

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

Name: Rosette Muzigo-Morrison

Date: 10th 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)?

My motivation for applying for the position of Registrar of the International Criminal Court (ICC) stems from my interest in wanting to contribute to the mandate of the court to bring an end to global impunity and I am committed to humanity's yearning for accountability. I have substantive experience working in the registries of two other international tribunals, including the Special Court for Sierra Leone (SCSL) and International Criminal Tribunal for Rwanda (ICTR) in various capacities. As shown below, I established the registry of the SCSL Hague office for the trial of the former Liberian President; Charles Taylor and efficiently run it for two years of the loan period the ICTR, my former employer had granted me. I was a member of a three-person team that established the registry of the ICTR in Arusha, Tanzania and I spearheaded the establishment from scratch of the ICTR Registry in The Hague, where in addition to being responsible for all registry services, I impeccably provided support to the Judges of the Appeals Chamber for sixteen years. I would like to bring this experience on board to improve the efficiency of the Registry in its administrative role of a service provider. I also bring twenty years experience of cooperating at the highest level with the Host State, during which I successfully negotiated groundbreaking agreements that facilitated witness/victims' support and protection, detention facilities support and employment conditions for locally recruited staff members from outside the Schengen area. I have over thirty-four years of experience as a human rights lawyer, twenty-seven of these served in international criminal justice. I believe my experience in this field would assist the ICC in building on the achievements of the past twenty years and in the development and implementation of administrative guiding principles to strengthen the Court and the Rome Statute System. I have in my career been privileged to assume roles in the domestic jurisdiction where I discharged managerial and oversight functions, and have been part of the pioneering teams in international criminal justice with the *ad hoc* International Criminal Tribunals and hybrid Courts as highlighted above. These roles have endowed me with an in depth knowledge of international human rights and international humanitarian laws, and equipped me with leadership and decision-making skills that will enable me to contribute to the global fight against impunity of the most egregious crimes. I am keen to draw on my experience, skills and knowledge to further the ongoing implementation of recommendations that the Independent Expert Report (IER) has made, in particular; "to rebuild and strengthen internal trust and reshape the working culture at the Court"¹.

I typify experience for the Registry work of both the Court and the Rome Statute Systems.

¹ See Independent External Report of 30th September 2020, Recommendation 87.

I will bring to the position close to twenty years' experience of performing the duties of a representative of the Registrar, and unrivaled expertise in the development and implementation of managerial and administrative processes and policies that have been adopted and are now widely used in international criminal justice. I believe that I have the unwavering commitment and determination to ensure the efficiency and effectiveness for the non-judicial aspects of the administration and servicing of the Court and the conviction to bring justice to the victims and their affected communities.

At the inception of the International Criminal Tribunal for Rwanda, while working in the immediate office of the Registrar in Arusha, I spearheaded the development of structures and policies that would make the Tribunal operational as a judicial institution; within the UN establishment, while adhering to UN regulations. I was instrumental in facilitating, after discussions with the appropriate heads of organs, the resources required to support their respective work at a time when the Tribunal was operating on a very lean budget; yet with overwhelming demands for establishing what was a novel process and deliver results in the face of the 1994 genocide in Rwanda. The Registrar gave me a personal delegation to act as his representative (alternate) to the Appointment and Promotion Board, tasked with the responsibility of overseeing human resource related matters, ensuring transparency and fairness in the recruitment of Staff. I am proud to say that I excelled in that role.

I also played a key role in the development of operative instruments to address all administrative areas, including procurement of aspects (judicial related services) that could not fit in the traditional UN procurement protocols; facilities management such as establishing a detention centre or holding cells in the vicinity of the Court rooms; logistics, visa, travel and protocol services that were alien to UN regulations at the time

Additionally, I was part of a three person Team that established the Court Management Section of the ICTR, to set up from scratch regulations to govern all court related support services including;-Document management (receiving, filing, distribution and all court information management), archives, language services and interpretation, court hearings, Defense Counsels and Detention Facilities. I assisted with development of Practice Directions, Standard Operating Procedures and Standards of Conduct.

When the need for a Registry Office in The Hague became apparent, the Registrar designated me to represent him to establish a satellite office in The Hague to provide all Registry services to support the work of the Appeals Chamber. The services included; the management of all human resource related aspects, court services, witness/victim support and protection, Defense Counsel Support and Detention related matters.

In May 2006, a decision was made to hold the trial of former Liberian President Charles Taylor at The Hague. This required the establishment of a sub-office in The Hague to support this trial. I had the honor of being assigned the role of setting up the Hague sub-office to facilitate the conduct of a highly publicized trial that entailed moving witnesses and victims from a different continent (Africa) to The Hague for the purpose of providing their testimony at the trial. The witnesses included victims of sexual and gender based violence, amputees and double amputees who required specialized care. Working in conjunction with the Witnesses and Victims Unit (WVU) of the Court, I was able to ensure that the witnesses were accorded the dignity they deserved. I spearheaded the negotiation of letters of exchange (host country) for the Headquarters agreement between the Netherlands and the Government of Sierra Leone and participated in the establishment of all Registry structures that supported the Trial. The trial of Mr. Taylor was successfully held in The Hague and led

to his conviction for a term of 50 years, which he is serving in the United Kingdom. I am proud of the fact that through my contribution, justice was served to the victims of the war in Sierra Leone.

