

## Draft Questionnaire for candidates to the 2020 ICC Judicial Election

Civil society<sup>1</sup> plays an important role in monitoring the election of International Criminal Court (ICC) officials. We promote fair, merit-based and transparent elections.

*Please answer the questions below.*

**Name:** Íñigo SALVADOR CRESPO

**Nationality:** Ecuadorian

**Nominating State:** Ecuador

**Legal Background (List A or List B):** List B

**Gender:** Male

**Date:** September 28, 2020

### BACKGROUND

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

Since 1987, when I defended my doctoral thesis on “Crimes against peace and security of mankind” at the Pontifical Catholic University of Ecuador, I have been a firm believer in the need for an independent and permanent tribunal which judges and punishes the most atrocious international crimes.

At that time, there was still no talk of the International Criminal Court as we know it today. What the international community, through the United Nations International Law Commission, was devoted to was a draft Code which would encompass the same criminal conducts that today are at the core of the Rome Statute.

However, by 1998, those efforts had been re-directed through the United Nations Diplomatic Conference for the Establishment of an International Criminal Court, which brought to life the Rome Statute and the International Criminal Court.

During all that time, I continued studying, writing on and, since 2001, teaching, International Law, International Humanitarian Law and International Criminal Law, mostly at my *alma mater*, but also to government officials, army and police personnel in Ecuador, as well as in Peru and Bolivia, under the auspices of the International Committee of the Red Cross.

Looking at things with hindsight, one thing that I allow myself to be proud of is that as a result of my past academic activity, a new generation of young university professors teach International Humanitarian Law (IHL) and International Criminal Law in the most prestigious

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<sup>1</sup> This questionnaire is endorsed by the following organizations: African Center for Democracy and Human Rights Studies, UNA Sweden, Alhaq, ALTSEAN-Burma, Amnesty International, Asian Legal Resource Centre, The Australian Centre for International Justice, Congo Peace Initiative, The Colombian Commission of Jurists, FIDH, Georgian Coalition for the International Criminal Court, Human Rights Watch, Justice International, Nigerian Coalition for the ICC, No Peace Without Justice, Open Society Justice Initiative, Parliamentarians for Global Action, REDRESS, Reporters sans frontières, StoptheDrugWar.org, The Swedish Foundation for Human Rights, World Citizen Foundation, Women’s Initiatives for Gender Justice, World Federalist Movement/Institute for Global Policy, and the World Renewers Organization. This questionnaire was developed with the assistance of the Coalition for the International Criminal Court Secretariat.

universities in Ecuador. I even count among my former IHL students an ICRC Delegate in the Sudan.

In addition to that, I have been an Ecuadorian diplomat, a Legal Officer at the United Nations Compensation Commission for Iraq-Kuwait and an independent lawyer, with experience in litigation before the International Court of Justice. And now, as Attorney General of Ecuador, I have acted as the accusing party in several criminal trials in which the State is the victim.

For me, then, being elected to a seat at the International Criminal Court would not only be the fulfillment of a lifetime vocation, but above all the best opportunity to put this experience to the service of international criminal justice.

This is my main motivation to seek a seat at the International Criminal Court.

**2. What do you believe are the most important challenges and achievements of the ICC in its first 18 years?**

The most important achievement of the International Criminal Court is the establishment and consolidation of an international criminal justice regime, to which 123 States adhere and which has been working permanently and effectively for nearly two decades now. In an international community traditionally driven by self-interest, the very establishment of the International Criminal Court is *per se* an unprecedented success.

At a more concrete level, it is also an important achievement the issuance of a number of precedent setting decisions in cases that have given rise to great expectations among the international community. For instance, the final decision in *The Prosecutor v. Thomas Lubanga Dyilo* (2014) provides a good example of a positive public response to the work of the International Criminal Court, since, being the International Criminal Court's first decision, it set a landmark in the history of international law and international criminal justice. The crimes thereby punished, i.e., enlisting and conscripting of children under the age of 15 and using them to participate actively in hostilities, addressed a criminal phenomenon that had at that time generated a worldwide outcry. In spite of the time the entire proceedings took (8 years), the general perception by the public and States Parties was of enthusiastic approval.

