

2023 ICC Judicial Elections
Questionnaire to candidates¹

Name : Dembélé Adélaïde

Date: 26 July 2023

Motivation

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

I am an international pre-trial judge working in a country in active conflict. I exercise my functions within the Central African Special Criminal Court, an internationalized and hybrid jurisdiction, which is competent to investigate, prosecute and judge serious violations of human rights and of international humanitarian law perpetrated on the territory of the Central African Republic since January 1, 2003.

Therefore, I practice international criminal law on a daily basis, implementing in particular the Statute of the Special Criminal Court, the Rules of Procedure and Evidence before the Special Criminal Court, the Central African Penal Code, the Central African Code of Criminal Procedure and the Rome Statute. In applying these main legal documents, I refer to international human rights law, international humanitarian law, international public law, etc. I have experience working in international(ized) and hybrid jurisdictions, as well as prosecuting international crimes in situations of active conflict.

My motivation to run for the judicial elections of the International Criminal Court is linked to my interests in the administration of justice, which are the effectiveness of victims' participation in the judicial process, guaranteeing respect for equality of arms in judicial proceedings, the importance of international cooperation in the execution of arrest warrants, and respect for the guarantee of independence, impartiality, and fairness in justice.

My experience as a judge in the field of international criminal justice will enable me to help advance the ICC's profile and its universal mission.

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

For LIST A candidates

2. Please describe your experience as a judge, prosecutor, or criminal lawyer in domestic or international criminal law cases, including information on the number and types of cases as well as challenges you faced.

I began my career as a pre-trial judge at the Ouagadougou High Court in Burkina Faso from July 1996 to September 2003. During this period of over five years, I gained experience in

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

investigating and prosecuting sensitive and complex national crimes. I was then appointed judge from October 2003 to September 2004. In my office, I was in charge of investigating around 500 cases (violent crimes and economic crimes). I carried out numerous hearings and interrogations exculpating and inculcating the accused. I have issued national and international letters rogatory. I have issued orders on various legal matters, including closing orders.

I have supervised several trainee magistrates. I have ruled on criminal, civil and commercial cases. I have held hearings and deliberations and handed down judgments on procedural matters, as well as in criminal, civil and commercial cases.

The biggest challenge is the lack of resources for gathering evidence when it comes to investigating cases opened against an unidentified person.

In order to strengthen the professional experience I had acquired at the national level, I chose to pursue my career internationally. Thus, from February 2014 to August 2017, I worked as a Prosecution Advisor for the Prosecution Support Cells (PSC) of the United Nations Organization Stabilization Mission in the Democratic Republic of Congo (MONUSCO). In this capacity, I supported Congolese pre-trial judges in their application of the military penal code, of the military judicial code (equivalent to the code of criminal procedure) and of the Rome Statute. I provided support, advice and technical assistance to national partners from DRC in the prosecution of international crimes. I prepared and organized several judicial investigations and mobile court hearings into war crimes and crimes against humanity in 8 emblematic cases in South Kivu. I provided technical assistance to the Congolese military justice system, supporting the elaboration of a strategic analysis to assist in the planning and running of investigations in the prosecution of international crimes. I designed technical sheets on questionnaires that facilitated the hearings of victims and witnesses, as well as the examination of defendants. I have contributed to analyzing the minutes of hearings of victims and witnesses.

The biggest challenge, since the conflict was active, was to ensure that the victims and witnesses participated in the hearings in a place that was reassuring for them.

Since November 2017, I have been working as an international pre-trial judge at the Special Criminal Court of the Central African Republic (SCC-CAR). This hybrid jurisdiction created in 2015 is competent to investigate and judge serious human rights violations and grave breaches of international humanitarian law committed on the territory of the Central African Republic since January 1, 2003. I practice international criminal law on a daily basis by applying the SCC-CAR Statute, the Rules of Procedure and Evidence before the SCC-CAR, the Central African Penal Code, the Central African Code of Criminal Procedure, as well as the Rome Statute. In mobilizing these main legal documents, I refer to international human rights law, international humanitarian law and international public law. I have collected, organized, examined and analyzed documentary and testimonial evidence. I have conducted hearings for numerous victims and witnesses while interrogating several suspects and defendants in 7 cases of war crimes and crimes against humanity. I have issued letters rogatory to the officers of the SCC's Judicial Police Special Unit (JPSU) to carry out specific acts of information. I have submitted requests for international legal and judicial assistance. I have monitored, managed, and led the execution of letters rogatory issued by judicial police officers (JPOs) assigned to investigations by the pre-trial office, in close collaboration with the head of the Judicial Police Special Unit. I have issued several arrest warrants. I have drafted and issued several orders, including for the referral of defendants to trial. I have ordered protective measures for witnesses appearing

