

**Coalition for the International Criminal Court (CICC)
Questionnaire for ICC Judicial Candidates
December 2017 Elections**

Please reply to some or all of the following questions as comprehensively or concisely as you wish.

To fill in the document please click in the grey box, which will then expand as it is filled in.

Name: Kimberly Prost
Nationality: Canadian
Nominating State: Canada
Legal Background (<i>mark as appropriate</i>): List A <input checked="" type="checkbox"/> B <input type="checkbox"/>
Gender: Female <input checked="" type="checkbox"/> Male <input type="checkbox"/>

Background

1. Why do you wish to be elected a judge of the International Criminal Court (ICC)?

I have worked in the field of international criminal law – nationally and internationally – for much of my career. In recent years, I have looked for opportunities to best use the skills and experience acquired to support international criminal justice institutions and other initiatives aimed at safeguarding fair process and the rule of law internationally. Since my participation in the negotiations which led to the establishment of the International Criminal Court, I have been a strong ICC supporter. I would very much like the opportunity to now bring this combined experience to a judicial position at the Court, where I believe I could make an important contribution.

In this regard, amongst the highlights of my professional life was my time as a Judge at the International Criminal Tribunal for the Former Yugoslavia. While the work was challenging and difficult, I considered it a privilege to serve at the Tribunal in that capacity and am proud of the contribution made towards justice



and the rule of law. In the role of ICC judge I would welcome the prospect of similarly contributing to the work of this permanent international criminal court.

I would also note my experience as a Canadian prosecutor, my detailed knowledge of the Rome Statute from the negotiations and subsequent involvement with Rome Statute implementing legislation and my insight into the operation of different legal systems resulting from my international cooperation work. I would appreciate the chance to apply the knowledge and skills gained through these different functions as an ICC judge.

In the course of my career, I have also found it very rewarding to work in positions directly related to safeguarding fair process and strengthening the rule of law. My role as the first Ombudsperson for the UN Security Council Al-Qaida Sanctions Committee is an example in this respect. The Security Council resolution had established an independent and impartial mechanism for the review of delisting requests from individuals or entities seeking to be removed from the Al-Qaida sanctions list. In my five year term I worked to develop procedures and practice which would effectively implement the Security Council resolution and meet the fundamental requirements for a fair process. In so doing I was gratified to be able to contribute to enhancing the rule of law in relation to the use of Security Council targeted sanctions. At the Commonwealth Secretariat and the UN Office on Drugs and Crime, I strived to assist States in building the capacity of criminal justice systems to provide a rule of law based response to crime and that was also satisfying work.

Similarly, at this important stage in the development of the ICC, I believe it would be professionally and personally rewarding to be part of the continuing efforts to strengthen this institution which is fundamental for justice and the rule of law.

I know that the ICC is a busy Court at this time and I fully appreciate what that means in terms of the daily life for the judges. In my term with the ICTY I sat on a four year trial of seven accused with a demanding schedule of hearings as well as work outside the courtroom reviewing evidence, participating in deliberations and drafting extensively. From this experience, I am confident that I am well suited to the role. Also having worked in five different international organizations, I am accustomed to, and very much enjoy, working in a multi-cultural and multi-judicial context.

I recognize that the ICC faces many challenges as discussed below. A strong and experienced judiciary is essential to meet and overcome those challenges. Much has been done by the Court's judges to enhance and strengthen the Court's processes to date and I would welcome an opportunity to contribute to continued efforts in that regard.

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2. What do you believe are the most important challenges and achievements of the ICC in its first 15 years?

The ICC has achieved much in its' short 15 year history. After early years of institution building, the Court became fully operational in 2006 with the transfer of the first person for prosecution. It has since significantly expanded its work. The Court is today busy with multiple investigations, trials and appeals related to 10 different situations in various countries. The Prosecutor also has several open preliminary examinations. Unlike previous situation specific Courts and Tribunals, the ICC must start afresh for each situation in order to build cases, making this accomplishment all the more notable.

The Court has in recent years begun work on reparations, with a number of ongoing proceedings in different Chambers. The unique participation and reparation system for victims, while still developing, has already enhanced the impact of the Court's work and the Trust Fund for Victims, through its independent assistance mandate, has benefited thousands of victims through various projects.