**3. What do you believe are some of the major challenges confronting the ICC and Rome Statute system currently and in the coming years?**

In the present times, the main challenge the International Criminal Court faces is the misunderstanding by some governments –and their acting on the basis of such misperception– that the principle of complementarity as predicated by the Rome Statute, and on which the International Criminal Court bases its jurisdiction over the most atrocious crimes, is a menace to their sovereignty that warrants tearing down the international criminal justice regime created by the Rome Statute. This misconception fails to identify the nature of the International Criminal Court as a last resort tribunal, that only acts whenever the States that have the obligation to try the perpetrators of international crimes, fail to do so because they lack the necessary capabilities or simply the political will. These governments also seem to fail to comprehend that power entails responsibility, and that they have the obligation under International Law to prevent or punish those who commit the most atrocious international crimes.

Another important trial facing International Criminal Court is the need to enhance the Rome Statute's membership. There are currently 30 States that signed the Rome Statute but never ratified it; many of them could still be encouraged, through a well orchestrated campaign, to join the Rome Statute regime. There would still be a remaining 40-some countries that have neither signed nor ratified the Rome Statute and could also be encouraged to join. The result of this would be at least twofold: (a) The higher the number of countries that make part of the Rome Statute international criminal justice regime, the more isolated would be those countries that stay away from it and those that undermine the fight against impunity. (b) An increase in the membership of the Rome Statute would result in the growth of political support and financial resources for International Criminal Court to carry out its work in a more expedited manner.

The issue of efficiency of International Criminal Court is a challenge in itself, since one of the main lines of criticism addressed at International Criminal Court is the protraction of its processing times and decisions that are perceived as late.

For instance, from the perspective of the public perception only (although from a strictly legal standpoint I do not disagree with the Court's decision), the acquittal of former Congolese vice-president Jean-Pierre Bemba in *The Prosecutor v. J.-P. Bemba Gombo* (2018) had, in my view, a negative response. After a 10-year trial, a decision that while acknowledging that Mr. Bemba's troops committed war crimes and crimes against humanity in the Central African Republic, determined that the evidence available was insufficient to prove his "command responsibility", was a big disappointment to the victims and Court supporters, and justified those who criticized the International Criminal Court for its lengthy proceedings and questionable results.

Adopting legal and practical measures in order to shorten processing times and, therefore, reaching more timely decisions would definitely add to the Court's credibility.

## **LEGAL SYSTEM**

### **4. The Rome Statute seeks judges representing all of the world's major legal systems.**

#### **a) Which legal system is your country part of?**

Ecuador belongs to the Roman-Germanic Civil Law legal system.

#### **b) Please describe any knowledge or experience you have working in or with other legal systems.**

As State Attorney General of Ecuador, during the past 26 months I have led the legal teams that defend Ecuadorian interests in judicial proceedings in many different foreign jurisdictions, as well as in arbitration proceedings in the most diverse international venues. Many of this jurisdictions belong to the Common Law system. I have, therefore, become acquainted with many of the legal principles, methods and rules that, in particular, the Common Law system comprises.

## **LANGUAGE ABILITIES**

### **5. The Rome Statute requires every candidate to have excellent knowledge of and be fluent in English or French.**

a) **What is your native language?**

My native language is Spanish.

b) **What is your knowledge and fluency in English? If it is not your native language, please give an example of your experience working in English.**

I am fluent in English. I obtained the Cambridge University Certificate of Proficiency in English in 1979. In 1993, I obtained the Language Proficiency Certificate issued by the Staff Administration and Training Division of the United Nations Office of Human Resources Management.

Most of my fourth level courses in the Master's Programme at the Graduate Institute of International Studies, in Geneva, were held in English, and exams and essays had to be submitted in that language.

Later, during my work as Head of the Departure Claims Unit at the United Nations Iraq-Kuwait Compensation Commission (1992-1996), all of the work, including report and decision drafting, was conducted in English.