My experience with the International Criminal Tribunal for Rwanda (ICTR) and the Special Court for Sierra Leone (SCSL), taken together with my judicial, legal, communications, administrative, diplomatic, and managerial experience, make me the ideal candidate for this role. The ICC oversees the testimony of victims of sexual and gender-based crimes, an area I have expertise in as a result of having worked in various Tribunals/Court Administration and Witness and Victims Protections Sections. Recognizing my expertise in the management of victims and witnesses, I was deployed to the Democratic Republic of Congo as part of a Team that investigated allegations of sexual abuse and exploitation, bullying, harassment, including sexual harassment and abuse of authority for a UN agency in 2010. In addition, I was deployed to Libya to head the investigation of sexual and gender based crimes under the umbrella of the Office of the High Commissioner for Human Rights' Independent Commission of Inquiry on Libya. Between 2019 and 2021, I represented the ICC as an Expert and Trainer of Trainers for a Legal Round Table hosted by the Center for Security Force Excellence, NATO. This culminated in the publication of a training manual for intervention in crisis situations and I have recently conducted training on investigating and prosecuting sexual and gender-based crimes for Ukrainian lawyers. This experience is relevant for providing leadership for the reviewing of the work of the victim/witness section (VWS) and the Victim Participation and Reparations Section (VPRS) to increase their efficiency and effectiveness, and for augmenting internal policies and procedures to address predatory behavior at the Court. Furthermore, my role as Legal Adviser and my other work with the Court gave me in-depth understanding of the Court's policies and procedures that will form the foundation for providing the leadership needed to further the reforms required to make the Court stronger and efficient. I have my pulse on current UN policy and practice, newly emerging trends and developments, and innovative approaches to effectively evaluate the efficacy of an organization's existing programmers. As a result, I am confident that I can offer incisive and accurate assessments, propose solutions to arising challenges, and foster mechanisms that will augment accountability, transparency, and performance at the Court.

I therefore believe that I have what it takes to contribute to the effectiveness of the Court and the Rome Statute System and create an environment of trust, integrity, and open communication, where all the Officials and Staff of the Court feel that their views are listened to and they matter, their contributions make a difference, irrespective of their level of service, race, creed, gender or sexual orientation.

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 Registry?

I believe the following three to be the main challenges confronting the ICC and the Rome Statute System; (a) achieving a strong and more efficient Court, (b) improving the perception and (c) legitimacy of the Court and the Rome Statute Systems and attaining optimum use of resources by employing a result budgeting and management system.

- **Achieving a strong and more efficient Court;** the role of Registrar is central to realizing efficiency and effectiveness. The Presidency, Chambers and Prosecutor rely on a range of services in the enforcement of judicial decisions and in the administration of justice. Non-judicial services such as ensuring the attendance of witnesses for court proceedings, ensuring the adherence of international standards in detention facilities and related activities, ensuring the security and safety of officials and staff of the Court, both at the head office and in the field, facilitating mission

deployments, ensuring the availability of resources, assignment of Defense Counsels and supporting their teams, all depend on the Registrar being a strong leader, decision maker, developer and implementer of administrative processes and policies. The Registrar's leadership in developing human resource policies for capacity building activities, ensuring uniform application of the Court's internal administrative policies, updating interpreting and implementing internal legislative instruments should result in producing a diverse, motivated, professional, ethical workforce which in turn would result in transforming the work culture at the Court and result in higher productivity. While promoting the universality of the Court falls within the remit of the Presidency, the Registrar supports related actions to realize these efforts through actions such as targeted outreach activities, and through cooperation with States Parties. During my time at the ICTR, the Tribunal experienced a period of protracted media attention, often unfairly depicting it negatively. In my capacity as the Registrar's representative and the face of the Tribunal in Western Europe and Other Groups (WEOG) I am proud to have been part of the Team that turned around the ICTR's image. This was achieved through countering misinformation by sharing facts on achievements through accredited media houses, strengthening internal procedures that availed avenues that staff could turn to when they needed to express dissenting views instead of resorting to leaking information to the press, partnering with universities, civil society, regional bodies and other institutions with similar objectives to disseminate information of the ICTR.