before the cabinet, in close collaboration with the Victims and Witness Support and Protection Unit.

The major challenges can be summarized as follows: determining the applicable law, which was a challenge at the beginning given the hybrid nature of the jurisdiction; conducting investigations in a country in active conflict; enforcing arrest warrants in the absence of special police forces to allow the Special Criminal Court to arrest alleged perpetrators and hold them in secure prisons.

3. During your judicial career, please share any instances when you applied Rome Statute provisions or other international criminal or humanitarian law sources, directly or through national legislation that incorporates Rome Statute offences and procedure. Have you ever referred to or applied jurisprudence of the ICC, *ad hoc*, or special tribunals? If yes, please indicate any relevant judicial decision or opinion that you authored or co-authored.

In my capacity as an international pre-trial judge at the Special Criminal Court, the Central African Penal Code (CPC), which forms part of the law applicable before this court, refers to the Rome Statute in some of its provisions, or reestablishes some of the provisions of the Rome Statute, international criminal law, as well as of international humanitarian law.

For example, article 153 of the CPC reproduces article 7, paragraph 1 of the Rome Statute, which defines and characterizes crimes against humanity. Article 154 of the CPC defines “war crimes” as grave breaches of the Geneva Conventions of August 12, 1949. Article 155 of the CPC defines war crimes as other serious violations of the laws and customs applicable to international armed conflicts within the established framework of international law.

The arrest warrants issued by the office which I co-manage, as well as the notifications of charges to suspects prior to their indictment, have referred to the provisions of the Penal Code, to the Common Article 3 of the Geneva Conventions, and to articles 4.2 a), 4.2 g), 13 and 16 of the Second Additional Protocol to the Geneva Conventions.

The orders issued by the Pre-Trial Department on various legal issues, including closing orders, have applied the jurisprudence of the ICC, ICTR, ICTY, ECCC and the Extraordinary African Chambers (EAC) of Senegal. Here are a few examples of the jurisprudence that was applied:

- To define the term “attack”, which is not defined by the Central African Penal Code, we applied the jurisprudence of the ICC, *Pre-Trial Chamber, Decision on the confirmation of charges, Prosecutor v. Laurent GBAGBO, ICC-02/11-01/11, June 12, 2014, §208; ICC, Trial Chamber IV, Judgment, Prosecutor v. Bosco NTAGANDA, ICC-01/04-02/06, July 8, 2019, §661; ICC, Pre-Trial Chamber. II, Judgment, Prosecutor v. Germain KATANGA, ICC-01/04-01/07, March 7, 2014, §1101*, to emphasize that the attack is a course of action and not a single, isolated act, we applied the jurisprudence of the ICTY, *Appeals Chamber, Prosecutor v. Kunarac et al. “foca”, Judgment of June 12, 2002, Case No. IT-96-23 and IT-96-23/1-A, §86*. To state that the attack also entails ill-treatment of the civilian population, which must have been the main target of the attack, we have referred to ICTY, *Prosecutor v. Kunarac et al., February 22, 2001, IT-96-23-T, §96; ICC, Prosecutor v. Jean-Pierre Bemba Gombo, March 21, 2016, ICC-01/05-01/08, §154*.
- The notion of civilian population has been defined based on the jurisprudence of the ICTR, ICTY and ECCC, notably *The Prosecutor v. Baglishema, June 7, 2001, ICTR-95-1A-T, §80*, while specifying that it was not necessary for every victim to be a civilian; *The Prosecutor v. Akayesu, September 2, 1998, ICTR-96-4-T, § 582; the case of The Prosecutor*

v. Mrksic, May 5, 2009, IT-95-13/1-A, §32; KaingGuekEav alias Dutch, July 26, 2010, n°001/18-07-2007/ECCC/TC, §311, and that the presence within a population of persons who do not have civilian status does not deprive the population itself of its civilian status; as per the Judgment of May 30, 2016, Prosecutor v. Hissen Habré, §1367; Prosecutor v. Kunarac, Kovac, Vukovic, June 12, 2002, IT-96-23/1-A, §87.