My article "Making good for forced exodus: compensation for departure from Iraq or Kuwait – Claims of individuals: A Claims", in Christopher Gibson et al. (eds.), *War Reparations and the Un Compensation Commission. Designing Compensation After Upheaval*, Oxford University Press, 2015, is a good example of my writing skills.

c) **What is your knowledge and fluency in French? If it is not your native language, please give an example of your experience working in French?**

I took French courses in university in Ecuador from 1985 to 1987. Later, in 1988, I was posted to Geneva as Third Secretary of the Permanent Mission of Ecuador to the United Nations. Everyday life in Geneva made it necessary for me to empirically complement the theoretical knowledge I had of French.

Some of the fourth level courses I took as part of the Master's Programme at the Graduate Institute of International Studies, in Geneva, were held in French, and exams and essays had to be submitted in that language.

In 1993, I obtained the Language Skills Certificate (*Certificat d'aptitudes linguistiques*) issued by the Staff Administration and Training Division of the United Nations Office of Human Resources Management.

I regularly read French legal treatises and essays, as well as literature.

**LIST A OR B CRITERIA**

6. **Your response to this question will depend on whether you were nominated as a List A candidate or a List B candidate.**

a) **For List A candidates:**

- **How would you describe your competence in relevant areas of international law outside of the field of international criminal law, such as international humanitarian law and international human rights law?**

Not applicable

**b) For List B candidates:**

- **How would you describe your competence in criminal law and procedure?**

As State Attorney General of Ecuador I have the duty to participate as the accusing party in any criminal proceedings where the victim is the State, such as in “white collar” crimes. During the past 26 months since I took office, I have been the accusing party in a number of such criminal proceedings. That has required me to deepen my knowledge of Ecuadorian Criminal Law in general and, more specifically, of crimes where the victim is the State, as well as with Ecuadorian Criminal Procedure.

- **How would you describe your experience in criminal proceedings?**

Although Criminal Law and Procedure has not been the domain of my previous specialization and practice, the intensive exposure to criminal proceedings during the past 26 months as State Attorney General has been extremely enriching and has inclined me towards deepening my interest in further studying and practicing this part of the law.

The work carried out in criminal proceedings in close coordination with the State General Prosecutor, who takes the leading role as the accusing party in all kinds of crimes, has allowed me to get a first hand approach to the production and assessment of evidence, witness interrogation, as well as pleading before the court, which, in the cases taken up by the Attorney General, occurs mostly at National (Supreme) Court of Justice level and facing some of the most experienced criminal trial lawyers in Ecuador.

## **OTHER EXPERTISE AND EXPERIENCE**

**The ICC is a unique institution, as such ICC judges face a number of unique challenges (including managing a regime of victims’ participation and witness protection in complex situations, including of ongoing conflict). Even judges with significant prior experience managing complex criminal trials may not necessarily possess requisite skills and knowledge needed to manage these challenges.**

7. **Is there any area of expertise, knowledge or skillset which you would like to enhance through workplace trainings?**

In addition to deepening my knowledge and reinforcing a practical approach to the Rules of Procedure and Evidence and other regulations of the Court, I would be very interested in enhancing my by now general knowledge of crimes against children as well as sex and gender based crimes.

8. **Please provide examples of your legal expertise in other relevant areas such as the crimes over which the ICC has jurisdiction, the management of complex criminal and mass crimes cases, or the disclosure of evidence.**

I have developed extensive experience in the fields of international law, international humanitarian law and the law of human rights throughout the course of my career. Much of my career has been devoted to the resolution of international claims before international courts and tribunals as well as through administrative proceedings.

Early in my career (1992-1996), I had the privilege to serve with the United Nations Compensation Commission (UNCC) in Geneva, Switzerland, as Head of the Category “A” Claims Unit, one of the largest claims categories with a significant humanitarian dimension. I was in charge of a 20-plus person team that processed close to 1 million claims filed by persons who, as a result of the Iraqi invasion of Kuwait, were forced to leave Iraq or Kuwait. The mass claims processing methodologies that we developed entailed on the ground fact-finding, analysis of international evidentiary, compensation and humanitarian law and principles, as well as the application of innovative machine technologies.