- **Improving the perception of the Court and asserting its legitimacy:** The detractors of the global fight to stomp out impunity have portrayed the Court negatively and out of reach. The Registrar can do a lot to change this perception and prepare ground for timely intervention where the Court declares a situation. There is a need for a campaign to ensure that all States Parties have concluded cooperation agreements with the Court. All Organs of the Court have a role in making "justice to be seen to be done" globally. More should be done to publicize the Court's achievements through cooperation with civil society, academic institutions, and national bar associations, sending a clear message of the Court's relevance. In consultation with the President, the Registrar should draw upon Article 4(2) to seek to enter into cooperation agreements that enable the Court to function. There are growing numbers of crisis situations worldwide which give rise for the Court's intervention and the Registrar should ensure that appropriate structures exist to support the Prosecutor promptly when required. Field Offices tend to take justice closer to the victims and affected communities and they are the "vehicle" that is bound to make the work of the Court appreciated, especially for the victims. The Registry should be at the fore of making victim participation achievable and accessible. I bring to the role broad experience in diplomacy, the negotiation of cooperation agreements, engaging with Civil Society, conducting of outreach activities and making the institutions that I have worked with relevant which I believe will contribute to impact the entire globe.

- **Achieving more results through budgeting;** Global justice is highly costly and although situations demanding the Court's intervention are on the rise as seen in the recent past, this has not been matched with an increase in available financial resources as the Court has aimed at a "no growth budget" for several years. The Registrar is key when it comes to preparation of the budget and can through the "One-Court" principle represent the requirements of the other organs to ensure optimum use of the resources. This calls for a result-based budgeting and management approach, which I have experience in. I have in previous roles been successful in managing smaller budgets efficiently with good results that showed value for money and the skills acquired are transferrable to a managing a larger budget. The Special Court for Sierra Leone case is an example of my ability to achieve excellent results without drawing upon infinite resources. Key to achieving successful budgeting is transparency and predictability.

3 The Registrar 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?

From a statutory point of view, the Registrar operates under the guidance of the Presidency and has the responsibility, as the principal administrative officer of the Court to ensure the provision of non-judicial support to all organs of the Court, including the Office of the Prosecutor, Chambers and the other ASP Rome Statute establishments including; The Trust Fund for Victims, the Internal Audit Office and the Independent Oversight Mechanism. The

Registrar however works in cooperation with the Prosecutor to support the latter in implementing his role as defined in the Statute. In recent years, the heads of the different organs of the Court have promoted the of “One-Court” principle, which emphasizes cooperation in areas, which enhance efficiency and effectiveness, while respecting the various mandates of the organs. The Presidency retains the responsibility for the proper administration of the Court pursuant to Article 38(a). The Trust Fund is one of the subsidiary bodies of the Assembly of State Parties (ASP), which operates independently but benefits from the Registrar for some administrative aspects such as human resources. The Trust Fund for Victims operates independently and reports directly to the ASP. Although the Registrar works under the guidance of the Presidency, s/he remains accountable to the ASP. The Registry provides leadership for all the offices that provide administrative services to the entire Court including; budget, finance, treasury, procurement, general services which includes; facility management, travel, visas and entitlement, mail and pouch services. The Registry also comprises of human resources (although the OTP conducts its own recruitment independently) the HR services all staff at the Court once recruitment is completed. The Registrar oversees the budget process, as the Prosecutor, Presidency and Chamber cannot get involved in negotiations of financial agreements.

Experience in management and addressing workplace culture issues:

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

I bring to the role experience, knowledge and skills as a recognized and listed UN Women/Justice Rapid Response Expert on investigating sexual exploitation and abuse, bullying, harassment, including sexual harassment in the work place. Drawing on my experience as Legal Adviser in the UN systems where I have litigated on behalf of the office but have also had the benefit of defending Staff Members as a member of the defunct Panel of Counsel;, and my most recent role as Legal Adviser in the OTP Legal Advisory Section;, I will propose the establishment of an internal justice system that will seek to centralize justice systems in the Court. In keeping with the UN Common Systems, I would recommend moving away from the current adversarial conflict resolution system that is not only cumbersome but ends in litigation, which is very costly. I would build on the ongoing initiative to have an Ombudsperson’s office, strengthen mediation based processes and propose to have a staff legal assistance office to provide support to victims, whistle blowers and witnesses of predatory behavior. This informal dispute resolution would ensure that staff members who wish to have redress to their complaints have the opportunity to first seek informal dispute resolution of their grievances, including; mediation, before resorting to formal dispute resolution.

In the twenty years of its existence, the Court is still involved in designing regulations and policies to govern key aspects of human resources and staff rights and entitlements. By insisting on reinventing the wheel, and only drawing upon the UN Regulations and Rules when it chooses to, this has resulted in the application of policies and procedures in a manner that has not been common or consistent. A case in point is the Court not having regulations to govern what happens to Staff if they get injured in the line of duty and the continued use of the UN Appendix D. I will now address how I would use my experience to address each of the identified issues.

Improving the working culture at the Court:

(a) Achieving more transparent/Fair Recruitment Procedures:

During the celebrations to mark 20 years of the adoption of the Rome Statute at the Court, I was allocated three minutes to share some reflections on working at the ICC on behalf of all Staff Members. I used the occasion to articulate my VISION of leadership for the ICC using the instructions for the use of the airline oxygen mask analogy. Towards the end of the safety briefing on airline flights, instructions for the use of the oxygen mask end with a caution along the following lines; “If you are travelling with a child or someone who requires assistance, secure your mask on first, and then assist the other person”. The ICC leadership, officials and Staff ought to secure their own oxygen masks first before they are empowered to enhance effectiveness in fighting the unrelenting and increasing human rights and international humanitarian law violations worldwide. If the Court is to deliver justice efficiently, the vessels of implementation need to feel that the Court treats them justly. Several reviews, including the Independent Experts Report, (IER) and the Staff/Officials engagement exercise all pointed to a general sense that more needs to be done to ensure more fair and transparent recruitment procedures.