- Regarding the widespread and systematic nature of the attacks, the following jurisprudence was applied: *ICTY, Appeals Chamber, Prosecutor v. Blaskic, Judgment, July 29, 2004, IT-95-14-A, §101; ICC, Trial Chamber II, Prosecutor v. Germain KATANGA, Judgment, March 7, 2014, ICC-01/04-01/07, §1123; ICC, Pre-Trial Chamber I, Prosecutor v. Germain KATANGA and Mathieu NGUDJOLO, Decision on the confirmation of charges, September 30, 2008, ICC-01/04-01/07, §397; ICTY, Trial Chamber II, Prosecutor v. Kunarac et al, Judgment, February 22, 2001, IT-96-23-T, §429; ICTR, Chamber I, Prosecutor v. Akayesu, Judgment, September 2, 1998, ICTR-96-4-T, §580.*
- In order to characterize murder as a crime underlying a crime against humanity, and to demonstrate that the perpetrator was motivated by the intention to cause death, or to cause serious bodily harm to the victim, we applied the jurisprudence of *ICC, Prosecutor v. Katanga, Judgment, March 7, 2014, no. ICC-01/04-01/07, §781;*
- To demonstrate that loss of property can be a source of severe mental suffering, reaching the required threshold to fall under other inhumane acts as crimes against humanity, the jurisprudence of the *ICTY, Prosecutor v. KUPRE et al., January 14, 2000, IT-95-16-T, §820, was applied.*
- We have demonstrated, in application of *ICC jurisprudence, ONGWEN judgement, February 4, 2021, §2730 to 2738,* that the mere fact that the perpetrators of the attack perceived that the target person belonged to a particular group could be qualified as persecution and crime against humanity.
- To characterize looting as a war crime, we applied the jurisprudence of the *ICC, Judgment, The Prosecutor v. Bosco Ntaganda, July 8, 2019, No. ICC-01/04-02/16, §1028I,* according to which organized and systematic appropriation, as well as acts of appropriation committed by combatants privately, for their own benefit, is constitutive of looting.

Importantly, the pre-trial office's work is governed by the principles of secrecy and confidentiality. Citing the court rulings that I have co-produced could therefore violate the confidentiality of investigations.

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.

Article 6 of the Rules of Procedure and Evidence (RPE) of the SCC stipulates that "The Court shall ensure that victims can assert their rights at all stages of the proceedings in accordance with the provisions of the Organic Law and the Rules and in a manner that is neither prejudicial to the rights of the defense nor contrary to the requirements of a fair and impartial trial".

In accordance with the provisions of article 40, paragraph 2) of the Organic Law and article 2 of the Code of Criminal Procedure, a person claiming to have been injured by a crime falling within the jurisdiction of the Court may bring a civil action before the Pre-Trial Chamber by lodging a complaint.

According to article 76 of the RPE, “A civil party may take part in the investigation procedure. Through a substantiated request, they may ask for any investigative act that they deem useful to be performed to establish the truth, including hearings and confrontations, expert appraisals, additional expertise or counter-appraisals. In the same way, the civil party may also ask to take part in the acts that it has itself requested”.

The texts applicable before the SCC give victims the right to become civil parties and to participate in the proceedings.

Some victims have lodged a complaint as a civil party before my pre-trial office, allowing the opening of a public prosecution, while others have joined the ongoing proceedings by lodging a civil party complaint. The pre-trial judge’s office has issued several orders regarding the admissibility of the complaint with civil party status or the admissibility of the civil party status. In order to accept the victim’s civil party claim on the basis of the elements contained in the case file, it was necessary to establish the type of harm suffered, to conclude that it could have been suffered as a result of the commission of a crime falling within the jurisdiction of the Court, and that such harm had clearly been caused by the crime in question.