In addition to my professional experience in private practice and public service, I also have extensive experience in the academic domain in the field of international law generally, and international criminal law and humanitarian law in particular. This experience is of particular relevance to the work of a judge at International Criminal Court, as I have a solid theoretical understanding of the legal issues that are at the core of the work of the International Criminal Court.

In 1985, I obtained my Doctor in Jurisprudence degree<sup>2</sup> from Pontifical Catholic University of Ecuador (PUCE) having written and defended a doctoral thesis on the Draft Code of Crimes Against Peace and Security of Mankind—the direct predecessor of the Rome Statute. That was the beginning of my life-long interest in crimes against humanity (a category that then included the crime of genocide), war crimes and the crime of aggression.

Following the entry into force of the Rome Statute in 2002, I published my doctoral thesis along with two of my other articles (*From Nuremberg to Rome. The International Criminal Court’s Long Journey and Ecuador, the International Criminal Court and International Humanitarian Law*) in a volume titled *International Criminal Law. Studies in Perspective* (Centro de Publicaciones PUCE, 2004).

Since 2001, I have taught the general course on Public International Law at PUCE’s Law School.<sup>3</sup>

In addition, I have served as an instructor in ICRC training courses on International Humanitarian Law for, among others, military and police personnel in Ecuador (several years starting 2008), Peru (2014) and Bolivia (2015). These courses have addressed, among other topics, the Rome Statute and International Criminal Court as they pertain to the activities of security personnel.

As the Director of the Centre for Research in International Law (CIDI) at PUCE, I also facilitated the conclusion of a cooperation agreement with the ICRC in 2014. As a result, PUCE included International Law of Armed Conflict and International Criminal Law as elective courses in the

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<sup>2</sup> *Doctor en Jurisprudencia* (Doctor in Jurisprudence) was the end degree that Law Schools in Ecuador granted before the Bologna Process nomenclature was adopted in 2010, when the Organic Act on Higher Education was passed. It is not an equivalent to Bologna Process’ Ph.D. degree.

<sup>3</sup> Due to my duties as Ecuador’s State Attorney General, since July 2018 I suspended my teaching activities at the university.

regular law curriculum. Since that time, I have taught those two courses every other term at PUCE.

**9. Please describe the aspects of your career, experience or expertise outside your professional competence that you consider especially relevant to the work of an International Criminal Court judge.**

Following my return to Ecuador from Geneva in September 1996, I re-entered private law practice, focusing my practice predominantly on international litigation. Notably, I appeared before the International Court of Justice (ICJ) as the only Ecuadorian member of the legal team that advised the Government of Ecuador in the “Case concerning Aerial Herbicide Spraying (Ecuador v. Colombia)”. This dispute was brought before the ICJ in 2008 and settled in 2013, in terms favourable to Ecuador. I also appeared in 2009 before the Tribunal of Justice of the Andean Community, the highest supranational tribunal of the integration regime maintained by Bolivia, Colombia, Ecuador and Peru since 1969. There, I represented the claimant in an important case that ended in the revocation of an illegally granted patent belonging to a multinational pharmaceutical company.

In July 2018, I was appointed Ecuador’s State Attorney General, a position which I continue to occupy today. One of my key functions is the oversight of Ecuador’s defence in international litigation, including before the Inter-American Court of Human Rights, the Inter-American Commission on Human Rights, and investor-State arbitral tribunals formed under international treaties.

As State Attorney General since August 2018, I am also responsible for prosecuting crimes where the State is a victim, such as in white-collar crimes (along with the State General Prosecutor, competent for all criminal offenses). In the past two years, I have brought a number of such prosecutions and actively participated in the corresponding trials, including oral hearings, many of which have ended with guilty verdicts against the individuals accused.

**EXPERIENCE AND PERSPECTIVE RELATED TO SEXUAL AND GENDER BASED CRIMES (SGBCs)**

**10. Please describe any experience you may have in dealing with SGBCs, including in addressing misconceptions relating to SGBCs.**

I do not have any specific practical experience in dealing with SGBCs.