As Registrar, I would invest in reviewing the entire recruitment system from job surveys, classification, creating posts, developing job descriptions and the entire selection process. There are already generic job descriptions for most of the roles at the Court from the *Ad hoc* international criminal tribunals and hybrid Courts that only require tweaking to suit the Courts’ specific needs and I would encourage the use of these instead of reinventing the wheel.

I will give thought to creating two inclusive (geographical regional grouping, gender, category [Professional and General Service], language and Staff Council representative) appointments and promotion boards (APB) that will only be joined by a specialist technical temporary member to match the needs of each specific recruitment. The advantage with this will be to render consistency in the way that the recruitments are done.

(b) Diversity:

Staffs from WEOG occupy the majority of P4 level and upwards positions, while the lower levels of P3 and P2s and below are shared among the other regions. Although the general representative statistics show several countries as being adequately represented, these statistics do not tell the whole story. For example, the country representative statistics do not consider the categories of such representation. As Registrar, I would consider applying the practice in the UN system, which may impose a “cap” on the recruitment of new Staff from overrepresented countries, except in situations where no other suitable candidates can be identified.

A deliberate effort would also be made to engage States Parties from other regions and encourage applications of highly qualified candidates from other regions.

I would additionally consider implementing the Independent Expert Report of 30th September 2020 (IER) in regard to make a transition of posts from P5 level and above from career to contractual positions. This would mean that the Staff would join the Court on contract to work on a particular project and if their services were still required at the Court, there would be flexibility to permit an exceptional extension.

Using a contractual approach would free up the top-level vacancies which have been held in some cases by the same Chiefs of sections for over 10 years, making promotion for others impossible.

(c) Gender Equality:

The IER highlighted the gravity of the gender disparity, especially in high-level positions at the Court. The creation of the Gender Equality Focal Point for the International Criminal Court is a good step in the right direction. As Registrar, I would engage in gender mainstreaming, conduct training to empower more women to take on leadership positions, encourage the institution of a mentorship program and undertake deliberate measures to increase the application of female candidates to higher level positions. For example, until the gender gap is reduced, male applicants would only be considered for positions where there are no suitable female applicants.

-I would network with specialized UN agencies such as UN Women to increase opportunities for more female candidates applying for higher-level roles.

-I would link up with other UN agencies that maintain databases of highly qualified female candidates, such as the UN Talent Pool and draw upon it to facilitate broadening the pool of qualified female applicants.

-I would conduct specialized outreach exercises especially in situational countries; engage professional bodies, civil society, governments, and universities to raise interest to work with the Court.

(d) Prevalence of predatory behavior; the adage "justice must be seen to be done" is applicable to addressing bullying, harassment, sexual harassment and abuse of authority, forms of misconduct which the IER suggested were prevalent at the Court. It is not enough to promulgate an anti-bullying policy but the Principals must demonstrate zero tolerance for misconduct. One of the main problems is that the behavior is not reported for fear of retaliation. I would create a protection and support mechanism for victims, witnesses, and whistleblowers of misconduct and establish mechanisms to investigate those allegations promptly. As a listed UN Women/Justice Rapid Response expert in investigations and prosecution of bullying, harassment, sexual harassment, sexual exploitation and abuse and abuse of authority, I have the experience it takes to develop policies and processes to address these vices.

(e) Internal Justice Mechanism; Reinventing the wheel to have the Court's own policies has been going on for the last twenty years but has not been completed. As the Court is already using UN staff regulations and rules in some aspects where the Court has not developed its own, considering that the Court is within the UN Common Systems in several aspects, I would recommend the use of the UN systems, which although not perfect offer consistence and certainty of procedures.

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

The meaning of being of "high moral character "

-Being a person of "high moral character" refers to being a person with no "blemish", who is free from a record of misconduct or serious misconduct of any form as defined within the context of the ICC Staff Regulations and Rules. It means having no record of fraud,

corruption, bullying, harassment, including sexual harassment, discrimination or abuse of authority.

-How do I embody these characteristics?

-In my thirty four years of practice as a lawyers, I have demonstrated traits that are critical ethical to holding a high office including; being a person of candor or honesty, with respect for the law and rights of others, trustworthy and observing financial responsibility.

-In my twenty seven years of employment within the UN Common systems, I have never engaged in any form of misconduct but have instead been a champion to fight against discrimination, especially unconscious bias, bullying, harassment, including sexual harassment.

-As a dedicated individual, I am wholly committed to upholding the principles and practices of justice and carrying out my duties with honesty and integrity, applying ethical standards on all I do.