Civil parties taking part in the proceedings are free to lodge compensation claims for any harm suffered in connection with the events in question.

Victims are assisted by the Victims and Defense Assistance Service, in accordance with article 47 B of the RPE, which, while exercising its functions, must take all necessary measures to inform victims of their rights in the proceedings; provide pre-trial offices with any assistance required in handling complaints; provide civil parties, their lawyers, a judge or a chamber with any advice and assistance required during the proceedings.

My pre-trial office has used these services in order to inform victims of their rights in ongoing proceedings, as well as to process civil party complaints to ensure that victims are assisted by SCC-approved lawyers. Claims submitted by victims include claims for both in-kind and monetary compensation.

With regards to the protection of victims and witnesses, in accordance with RPE article 46 A) c), the Victim and Witness Support and Protection Unit’s mission is to “take all necessary measures to provide an appropriate protection and security program for victims and witnesses, as well as for any other person exposed to danger as a result of these victims’ or witnesses’ testimony”.

In addition, the pre-trial office which I co-manage has issued several orders concerning the protection and confidentiality of victims’ and witnesses’ identity, in accordance with article 151 D) RPE relating to the general principles of victim and witness protection, by ordering:

- The deletion from any record and public decision of the name of a victim or witness, or of any other person who could be put at risk because of their testimony, as well as the deletion of any other part of the record or decision that could allow the identification of the said person;

- The prohibition to disclose protected information to a third party, which is applicable to the Special Prosecutor, the defendants and their counsel, the civil parties and their lawyers and to any other person involved in the pre-trial procedure;
- The non-disclosure of protected information during hearings and the prohibition to include such information, which is likely to be made public, in the records and decisions of the pre-trial office;
- The allocation, by the pre-trial office's registry, of numbers or codes to all victims and witnesses heard since the case's preliminary investigation;
- The use of such numbers or codes to replace the name of a witness, victim or civil party on all records and other procedural documents.
- The filing of the un-anonymized list in a separate, confidential register.

With regards to my understanding of the rights of victims to participate in proceedings and to obtain reparations, as well as to be effectively protected before the ICC, I refer to article 68, paragraph 3 of the Rome Statute which states that *"Where the personal interests of the victims are affected, the Court shall permit their views and concerns to be presented and considered at stages of the proceedings determined to be appropriate by the Court and in a manner which is not prejudicial to or inconsistent with the rights of the accused and a fair and impartial trial. Such views and concerns may be presented by the legal representatives of the victims where the Court considers it appropriate, in accordance with the Rules of Procedure and Evidence."*

Upon analysis of this provision, it appears that victims have a general right to participate in proceedings before the Court, although it is not specified what this participation consists of. Although the Court allows for the "views and concerns" of victims to be presented and considered at stages of the proceedings it deems appropriate, this notion is not defined, nor are the different stages of the proceedings.

As a result, there are different participation systems established by the Pre-Trial Chambers, some of which are restrictive.

Besides, when making decisions regarding the participation of victims, the ICC judges will weigh up different interests and concerns.

With regards to victim protection, the ICC's protection mechanism has been strengthened and helps to limit the risks that victims or other persons may face.

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

At the SCC, this involves taking the necessary steps to refer victims to the dedicated victims' service and ensuring that they receive effective support from this service.

Within the ICC, the Registry has created the Victims Participation and Reparations Section and the Victims and Witnesses Unit, as well as two independent entities, the Office of Public Counsel for Victims and the Trust Fund for Victims.

Victims must be made aware of the existence of these bodies and the rights to which they are entitled.

To me, as a judge, it is a matter of allowing victims to take part in the proceedings and to be kept informed about how the proceedings are progressing.

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, the ICC's protection mechanism has been strengthened and helps to limit the risks that victims or other persons may face.

I have detailed my experience in implementing procedural measures in my answer to question 4. Within the pre-trial office, we have also issued orders to refer victims and witnesses to the Victim and Witness Protection Special Unit and have implemented all measures recommended by this unit.