In its casework, the Court has addressed a range of crimes under the Rome Statute, including the enlisting and conscripting of child soldiers, armed attacks against civilian populations, sexual violence in conflict and destruction of cultural heritage. It has also contributed substantially to the development of international humanitarian law and international criminal law jurisprudence in both substantive and procedural areas.

The accountability system established through the Rome Statute, premised on the principle of complementarity, means that the achievements of the ICC go beyond the work within the Court alone. The ICC has helped to permanently place the concepts of accountability and justice on the international agenda. The Court has also inspired the incorporation of Rome Statute crimes into national laws, strengthening the overall capacity of states and the international community to prevent and respond to such atrocities.

However, despite these achievements, the ICC has also faced challenges in its first 15 years, many of which will continue as its' work advances.

The lack of universal application of the Rome Statute is one of the significant challenges the Court faces. While 124 States Parties is a remarkable accomplishment, there remain a number of States outside of the jurisdiction of the Court including some of the worst conflict areas. This reality limits the Court's ability to address all instances where genocide, crimes against humanity, and war crimes are alleged to have occurred. The ICC has been criticized in this respect for a perceived selectivity in situations and cases, since the majority of cases are concentrated in one region despite evidence of horrific

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crimes being perpetrated in other parts of the world. There are many factors which contribute to this complex challenge for the ICC including the fact that a number of situations were referred to the Court by the concerned State Party or by the Security Council. However, ultimately it is the absence of universal adherence to the Rome Statute and the jurisdictional limits that brings which will remain a persistent challenge for the ICC. Universality must remain one of the most important goals for the Court and the Rome Statute community.

The ICC has no police force or independent enforcement powers. It is dependent on State cooperation for arrest and surrender and for the gathering of evidence. I know from my experience with extradition and mutual legal assistance the impediments to, and problems with, obtaining effective cooperation in a state to state context where there is at least considerable developed practice. The ICC has struggled with the same types of problems made more difficult by the nature of the cases and evidence and the application of a new and unique system set out in Part 9 of the Rome Statute.

In the fall of 2016 three States Parties deposited notifications of withdrawal from the Rome Statute. For various reasons two of those withdrawals were subsequently withdrawn. This experience highlighted another reality of being a treaty based institution. Just as States decide to join the Rome Statute, they can also choose to withdraw. The effects of a withdrawal can be challenging for the Court operationally and on a broader level, a decrease in the number of States Parties makes the goal of universality all the more difficult to achieve.

Given this questionnaire is aimed at judicial candidates I want to place emphasis on specific challenges which are directly relevant to the work of ICC judges. In doing so, I note that these issues for the judiciary are interrelated to the other challenges for the Court. A strong Court, known for fair and efficient proceedings, will give support to efforts towards enhanced cooperation and universality.

There has been much criticism about the proceedings of the Court in terms of costs, delays, and inefficiencies. The ICC judiciary must lead in addressing this particular challenge, working to adopt best practices and improve the efficiency of the processes, while always safeguarding fairness. Considerable progress has been made in this respect, for example, with the adoption of a Chambers Practice Manual. These types of initiatives must be sustained and advanced to address this ongoing challenge for the Court.

On a related point, the Rome Statute created a hybrid system which draws from the different legal traditions in the world. But not all issues could be solved during the negotiation of the Statute and Rules and much has been left for the judges of the Court to decide upon in individual proceedings. This is particularly the case with approaches to procedure and evidence. ICC judges face the

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challenge of developing practice which best suits the nature of the cases and of this hybrid Court. While it may not be possible to agree a single approach to each issue it will be important to strive for as much consistency and predictability as possible.

Another central challenge for ICC judges is ensuring effective protection for victims and witnesses while safeguarding fair process, as mandated by the Rome Statute. At the ICTY, this was an issue our Chamber had to address throughout the trial, in circumstances that were complex and varied. As illustrated by the practice and jurisprudence, this is also a reality of ICC proceedings.

These are a few of the key challenges which the ICC and the judges of the Court have faced in the first 15 years of operation.