-What measures can be taken to ensure that all staff embody high moral character?

-Vetting and performing detailed background checks is the first step to ensuring that candidates embody high moral character.

-Conducting training to create awareness about the institution's zero tolerance culture for misconduct and establishing mechanisms that ensure witness/victim/whistle blower support and protection makes the reporting of unacceptable behavior more likely as misconduct may go unreported for fear of retaliation.

-Robust internal justice systems that demonstrate the organization's commitment to stomp out predatory behavior act as a deterrent for engaging in misconduct. Management must demonstrate that there are consequences for engaging in unacceptable conduct.

-It has been suggested that bridging the gender equality gap and having more women in leadership positions contributes to reducing cases of misconduct.

-There is a need for gender mainstreaming. Applying a gender perspective that seeks to understand the status, power, roles and needs between male and female staff members and the impact of gender or sexual orientation on opportunities for growth and promotion enriches the understanding of misconduct in institutions. Similarly, gender analysis and examining the underlying differences and inequalities between male and female staff, power relations, other dynamics, assumptions and stereotypes would be crucial in empowering Staff Members from minority groups.

5. Please describe your experience and/or expertise in dealing with victim participation in proceedings. How would you manage the Registry's role to ensure that the statutory right of victims to participate in proceedings is achieved in the most meaningful manner whilst ensuring efficiency and expediency?

-The ICC has distinguished itself from its precursor international justice institutions as a victim centered Court, and I have had the privilege to be counted among the pioneers and advocates of victims' rights. I am devoted to contributing towards making victim participation meaningful. In this regard, I would be eager, as a major contributing advocate for victims' rights, behind the voice of what came to be known as the "Rwanda Tribunal (ICTR) model" during the Rome Conference "Prep Coms", to contribute to making the Court a victim centered institution as was envisaged. Having participated in the preparatory committees and the Rome Conference, I have a clear understanding of what the aspirations for the drafters and subscribers to the Rome Statute were in regard victim participation and reparations.

-As one of the pioneer authors of the victims' protection and support protocols widely practiced in international criminal justice, it will be an honor for me to execute the vision of

the drafters of the Rome Statute through victims' related programs within the Registry and by working with the entities created to further victims' rights including; the Victim/Witness Support Section of the Registry, the Trust Fund for Victims, the Office of the Public Counsel for Victims and the Victims Reparations Participation Section.

-I bring over twenty years' experience of dealing with victims in the field and facilitating their participation in international Court proceedings as witnesses. At the International Criminal Tribunal for Rwanda, I set up the first ever witness/victims support and protection and support section. I designed the first victims' rights and obligations policies for participating in trials, established standard operating procedures for managing victims' participation as witnesses in trials, negotiated the first cooperation agreements in relation to their movement, protection and support with host countries, airlines and entered into agreements with service providers to ensure safe engagement. I spearheaded arrangements for tracing victims who had been last contacted over ten years prior to their being required to come to court in The Hague. I was also responsible for victim support and protection in the economic west and worked with national protection and support teams in several member states.

-At the Special Court for Sierra Leone, I initiated and headed a project from beginning to finish, to establish the first international criminal tribunal owned safe house in The Hague that was specially designed to meet the needs of victims traveling from Africa and coming to Europe to provide their testimony in the *Prosecutor v. Taylor* trial.

-Victim participation in proceedings was never intended to be a symbolic gesture towards a few victims in each situation but transformative in the way international criminal justice is rendered.

The ratios of victims who could have potentially participated to those who indeed participated are a matter of concern. As Registrar, I would reinforce the capacity of the VPRS to implement its mandate, foster inter organ cooperation from the earliest preliminary examination stage.

-It has been noted that the current victim participation process is very technical, highly sophisticated, and out of reach for the majority of victims. As Registrar, I would devise policies that would aim at simplifying the process, while adhering to the statutory requirements. I would seek to designate resources to the Field Offices in the Situation Countries that would make the Court more accessible and I would support and facilitate Field Offices to engage in outreach activities that target reaching out to the victims.

-Targeted Outreach Activities to Schools and Universities, such as themed art or drama competitions to raise awareness about the Court and its activities, meetings with civil society, setting up centers in the affected communities where information on the situations/cases can be disseminated in local languages will raise awareness that will encourage more victims to get involved.

-I would enhance cooperation between the VWS and VPRS to identify the obstacles responsible for hindering the participation of victims. If violence and intimidation were the problem, I would use the appropriate offices to engage the situation country to ensure security and safety.

-If discrimination is identified as the obstacle, I would use targeted outreach programs to bring on board the affected communities.

-I would ensure that the VPRS conducts training and disseminates information aimed at minimizing the stigma associated with sexual and gender-based crimes and share information on the support and assistance available.

-One of the findings of the IER relates to Staff of the VPRS and VWS not being familiar with local customs, culture and local situations. Targeted training prior to deployment and careful recruitment policies would address this problem.