However, as I describe in question No. 25 below, under my instructions strict protocols against sexual harassment and violence were implemented at the Catholic University Law School when I was its Dean, as well as at the Office of the State Attorney General, during my tenure as State Attorney General.

I am aware that the specific situations that have been examined and decided upon under the above schemes are, in terms of their gravity and dimension, far from those with which I will be faced if elected to the International Criminal Court, but I believe that they have provided me with the necessary sensitivity and exposure towards the rights and needs of the victims of sex and gender-based offenses, which are present in most instances of war crimes, crimes against humanity and the crime of genocide.

#### **EXPERIENCE AND PERSPECTIVE RELATED TO CRIMES AGAINST CHILDREN**

- 11. Please describe any experience you may have in addressing crimes against and affecting children and related issues, including dealing with child witnesses.**

I do not have specific experience in dealing with crimes against children, but I am willing to undertake any training available in the International Criminal Court, if elected.

#### **EXPERIENCE AND PERSPECTIVE RELATED TO VICTIMS**

- 12. Please describe any experience that you may have relevant to the right of victim participation before the ICC and reparations for victims of mass atrocities.**

As explained above (see the answer to question No. 8 above), the work of the team I supervised at the United Nations Compensation Commission for the assessment of evidence attached to claims for departure from Iraq or Kuwait, involved very innovative mass claims processing techniques such as sampling and computerized matching. I believe that the same techniques or new versions of them with the necessary adaptations to a much more serious reality (i.e. that in which the crimes under International Criminal Court jurisdiction occur) could be applied to evidentiary assessment and maybe other aspects of mass atrocities, with a view to providing the necessary reparation in an expedited manner.

- 13. Do you have any specialised training and/or experience in providing protection and support to victims and witnesses participating in a case?**

No, I do not. But I am willing to undertake any training available in the International Criminal Court, if elected.

#### **EXPERIENCE RELATED TO FAIR TRIAL CONSIDERATIONS AND THE RIGHTS OF THE ACCUSED**

- 14. Please describe any relevant experience implementing/advocating for the rights of the accused, including any specific experience managing fair trial considerations in criminal proceedings.**

I have no relevant experience relating to the matter.

#### **HUMAN RIGHTS AND HUMANITARIAN LAW EXPERIENCE**

- 15. Do you have any experience working with or within international human rights bodies or courts and/or have you served on the staff or board of directors of human rights or international humanitarian law organizations? If so, please briefly describe this experience.**

No, I do not have any experience of work in international human rights or international humanitarian law organizations or bodies, other than those described in the answer to question No. 16 below.

**16. Have you ever referred to or applied any specific provisions of international human rights or international humanitarian law treaties within any judicial decision that you have issued within the scope of your judicial activity or legal experience?**

As a candidate from List B, this answer does not refer to judicial activity but rather to my general legal experience.

As Ecuador's State Attorney General, I represent the Republic of Ecuador before the Inter-American System of Human Rights. In this context, I have led during the past 26 months the defense of the State in the different phases of proceedings in several cases brought against Ecuador before the Inter-American Commission of Human Rights and Inter-American Court of Human Rights. The legal frame of reference for this activity includes the American Convention on Human Rights, the Protocol of San Salvador Additional to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights, the Inter-American Convention of Belem do Pará on the Prevention, Punishment and Eradication of Violence against Women, the Inter-American Convention to Prevent and Punish Torture, the Inter-American Convention Against Racism, Racial Discrimination, and Related Forms of Intolerance, among others. Many international human rights standards as set forth by the Inter-American Court of Human Rights have been invoked in these proceedings.

As described in the answer to question No. 8 above, I have taught International Humanitarian Law in form of elective courses in university and as training courses to the personnel of Armed Forces, Police and Public Service under the auspices of ICRC.

**IMPLEMENTATION OF THE ROME STATUTE AND INTERNATIONAL CRIMINAL LAW**

**17. During the course of your judicial activity, if any, have you ever applied the provisions of the Rome Statute directly or through the equivalent 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 describe the context in which you did.**

As a candidate from List B, this answer does not refer to judicial activity but rather to my general legal and academic experience.