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

I believe that the Court will continue to face many of the same challenges outlined above in the coming years since most of them are rooted in the nature and structure of the Rome Statute.

In the same manner as national courts, ICC judges also will increasingly have to adjust to the impact of technology on the Court's proceedings. This will include adapting to the use of technology in the courtroom especially in terms of how documents are disclosed, shared, stored and presented. But also there will be a need to enhance understanding of new technologies used in the generation and presentation of evidence. This will be a constant and evolving challenge to ensure that the ICC can benefit from these advancements while always ensuring the fairness of the proceedings.

The ICC has now reached an important phase of implementation in terms of the system for reparations incorporated in the Rome Statute. There have already been important judicial decisions, including at the appellate level, addressing key principles for the reparations phase. But much more judicial work will need to be done to ensure an effective and efficient application of the reparations system.

The ICC will also have to deal with mounting pressures arising from budgetary constraints given economic realities. Sadly, with no sign that the number of conflict situations will decline – in fact the opposite seems to be the case – the Court will increasingly struggle to manage its workload and to meet expectations. This makes efforts towards greater efficiencies all the more imperative. A more efficient Court will allow for the optimum use of limited resources and will enhance State Party confidence in the Court in that regard.

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For the Rome Statute system and the effective implementation of the principle of complementarity, there remains much work to be done to assist States in developing the necessary laws and institutions and with the training of personal – nationally and regionally - to prevent, protect against and ensure accountability for the commission of the ICC core crimes. There are many capacity building requirements which are all the more challenging in a time of multiple competing demands for limited resources.

Nomination Process

- 4. What are the qualifications required in the State of which you are a national for appointment to the highest judicial offices? Please explain how you meet these qualifications.**

The qualification for a Federal Judicial appointment in Canada is 10 years at the bar of a province or territory or a combination of 10 years at the bar and in the subsequent exercise of powers and duties of a judicial nature on a full-time basis in a position held pursuant to a law of Canada or a province or territory. I practiced at the bar of the province of Manitoba for five years and subsequently as a member of the bar of Ontario (Law Society of Upper Canada) for 13 years.

- 5. Have you provided the statement required by Article 36(4) (a) of the Rome Statute and by the nomination and election procedure adopted by the Assembly of States Parties? If not, please provide an explanation for this omission.**

Yes this statement accompanied the nomination documentation submitted by Canada.

Legal System

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

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

Under the Canadian constitution, powers are divided between the federal government (including responsibility for the territories) and the provinces. The criminal law in Canada falls within federal jurisdiction and it follows the common law tradition. However in areas of provincial competence, other legal traditions may apply. By example in the province of Quebec a civil law legal tradition is applied in certain fields.

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

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I have extensive experience with the different legal traditions of the world from my work in the field of international cooperation in criminal matters. During my tenure with Canada's International Assistance Group I worked on extradition and mutual legal assistance requests to and from Canada. Successful management of these cases to achieve the necessary cooperation required an understanding of the intricacies of the legal system in the foreign state requesting Canada's cooperation or from which cooperation was being sought by Canada. Thus, in my daily practice I conducted research and engaged with foreign state authorities in order to understand the legal principles and the procedural requirements of different systems, even as between States of the same general legal tradition. Over my ten years with the IAG I dealt with hundreds of cases in numerous jurisdictions.

I also participated in the negotiation of over 40 extradition and mutual legal assistance treaties. An effective treaty negotiation process was equally dependent on engaging with the treaty partner to gain a full understanding the legal tradition and procedures of the criminal justice system within that State.

My subsequent advisory work in this field with the Commonwealth Secretariat and the United Nations Office on Drugs and Crimes further enhanced my knowledge of the diverse legal systems in the world.

Also, having served as an ICTY judge on a four year trial with judges of different legal traditions, I was consistently exposed to the distinct practices and varying perspectives arising from our diverse backgrounds. As a Chamber, when particular issues arose especially in the procedural context, we would discuss the practice in our jurisdictions and draw from them to try to craft an approach best suited to a hybrid international tribunal. Often that involved blending the practices of different traditions. Some of the most interesting and instructive debates within our Chamber arose within the context of these procedural discussions. This experience added considerably to my knowledge of other legal systems.

