, and with relevant resolutions and documents of the Assembly of States Parties and of the Bureau.

Particular attention has been paid to ensuring that my candidacy meets the criteria set out in Article 36 (3)(a) of the ICC Statute. These include high moral standards, irreproachable intellectual integrity, scientific acumen, a sense of duty, a humanistic spirit and the ability to work with colleagues and partners from diverse cultures.

Through carefully respecting the established procedures and criteria, my candidacy for the position of judge at the International Criminal Court was officially presented by Tunisia, thus demonstrating my country’s commitment to the independence of international justice and to the integrity and impartiality of judges.

Thank you