In the context of my academic activities over the past twenty years, as professor of International Humanitarian Law and International Criminal Law at the Pontifical Catholic University of Ecuador, as well as instructor for the International Committee of the Red Cross in Ecuador, Peru and Bolivia (see answers to questions Nos. 1 and 8 *supra*), I have continuously referred to the jurisprudence of several international criminal tribunals, and their main decisions have been the subject of analysis in the classroom as well as in essays, monographs and thesis.

**EXPERIENCE AND PERSPECTIVE RELATED TO GENDER MAINSTREAMING**

**18. Could you share examples of when you applied a gender perspective in the course of your professional career?**

The most meaningful example of applying gender perspective in the course of my professional career is the latest decisions I have made at the Office of the State Attorney General to appoint women to head 5 out of 7 National Directorates (70%), as well as 3 out of 5 Regional Directorates (60%), on the basis of their professional merits alone. It is expected that within the scope of their respective legal and administrative capacities, they, in turn, will apply the same perspective in the adoption of policies and decision making processes.

## **CRITERIA OF HIGH MORAL CHARACTER, INDEPENDENCE, IMPARTIALITY AND INTEGRITY**

- 19. What, in your opinion, does the Rome Statute requirement of “high moral character” mean and how do you embody these characteristics? What in your opinion would be contrary to “high moral character”?**

When the Rome Statute refers to “high moral character” as one of the requirements for a person to be elected as Judge of the International Criminal Court, not only it replicates the wording used by the Statute of the International Court of Justice (article 2), which also requires such standard in the election of its judges, but it mostly sets forth a combination of attributes that a Judge in the highest world criminal court should possess.

A person of high moral character is someone honest and principled, courageous and loyal. High moral character can be translated into one single word, i.e. integrity.

Integrity, when applied to a Judge, means independence, impartiality, adherence to the law, continuous study and hard work.

Although integrity is a personal moral standard, it can be perceived by others, and it is usually those others who recognize a person as someone of high moral character.

I cannot say whether each of the characteristics mentioned above can be predicated of me. The fact is that I am a hard working person and that all I have earned in my life is the fruit of my labour. I have made a living from practising and teaching law, which is a noble and generous profession, in different environments. I have defended vigorously the rights of those who have entrusted me with their interests, but I have encouraged reaching agreements whenever possible. I enjoy the respect and trust of those who know me, specially my colleagues and former students. I acknowledge that although I am not a man of fortune, I am a very fortunate man indeed: I have shared the last 32 years of my life with my beloved wife Jimena; we have been blessed with three children, one grandson and, due for next December, one granddaughter.

What would be the contrary of high moral character? Plain dishonesty and opportunism. Translated to a judge: someone who is prone to external influence, disregards the law and is biased by prejudice.

- 20. Have you ever resigned from a position as a member of the bar of any country or been disciplined or censured by any bar association of which you may have been a member? If yes, please describe the circumstances.**

No, I have never resigned to bar membership, nor have I been disciplined or censured by any bar association.

- 21. It is expected that a judge shall not, by words or conduct, manifest or appear to condone bias or prejudice, including, but not limited to, bias or prejudice based upon age, race, creed, color, gender, sexual orientation, religion, national origin, disability, marital status, socioeconomic status, alienage or citizenship status.**

**a) What is your opinion on this expectation?**

I believe that this is the least that should be expected in a judge's, but also in any other person's, behavior and expressions.

**b) Have you ever been found by a governmental, legal or professional body to have discriminated against or harassed an individual on these grounds? If yes, please describe the circumstances.**

No, I have never been found by any such body to have committed acts of discrimination on any grounds.

**22. Are you aware of any formal allegations made about you related to professional misconduct, including allegations of sexual harassment, discrimination, or bullying, or any investigations regarding your alleged professional misconduct related to the same? If so, please explain.**

No, I am not aware.

**23. Do you have any reason to believe that any current or former colleagues or professional contacts, if asked, would share concerns regarding your professional conduct?**

No, I do not have any reason to believe that any colleagues or professional contacts may question my professional conduct.