Language Abilities

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

a) What is your native language?

English



- 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.**

English is my native language.

- 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 have advanced level French in comprehension - written and oral – and with respect to oral communication. I have intermediate fluency in writing. When I worked for the Canadian government in Ottawa I had a bilingual status equivalent to the B2 level internationally. I would attend meetings in French and occasionally provide briefings in French. I was able to converse with prosecutors and investigators in French. At the ICTY I took private lessons to refresh my French and was able to follow the proceedings in French when necessary. I could also read decisions issued in French. I continue to follow courses to maintain and improve my French. In my current role I am able to attend and participate in meetings in French and to communicate with French speaking staff working in the Presidency in French.

List A or B Criteria

- 8. Your response to this question will depend on whether you were nominated as a List A candidate or a List B candidate. Since you may have the competence and experience to qualify for both lists, please feel free to answer both parts of this question to give the reader a more complete view of your background and experience.**

- a) For List A candidates:**

- **Briefly describe your qualifications as a List A candidate.**

During my career in Canada I served as a prosecutor with the Winnipeg Regional Office of the federal Department of Justice working daily on a broad range of criminal cases at all court levels. I served an additional two years as a senior prosecutor in the War Crimes and Crimes against Humanity Section in Ottawa working on potential cases for prosecution under newly adopted legislation. For ten years I worked in the International Assistance Group which handled all of Canada's extradition and mutual legal assistance cases. This work required the assessment of requests with reference to substantive and procedural criminal law. Internationally, I have served as an *ad litem* judge of the ICTY on a four year trial involving seven accused. I also was both pre-trial judge and presiding judge for the initial phase of a second case. Finally, while not a judicial post per se, in my role as Ombudsperson for the Security Council



Al-Qaida Sanctions Committee, I assessed over sixty cases using the core skills of a judge – analysis of evidence to standards, assessing credibility and preparing written reasons in support of a decision to recommend delisting or not. While not dealing with specific cases, I also have seven years of experience in advising States on various criminal justice issues through my roles with the Commonwealth Secretariat and the United Nations Office on Drugs and Crime.

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

As a result of the experience outlined above I have a high level of competence in criminal law and procedure from both a domestic and international perspective.

- **How would you describe your experience as a judge, prosecutor, counsel, or in another similar capacity, in criminal proceedings?**

As indicated above, I have extensive experience as a prosecutor, judge and expert in international criminal cooperation. Both the volume and complexity of cases I have handled at all phases of proceedings - pre-trial, trial and appeals - provide me with a broad scope of experience and expertise to draw upon should I be elected as an ICC judge.

b) For List B candidates:

- **Briefly describe your qualifications as a List B candidate.**

While I was nominated as a List A candidate I also have established competence in international law especially international humanitarian law and international criminal law, As outlined above in my role as ICTY judge I adjudicated on a multi-accused trial deciding upon a number of complex legal issues related to these two areas of international law. Similarly, I conducted extensive research in these fields while serving as a war crimes/crimes against humanity prosecutor in Canada. I have as well written in the field, including in commentaries related to the Rome Statute and on particular decisions of the ICTY. I have lectured on international criminal law for Queens University of Canada for the past 12 years and have given ad hoc presentations in multiple venues and contexts on various international law issues.

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

I have full competence in the fields of international humanitarian law and international criminal law and I also have knowledge of international



human rights law especially from my work as Ombudsperson for the Security Council Al-Qaida Sanctions Committee.

- **How would you describe your professional legal experience that is of relevance to the judicial work of the ICC?**

As indicated above I believe I have extensive professional legal experience of relevance as a judge, prosecutor, international cooperation expert, lecturer, writer, and criminal justice advisor.

Other Expertise and Experience

- 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 ICC judge.**

I have worked for five different international organizations over the past fifteen years of my career and am thus very familiar with the special challenges and rewards of working in a multi-cultural, multi-judicial context. I believe this is important and relevant experience given the international composition of ICC Chambers and the ICC generally, as well as the nature of the cases before the Court. My international work has taken me to all of the regions of the world which are represented through States Parties to the Rome Statute. I can bring the insights gained from this interaction on criminal justice issues to inform my work as an ICC judge facing diverse situations from these different regions. My advisory work with the UN and the Commonwealth was helpful to me in problem solving on the bench at ICTY and would be similarly useful in the ICC context.