-My Office would engage in continuous consultation with relevant government institutions to support the development of comprehensive strategies and practical arrangements to increase participation, especially of women victims.

-The VPRS should engage a gender sensitive approach, mainstreaming to target the obstacles for participation and identify pathways to support.

-There is a need to ensure that the offices responsible for witness support and participation are sufficiently resourced, (the limited resources not with standing) to expedite the processing of the victim applications.

6. **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.**

Outreach:

As soon as proceedings, including preliminary examinations commence in a situation, I will undertake appropriate measures under Article 4 (2) of the Statute to facilitate the functioning of Registry Staff, and all parties (Office of the Prosecutor) and as soon as the Defense Team is assigned.

-A concept of operations shall be conducted to facilitate the development of a strategic plan for conducting outreach activities. This should identify obstacles, threats and challenges that need to be established, identify and establish cooperating partners with whom to work on disseminating information who may include; academic institutions, civil society, influential cultural or community leaders, government establishments and international non-governmental organizations operating in the situation country.

-I would seek to establish a Field Office as soon as possible, which will ensure dissemination of information, identify local collaborating partners, support preliminary examination activities of all the other organs as appropriate, including laying ground work for engagement with the victims..

-The Registry will take the lead in outreach activities by impartially disseminating information on the situation, from the preliminary stage to the reparations stage; including conducting training with professional associations such as Law Societies and Universities which should result in attracting credible legal practitioners from the situation country, interpreters and individuals who may eventually become employed to work with the Field Office.

-The Public Information and Outreach Section, which falls under the Registrar's authority takes the lead for Outreach activities. It is important that a strategy that specifically targets the situation, takes into consideration cultural, language and other relevant aspects unique to the situation is engaged.

-The Outreach strategy must remain conscious of what needs to be achieved as it endeavors to engage safely with the interlocutors, making every effort to work with local non-governmental organizations.

-Deploying joint Teams from VPRS, PIOS and the OTP for coordination makes an effective Outreach strategy.

-Special attention to ensure the inclusion of women and other marginalized groups in the outreach activities must be made.

Roles and Responsibilities:

The roles of the various organs are statutorily defined but the role of the Registrar remains that of providing non-judicial support for the activities of the other organs and the defense. The Presidency and Chambers roles are judicial and relate to the administration of justice, while the Prosecutor's role remains prosecutorial activities.

Experience with Outreach Role:

At the inception of the Rwanda Tribunal, it was difficult to convince the people of Rwanda that the UN cared about the country and its people, given the history of the withdrawal of UNAMIR, which was followed by the worst of the killings. Beyond succeeding in negotiating cooperation agreements, the challenge of winning the confidence, support and cooperation of witnesses, victims and affected communities to cooperate with the Tribunal was considerable. The Tribunal developed an Outreach Strategy that entailed a gender perspective and communication, which aimed at;

- demystifying the misconceptions about the Tribunal and its work,
- dissuading actors from engaging in activities that may hamper the participation of victims,
- reassuring victims of the good intentions of the Tribunal's work and answered the doubts that they may have had,
- informing victims and witnesses of their rights, including the right to be treated with dignity and respect, and the right to be supported and to kept informed of the case they participated in,
- discouraging and deterring retaliation or stigmatizing victims, especially victims of sexual and gender-based violence,
- clarifying procedures and processes of what the Tribunal's work was,
- maintaining interest in the proceedings, as these may have gone on for many years
- promoting the work of the Tribunal and;
- countering any misinformation about the work of the Tribunal.
- I prepared a project proposal and obtained funding from a University to enable Rwandan law students to undertake paid internships with the Tribunal, after which they returned to their country and were instrumental in getting the Tribunal's work appreciated.
- We engaged with academic institutions, civil society to set up support groups, to facilitate activities aimed at reconciliation.
- We established regional outreach centers to which recordings of the proceedings in three different languages were transmitted weekly and could be broadcast on large screens.
- Arrangements were made to train interpreters who spoke local languages to facilitate an additional booth that enabled transmitting of live public hearings, especially the delivery of judgments or major decisions.
- Targeted outreach activities to the Police, Military and other law enforcement agencies were conducted in cooperation with the government with the aim of winning their confidence and appreciation of the Tribunal's work.
- Outreaches that targeted at including women, especially widows and victims of sexual and gender-based crimes in rehabilitation and other programs contributed to getting more communities involved in challenging stigmatization of victims.
- At the Special Court for Sierra Leone, I was instrumental in establishing policies to ensure the translation into various local languages all public court proceedings and their transmission to the communities.

ICC's Field Presence:

The Court is geographically far removed from the locations of the situations, so this makes it difficult for the affected communities to connect with Court's activities. More importantly, situations arise out of conflict situations and the Court's intervention is not always welcome. Detractors of the Court many a time exploit the distance between the situation countries

and the Court to spread misinformation about situations. The presence of a Field Office not only facilitates field missions for the Court but also offers an opportunity for an early start of targeted outreach activities and management of expectations of affected communities. I believe that where the security situation and other factors permit, maintaining a Field Office in every situation country is key to taking justice close to the affected communities.