Defence rights

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

The rights of suspects and defendants before the SCC are governed by article 4 of the RPE, which reads as follows:

- A) *"All suspects and defendants are equal before the Court.*
- B) *Any suspect heard by the Special Prosecutor, whether at their request or at the request of a Pre-Trial Office, or any suspect or defendant questioned by a Pre-Trial Office, has the following rights, of which they are informed by the Court, before being questioned, in a language they speak and understand:*
 - a. *the right to be informed that there is reason to believe that they have committed a crime falling within the jurisdiction of the Court;*
 - b. *the right to remain silent, without such silence being considered in the determination of guilt or innocence, and the right to be informed that any statement they make may be recorded and used as evidence;*
 - c. *the right to be assisted by a lawyer of their choice, including, in case of indigence, to be assigned a lawyer by the Head of the Lawyers Special Unit;*
 - d. *the right to be assisted by an interpreter for free should they not understand nor speak the language used for questioning; and*
 - e. *the right to be questioned in the presence of their lawyer, unless they have voluntarily waived their right to be assisted by counsel."*

Suspects or defendants brought before my office are systematically informed of their rights, which are rigorously upheld by my office. During hearings, equal speaking time is given to the defense and the prosecution. The defense, as well as the prosecution, can take part in the pre-trial phase. Through a substantiated request, the defense may ask for any investigative act that they deem useful to establish the truth, including hearings and confrontations, expert appraisals, additional expertise or counter-appraisals.

With regards to the management of fair trial considerations in criminal proceedings, in my role as Prosecution Adviser to MONUSCO's Prosecution Support Cells, I used to monitor hearings for international crimes. A debriefing was carried out at the beginning and at the end of each hearing day. I ensured equal treatment for all defendants, who are presumed innocent until proven guilty, and that all defendants received a fair and public hearing.

I ensured that the rights of the accused were respected during the examination of the charges brought against them, and that they were notified in a language they understood and in an

accessible manner. I ensured that defendants were assisted free of cost by an interpreter, if they needed one, and by a lawyer with whom they could communicate freely and have enough time to prepare their defense. I also ensured that defendants had the right to speak and the right to question witnesses or to have them questioned, and that defense witnesses could appear and be heard under the same conditions as witnesses testifying against the accused. I ensured that the defense and prosecution lists were communicated to the court in time for the organization and effective appearance of witnesses.

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 requirement of "high moral character" laid down by the Rome Statute (article 36(3)(a)), implies that a person must be of good character, and should have never failed in their official duty to show discretion, integrity, sensitivity, and dignity.

I joined the judiciary in 1996 and have never been the subject of any disciplinary procedure. My reputation for impartiality and probity is undisputed.

The characteristics or activities that would be contrary to a "high moral character" could be found in breaches of state duties, honor, sensitivity, dignity or integrity, and the obligation of discretion

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 (formally or informally) of bullying, harassment, abuse of power, serious misconduct, including sexual harassment and/or misconduct, or 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?

For the time being, I do not anticipate facing any difficulty as an ICC judge should I take a position independent of, or even contrary to, that of my State of nationality. In my capacity as a national judge, I have already come under considerable political pressure in the context of proceedings pending before my chambers, but have kept my composure throughout the cases, in accordance with the rules of procedure.

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.

I have never 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.

As team leader of MONUSCO's Prosecution Support Cell in South Kivu, I managed a multidisciplinary team. I put forth the interests of the mission and the achievement of the objectives assigned to the structure. I considered each person as a link in the chain, with a very important role to play. Each person was valued, which prevented them from feeling sidelined, and helped avoid situations of discrimination and harassment. This management approach enabled the team to achieve good results. The team attended awareness-raising sessions on issues of discrimination, harassment (including sexual harassment), bullying and/or abuse of power

In the absence of any decision-making power, the aim was to highlight in reports the problems that disproportionately affect women.

I did not face any problem affecting minorities and people of color.

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.

I would propose the following concrete measures to improve the workplace culture within the ICC judiciary:

- Drawing up a form to collect opinions on the current environment, and propositions on how to improve it;
- Organizing brainstorming sessions to discuss openly about any topic;
- Setting up a suggestion box to collect opinions anonymously and have them examined by a small committee that would then make recommendations.

As I already do in my capacity as a judge at the Special Criminal Court (SCC), which is a hybrid jurisdiction in terms of its composition and of the procedure applicable before it, I would follow an approach based on acceptance, understanding and tolerance in order to create a healthy working environment.