**24. Article 40 of the Rome Statute and the ICC 'Code of Judicial Ethics' requires judges to be independent in the performance of their functions.**

**a) What difficulties, if any, can you envisage in taking a position independent of, and possibly contrary to, the position of your government?**

Inasmuch as a person who is elected as an International Criminal Court Judge is not a representative of the State of his or her nationality or of the State that proposed his or her candidacy, the Judge owes no allegiance whatsoever to his or her country or government in the performance of his or her judicial duties.

In addition to that, a Judge must only guide his or her work in Court by the provisions established in the law, as applied to the facts that have been proved in the process.

However, the independence of a Judge has to do not only with his or her dissociation from any interests of the parties to a case under his or her examination, or of other parties, but also with the appearance of impartiality and independence, as perceived by an external observer.

That is why I believe that in such case as the trial involves a national of the same country of origin as the Judge, he or she must recuse him or herself from taking part in the trial. Inasmuch as nationality is a direct and objective link between a person and a State, which establishes reciprocal rights and duties, it is highly likely that a Judge may be, or appear to be, subject to some kind of moral obligation or even prejudicial bias that may impair his or her objectivity when deciding a case involving a national from his or her country of origin.

**b) How would you act in cases where significant (direct or indirect) political pressure was exerted upon you and/or you and your colleagues?**

Political pressure is connatural to any high office, and judges, specially international judges, are not exempted from it. However, inasmuch as they have the obligation to be independent and impartial when examining and deciding on a case under their review, and to decide according to the law and the facts that have been proved in the process, any political pressure exerted upon them should be vigorously rejected and denounced.

If political pressure were exerted upon me alone, I would plainly reject it and give notice to the President of the Court. If it were to relapse or carry an element of menace, I would use the Court's mechanisms to denounce it and ask for it to be investigated, judged and punished for Offences against the Administration of Justice under article 70 (d) of the Rome Statute and Chapter 9 of the Rules of Procedure.

If political pressure were exerted upon my fellow judges, I would advise them to reject it and give notice to the President. If I had reason to believe that they may be giving in, I would ask the President to initiate an investigation under article 70 (d) of the Rome Statute and Chapter 9 of the Rules of Procedure.

**25. Please describe specific measures you have undertaken to advance a work environment free of bullying, harassment, and other harmful behavior.**

As Dean of the Pontifical Catholic University of Ecuador's Law School, in an unprecedented initiative, I led the School Council into the approval of a Protocol to Eradicate Violence from the University Classroom, in June 2016. On a number of occasions when the Protocol was put to use, very thorough investigations were conducted, in which the presumption of innocence of the accused as well as the rights of the victims were rigorously respected.

Also, at the Office of the State Attorney General, on 9 July 2020, I issued Resolution No. 050, entitled "Internal Protocol for the Prevention of and Protection against Cases of Gender Violence at the Office of the State Attorney General", which is intended to strongly dissuade acts of harassment and sexual violence from occurring in the workplace, and to punish them appropriately if they do occur.

**OTHER MATTERS**

**26. The Rome Statute requires that judges elected to the ICC be available from the commencement of their terms, to serve a non-renewable nine-year term, and possibly to remain in office to complete any trials or appeals. A judge is expected to handle legal matters for at least seven hours per day, five days per week.**

**a) Do you expect to be able to serve at the commencement and for the duration of your term, if elected?**

Yes, I do. I cannot foresee any particular reason why I should not be able to serve in such conditions.

**b) To what extent are the judicial tasks described above compliant with your expectations of work standards? Please describe any potential adaptations you may require.**

In my entire career as an independent lawyer, university professor and dean, international civil servant and diplomat, and now as the State Attorney General of Ecuador, I have regularly put in many extra hours a day and through weekends. Doing so as an International Criminal Court judge would be entirely normal to me.

**27. Please feel free to address any other points here.**

I would like that along with this questionnaire the attached version of my curriculum vitae be considered to complement the information contained herein.

Íñigo Salvador Crespo