7. 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?

Previous experience working with NGOs

-Prior to joining the UN in 1995, I served as a Deputy Director of one of the largest non-governmental organizations involved in human rights advocacy in my home country. As an NGO, we were instrumental in delivering services to communities as the country recovered from many years of civil strife. More importantly, the NGO enjoyed a broad constituency nationwide with the ability to reach a broad audience, so I know too well the importance of networking and cooperating with NGOs. Moreover, at the institution of the ICTR, the office drew upon the experience of specialized International Organizations to devise novel policies for specialized registry activities such as developing policies to govern detention units.

-In Rwanda, local and international NGOs played a fundamental role in the enabling the Tribunal implement its mandate. For example, in the absence of a reparations program for victims of genocide and other serious crimes, NGOs facilitated psychosocial and medical assistance for victims, the establishment of small cooperatives to generate income to rebuild the lives of affected communities and offered support for orphaned children.

-Additionally, local NGOs, which enjoyed the trust of the victims and witnesses acted in some cases as intermediaries through which contact could be established with victims and witnesses. This situation is not peculiar to the ICTR but bears similarity with the situation in Sierra Leone and some of the situation countries for the Court. For example, the Cultural and Religious Leaders of Northern Uganda played an important role in the *Ongwen* trial.

-Local press and media play an important role in situation countries. At ICTR and the SCSL, routine training for journalists and workshops to explain what was going on at the various stages of the proceedings served the purpose of getting "informed" media reports in the affected countries. Additionally NGOs, academic institutions and governments sponsored trial monitoring projects, which relayed accurate information back to the affected communities.

Registry Role Towards these actors:

-The Registry should cooperate with NGOs and develop clear guidelines to govern such cooperation in relation to matters such as objectivity and independent reporting.

-The Registry should recognize the role of these actors and where necessary, (if requested for a recommendation) support the sponsorship of the work of local NGOs.

-As part of the Outreach budget, the Registrar should include the training of local NGO and local journalists from situation countries and facilitate their travel to the headquarters for important events such as confirmation of charges and judgment delivery.

Fair trials and equality of arms

8. The ICC registrar is responsible for establishing the eligibility and qualifications of external counsel and team members and providing support to defense 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 defense. Please also describe your experience in addressing issues such as gaps in gender equality and working conditions on external teams.

During the entirety of the time that I was the Registrar's representative at the ICTR Office at The Hague and during my loan with the Special Court for Sierra Leone, support and providing necessary facilities and resources to protect the rights of the defense counsel fell within my ambit. During this period, although the actual assignment of cases and administration of legal aid was managed by the head office, I was involved in the process and often contributed to litigation that arose in relation to the process.

-Concerns of the Legal Aid system failing to meet fair trial standards and equality of arms have been persistent, not only at the Court but also with the *Ad hoc* Tribunals. In my view, the solution lies in adopting the Special Court for Sierra Leone and the Special Tribunal for Lebanon model of creating the Office of the Public Defender. In the case of the Court, this would mean the merging of the Counsel Office and the OPCD. While the Office would retain its functional independence in the same way that the OTP enjoys independence in the execution of its mandate and in its operations including the selection of its staff. The administrative aspects of the office would come under the Registrar in the same way that the OPCD operates now. This would bring the Support Staff under the ICC Staff regulations and rules, and they would be able to bring complaints under the Court's internal justice system.

The difference would be that assigned Counsels would have a contractual relationship. The support staff would be remunerated as other Court staff, enjoy similar privileges and benefits such as leave, and medical insurance. Their salaries would be exempt from taxation, bound by the Courts staff regulations and rules and so on. The same regime would be extended to Counsel representing victims, who would be brought administratively under the OPCV.

In regard to issues of gaps in gender representation, the Lead Counsels should be encouraged to appoint female co-counsels. An extensive campaign with national bar associations to encourage more female Counsels to join the list of counsels would broaden the pool for having more women to choose from when assigning counsel.

Cooperation with the court

9. **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 increasing the number of cooperation agreements in particular for the release of persons, enforcement of sentences and witness relocation?**

My role in the Immediate Office of the Assistant Secretary-General (Registrar) ICTR gave me the opportunity to acquire skills in preparation of communication between the Office and high-level offices such as the Secretary-General, Office of Legal Affairs of the United Nation, Heads of States and Ministers of Foreign Affairs. I travelled with the Registrar as his assistant to high-level meetings with Heads of State and to attend conferences, including the Rome Conference of 1998. In this process, I developed a network with other Special Assistants of other heads of institutions and this made external relations pleasurable. I got to learn how different countries approached cooperation and how agreements are negotiated. The background is valuable to achieving cooperation.