Because of my extensive experience in treaty negotiation – bilateral and multilateral – I have strong advocacy and negotiating skills which are very relevant when participating in discussions and deliberations in a multi-cultural Chamber. Over my career I have moderated panels, chaired meetings, lectured and presented extensively. The communication skills which I have developed were of great assistance to me in courtroom management at the ICTY and would be similarly valuable in this context.

As a national prosecutor, international cooperation practitioner, judge and Ombudsperson I have extensive exposure to making independent decisions in the context of politically charged cases and situations, which ICC judges are called upon to do as well.

- 10. Please provide example of your legal expertise in other relevant areas such as the crimes over which the ICC has jurisdiction, the management**

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of complex criminal and mass crimes cases, or the disclosure of evidence.

As described previously, through my role as an ICTY judge I have expertise in relation to the Rome Statute core crimes, the management of complex, multi-accused cases and in overseeing a detailed disclosure system. As a prosecutor in Canada I managed several multi-accused, conspiracy cases in relation to a broad range of criminality. Under the Canadian system prosecutors are obliged to provide detailed disclosure of evidence so I am also very familiar with the process from that context. As a senior prosecutor in Canada's War Crimes and Crimes against Humanity Section I led missions to foreign jurisdictions to gather and assess evidence and I understand the complexities involved in doing so. In this same role I also conducted extensive research into international criminal law and international humanitarian law issues and wrote opinions on complex questions related to Canada's then untested legislation

11. The ICC is a unique institution, and ICC judges will face a number of unprecedented challenges (including managing a regime of victims' participation and witness protection in situations 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.

a) Are you willing to participate in ongoing workplace training aimed at promoting legal innovation and coordination among all judicial chambers in adjudicating complex questions relating to law and policy?

I believe the strongest, most effective judge is one who recognizes and acknowledges what he/she does not know. I would not only be open to training and inter-Chambers coordination and discussion but would actively advocate for the same. I believe it is of particular importance in the face of the new technology which impacts directly on courtroom practice and evidence. Judges can only benefit from hearing and exchanging with experts and other judges on a broad range of issues.

b) Do you consider such training to be important?

I consider it to be essential to an effective judiciary dealing with complex cases from around the globe and with a complicated, innovative system of victim reparations. Judges need to have the benefit of expert knowledge and training in order to deliver the highest quality decisions and judgements.

Experience (and perspective) related to gender crimes and crimes of sexual violence

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- 12. Historically, many of the grave abuses suffered by women in situations of armed conflict have been marginalized or overlooked. Please describe any experience you may have in dealing with sexual and/or gender-based crimes and where you have applied a gender perspective, i.e. inquired into the ways in which men and women were differently impacted.**

As a Canadian prosecutor I dealt with cases related to sexual violence albeit to a limited extent. I also worked on model legislation at the Commonwealth Secretariat to deal with the protection of vulnerable witnesses including in cases of sexual violence. I have followed the development of the ad hoc Tribunal and ICC case law on this particular issue.

Victims-related work

- 13. Victims have a recognized right to participate in ICC proceedings and to apply for reparations under Article 75 of the Rome Statute. Please describe any experience that you may have relevant to these provisions and that would make you particularly sensitive to/have understanding of the participation of victims in the courtroom.**

While I did not participate extensively in the negotiation of these provisions of the Rome Statute, as one of two Department of Justice representatives on the Canadian delegation, I was familiar with the discussions related to the same. I fully appreciate the valid criticisms of the ICTY/ICTR processes in this regard and the critical importance of ensuring a comprehensive role for victims, especially given that the trials are conducted remotely from the crime locations. I see outreach, participation, and reparations as providing an essential dimension to the proceedings. I believe that amongst the key challenges for the ICC judiciary is the further development of the processes and procedures in this area to ensure efficient systems for participation and reparations while always safeguarding the rights of the accused.