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

As part of my duties as a national pre-trial judge, I led the investigation of several sexual and gender-based crimes, including :

- The repeated rape of a girl by her father, who was arrested, charged and placed under a detention warrant;
- The sexual assault of a 3-year-old baby by an adult who was arrested, charged and placed under a detention warrant;
- The rape and sexual harassment of a prisoner by fellow inmates, who likened him to a woman because of his morphology. The perpetrators were charged and placed under a detention warrant for these new crimes committed in detention.

Following the investigation of these cases, the perpetrators were referred for trial.

In my roles as prosecution advisor to MONUSCO's Prosecution Support Cells in the DRC and pre-trial judge in the CAR, both of which are countries in conflict, I have supported magistrates in the investigation and trial of sexual and gender-based crimes, and investigate situations, including some that consist of or could lead to charges of sexual and gender-based crimes.

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.

With regards to sexual and gender-based crimes in the statutes of the *ad hoc* international tribunals, rape is included as a crime against humanity in the ICTY Statute (article 5), while rape (article 3) and coercion into prostitution and any form of indecent assault (article 4 (e)) are included as war crimes in the ICTR Statute. The Statute of the International Criminal Court has broadened the scope of sexual violence. Thus, amongst the criminal acts constituting a crime against humanity, such acts go beyond rape, to include sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization or any other form of sexual violence of comparable gravity (article 7 (g) of the Rome Statute).

Article 8 of the Rome Statute on war crimes includes the same forms of sexual violence.

Such violence is considered to constitute "a grave breach of the Geneva Conventions" (article 8 § 2 b) and "a grave breach of article 3 common to the four Geneva Conventions" (article 8 § 2 e) vi).

In the Ntaganda and Ongwen cases, the judges established that the sexual crimes resulted directly or indirectly from the implementation of a common plan agreed upon by the co-perpetrators. The judges unanimously concluded that the sexual crimes were an explicit or implicit element of their common plan, based on the following aspects: the suspects were military leaders of armed groups; they led military operations in the field; they were undisputedly present at the scene where the sexual crimes were committed by their subordinates; they committed the said crimes themselves; they gave orders to their subordinates regarding the commission of sexual violence; a system of abduction and sexual enslavement of girls existed within their armed groups.

Regarding crimes against children, the Rome Statute first prohibited the conscription or enlistment of children as well as their use in hostilities, which is one of its major advances.

Article 8-2-b-xxvi stipulates that conscripting or enlisting children under the age of fifteen into armed forces or groups, or using them to participate actively in hostilities in the context of an international armed conflict, constitutes a war crime.

Article 8-2-e-vii prohibits the conscription or enlistment of children or their use in armed conflicts not of an international character.

In his very first case (*Lubanga*), the ICC Prosecutor decided to focus solely on the crime of enlisting, conscripting and using children under the age of fifteen to participate actively in hostilities. This choice was made to the detriment of sexual crimes which had also been committed, and in

connection with the only crime held against the suspect, in order to send the message to the international community that violations to the humanitarian rights of children cannot go unpunished.

As for opportunities for improvement regarding the prosecution of these crimes, as well as any experience I may have in this field, including combating preconceived ideas about sexual and gender-based crimes, it should be stressed that sexual crimes are no longer exclusively directed against women. We should embrace the developments and decisions that have been made in this direction to date, and better consider the gender diversity of victims going forward.

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?

I would gladly take part in any professional training in order to strengthen my current skills and knowledge, as well as to acquire new ones. I would be particularly interested in a training on the crime of aggression.

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.

Burkina Faso has chosen the option whereby Burkinabe candidates are nominated through the same application procedure than for the highest judicial positions in Burkina Faso. In order to nominate the Burkinabe candidate for the elections to be held during the 22nd Session of the Assembly of States Parties at the United Nations Headquarters in New York, from December 4 to 14, 2023, the Ministry of Justice has informed all the judicial staff in its department of the opening of a call for applications for the ICC judicial elections. I was selected at the end of an appropriate process led by the Ministry of Justice and on upon recommendation by the Conseil Supérieur de la Magistrature.

Thank you.