-For the sixteen years that I was the face of the ICTR in The Hague, I interacted with stakeholders at the highest level and represented the office at meetings with members of the Diplomatic Corps and the host state. One of the main aspects of my office was negotiating and drafting cooperation agreements in relation to providing support and

ensuring the protection of the victims of the Rwanda genocide who live in Europe and North America and Canada. I lobbied for financial support for the support and protection program and also requested for assistance that could be given in kind, such as relocation to families. Additionally, I met with embassy officials of countries on the 5th Committee and major Tribunal funders to discuss and explain the Tribunal's budget prior to the Registrar presenting the budget to the 5th Committee.

This role was repeated between during the time that I was with the Special Court for Sierra Leone, as I regularly met up informally with representatives of members of the Management Committee.

I have over 20 years experience of working with the host country and between 2006-2008, I obtained a grant from the one of the States Parties that facilitated the construction of a safe house for the witnesses and victims who appeared in the Charles Taylor trial.

As an Operations Officer and subsequently as Legal Adviser with the Office of the Prosecutor of the ICC, the roles entailed travelling to Field Offices, where I participated in meetings and negotiations regarding cooperation and provision of services to the office. This was at the implementation level. Previous contacts made in the Great Lakes Region and the African Region as a whole, during my time with the ICTR proved vital. Even though I did not meet the individuals that I had worked with, I was familiar with the systems and I know whom to approach for what form of assistance.

-I would employ the following measures;

-Firstly, I will review the protocols used to determine relocation.

-Undertake a study to know which States parties support what forms of cooperation. For example several states have programs for the protection and support of victims of domestic violence, which means that such a state would be more amiable to enter into agreement to support victims of sexual and gender based crimes.

-In relation to serving of sentences, several states parties would prefer to provide funding to a third party state to take on prisoners rather than taking them in their country. This arrangement originally seemed okay until the complication of the persons who either completed serving their sentences or were acquitted and have been detained in the third party country. More needs to be done to challenge what comes across as double standards and differential treatment of convicted persons from the African region.

-Lobbying regional groups, such as the European Union and the African Union.

-Approaching individual States parties with requests for cooperation.

-Early engagement for requests of cooperation in relation to specific situations before the actual need arises.

Experience in budgetary processes:

10. **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?**

As Legal Officer in the Immediate Office of the ICTR, I attended and participated in the meetings for the preparation of the Tribunal's budget. The role also entailed collaborating with various organs and divisions to consolidate their input to the budget into one consolidated document, analysis of the previous year's budget, the current budget and the forecasted on to workout percentages of growth or a drop in the figures. Although the increased workload for all organs of the Tribunal appeared to be obvious, with more arrests being made and as trials commenced, it was still necessary to prepare justification for any adjustments to the budget. With time, a workload indicator based budget was introduced.

Not all the Tribunal's work could be quantified which made developing indicators challenging. Following my deployment to The Hague, I remained involved in the budgeting process in two ways namely; I was responsible for contributing the Section's sub-budget to the main budget and I had the responsibility of understanding the budget fully so that I could answer any questions raised about it. I would then share the budget with designated members of the diplomatic corps of the "friends of the ICTR missions" in The Hague, ahead of the Registrar's visit to meet up with them on his way to New York to present the budget. This experience is vital as it was a result based budgeting system.

As Operations Officer in OTP, I was responsible for the monthly investigations missions and field offices budgets and ensuring the availability of funds in a timely manner, which could only be ensured by providing timely monthly financial reports. I developed control mechanisms that made monthly reporting easy and by the end of one year, we were able to close our accounting books by the end of January. This experience provided with insight into the Court's budgeting system, which will be beneficial.

As Deputy Director of an NGO, I was responsible for the budget for the Centre, which reported to a broad range of donors who ranged from governments, and non-governmental organizations, each with its own reporting rules and conditions. I was responsible for ensuring the timely submission of program plans, reports and budgets. In the fundraising, we encouraged donors to give to the general fund, rather than earmarking the funds as earmarked funds come with many conditions.

Preparations;

-Preparing the budget early enough, and ensuring that it complies with the requirements prescribed by the CBF is crucial to getting the budget supported.

-Holding inter-organ meetings to review the budget and speak from one page at its presentation is helpful.

-Preparing a clear, precise background document explaining any variations and justification for it is important to having the budget supported.

-Several recommendations made in the IER have budgetary implications. Presenting clear implementation plans for areas that were considered crucial such as policies to bridge the gender gap to have more women in leadership positions, developing practical procedures for stamping out predatory behavior and supporting victims of misconduct is likely to win the support of the Budget Committee.

-From experience, members of the budget Committee tend to be reluctant to support the budget on aspects that they are not clear about. The Registrar should avail himself or herself ahead of the meeting to discuss the budget, clarify and pre-empt persuaded to support the budget, if the justification is given in time.

-States Parties want to see results. The best strategy for getting the budget supported is to deliver results. A strong Court with motivated staff members, who feel fairly treated and given equal opportunity, irrespective of their gender or nationality are more likely to be more efficient. Similarly, Judges who are supported and assured of having their administrative concerns addressed will not be distracted to devote time on sorting out these important matters. The Court can only give what it has, so ensuring fairness and justice within the Court system is the best way to take justice to the victims and affected communities.

Thank you.