- 14. How would you address the need for a balance between victims' participation with the rights of the accused to due process and a fair and impartial trial? Do you have any relevant experience in dealing with this issue?**

I would be guided by the provisions of Rome Statute, the Rules of Procedure and Evidence and the ICC case law relevant to this issue and the protections reflected therein to ensure this balance. As a fair trial includes avoidance of unreasonable delay, it would be important to carefully manage victim representation and participation so as to ensure effectiveness and efficiency. The steps to achieve this would be dependent on the particular circumstances of the case. By example however, as with the prosecution and the defence, it may be necessary to apply specific time limitations to the interventions of victim representatives in the proceedings. I would also advocate for a continuation of



the efforts which the ICC judges have been undertaking to develop consistent best practices in this area as has been done, for example, in relation to the victim application process.

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.

I do not have specific experience in working with or within international human rights bodies or courts other than limited interaction on extradition cases with the European Court of Human Rights and the Human Rights Committee. As Ombudsperson I did briefings for the Office of the High Commissioner for Human Rights and also worked with them on a policy paper related to the use of targeted sanctions. I have not served on the staff or board of any such organization.

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 may have issued within the scope of your judicial activity or legal experience?

Yes within decisions and judgements at the ICTY and in the course of my opinions as Ombudsperson for the Al-Qaida Sanctions Committee.

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 I served as an ICTY judge my judicial experience involves the application of ICTY jurisprudence and consideration of ICC cases.

Other matters:

18. 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



19. 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) Do you disagree or have difficulty with this expectation?

Absolutely not- this is a fundamental requirement for any judge - nationally or internationally.

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

20. Article 40 of the Rome Statute requires judges to be independent in the performance of their functions. Members of the CICC and governments are concerned about the difficulties a judge may experience in independently interpreting articles of the Rome Statute on which his or her government has expressed an opinion.

a) Do you expect to have any difficulties in taking a position independent of, and possibly contrary to, the position of your government?

No. In the course of my career as an international civil servant I have faced situations where the independent position I took was contrary to a position held by my government. I would have no hesitation in doing so as an ICC judge.

b) Article 41 requires a judge's recusal "in any case in which his or her impartiality might be doubted on any ground." Do you feel you could participate in a judicial decision involving a matter in which your government has an interest, such as on whether an investigation by your government into a matter of which the ICC was seized was genuine?

I believe any situation of potential conflict needs to be carefully assessed on a case by case, individual basis. In the particular example provided, while I would be able to participate and independently adjudicate on the issue, there would be perceptions of bias or conflict such that it would not be appropriate for me to do so. Without pre-judging any particular situation I can provide an assurance that I would carefully assess the facts in any such



situation and would not hesitate to recuse myself if the circumstances merited it.

21. 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 absolutely.

b) Do you expect to be able to perform the judicial tasks described above on your own or with reasonable accommodation? If no, please describe the circumstances.

Yes absolutely and I have experience with the same from my time as an ICTY judge.

22. If there are any other points/issues you wish to bring to the attention of the CICC in this questionnaire, please feel free to address them here.

I am currently serving as Chef de Cabinet to the President of the ICC. In consultation with the President and other relevant Court officials, I have carefully considered any potential conflicts between my role as an ICC staff member and my candidacy. Any activities in support of my campaign will be carried out on my personal time and I will take the necessary leave to do so. Campaign travel will be funded and conducted separately from work travel. Having served as an international civil servant for over 15 years, I am very conscious of my obligation to carry out my official functions independently, and solely in the interests of the Court. I respected these principles as a UN staff member when I was a candidate for ICTY judge and I will similarly do so in the context of this election. The vast majority of my work as Chef de Cabinet involves internal matters related to the administrative and legal functions of the Presidency. My interaction with States is limited and is confined to communicating positions adopted by the Presidency or on a Court wide basis. However, to guard against any possible perception of conflict, during the key period of the campaign – mid September to the election – I will minimize my interaction with States Parties as Chef de Cabinet by delegating functions to other Presidency staff. This will allow me to continue to fulfil my important obligations to the Court and the President, while at the same time avoiding any perception of conflict.

Thank you.

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