



Questionnaire de l'ABCPI pour les candidats au poste de juge de la CPI en 2026

ICCBA questionnaire for ICC 2026 judgeship candidates

L'Association du Barreau près la Cour pénale internationale (ABCPI) est l'organe représentatif indépendant des conseils exerçant devant la Cour pénale internationale (CPI), chargé de promouvoir les droits de la défense, la représentation des victimes, l'égalité des armes et la bonne administration de la justice. Par le biais de ce questionnaire, l'ABCPI vise à aider les États parties et les parties prenantes à évaluer les candidats aux fonctions judiciaires de la Cour. Nous vous invitons à compléter et à retourner ce questionnaire au Directeur exécutif de l'ABCPI à l'adresse dkennedy@iccba-abcpi.org au plus tard le **17 juillet 2026**, et vous remercions par avance du temps que vous y consacrerez.

The International Criminal Court Bar Association (ICCBA) is the independent representative body of counsel practicing before the International Criminal Court (ICC), mandated to promote the rights of the defence, victims' representation, equality of arms, and the effective administration of justice. Through this questionnaire, the ICCBA seeks to assist States Parties and stakeholders in assessing candidates for judicial office at the Court. We kindly invite you to complete and return this questionnaire to the ICCBA Executive Director at dkennedy@iccba-abcpi.org by **17 July 2026**, and we thank you in advance for taking the time to provide your responses.

Questions d'ordre général / General questions

1. Pourquoi souhaitez-vous être élu(e) juge à la Cour pénale internationale ?

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

We are living in an unprecedented time, when the ICC is being challenged as never before. It is especially during such challenging times that an institution should not just deliver; it should excel. It should do so for justice - to put an end to impunity; for the sake of the victims of the most serious international crimes; for the reputation of the institution, which is at stake; and for the States that made this Court possible, continue to support it, and pay for it.

My motivation is to strengthen the founding mission of the International Criminal Court ("ICC") at this critical juncture by bringing to the Court professional excellence, integrity, and resolve.

I bring over 26 years of professional experience in public international law and international criminal justice, in senior positions and with results of the highest quality. I have developed my expertise in these fields from the main relevant perspectives: Academia, Government and International Organizations - both at headquarters and in the field. These perspectives have allowed me to acquire a unique expertise and to develop a comprehensive approach to the most difficult and sensitive questions of international law that relate to international criminal justice

(see question 2 below for more details). I believe that this expertise is particularly relevant in the current context and would be most beneficial to the judicial work of the Court.

Throughout these 26 years, I have demonstrated my commitment to the ethical dimension behind international law, and to the universal values that those working in this field are defending. I have been directly confronted during my career with the suffering of victims of international crimes, in particular when deployed in the field in regions where international crimes had been committed; and I have witnessed the positive impact that credible avenues towards justice have on these victims and their communities. For me, this is a powerful motivation to seek to contribute to the fight against impunity, this time from a judicial perspective.

2. Qu'est-ce qui vous distingue en tant que candidat(e) ?

What sets you apart as a candidate?

What sets me apart as a candidate is that I bring extensive expertise in a wide range of fields of public international law, in particular in international humanitarian law, international human rights law and international criminal law, as well as in the legal framework applicable to questions of international peace and security (for example, the U.N. Charter and law of international organizations). In addition to my academic background, I have been applying public international law in practice, in legal departments in government and in international organizations, both at headquarters and in the field. I also bring other abilities and qualifications which are fundamental in complex multicultural and multilingual settings.

(a) Comprehensive expertise in public international law and international criminal justice

I am currently a Principal Legal Officer in the Office of Legal Affairs (OLA) of the U.N. Secretariat, leading teams providing legal advice on issues of public international law related *inter alia* to conflict and post-conflict situations, including international humanitarian law, international human rights law and international criminal law. I joined OLA in 2015 as team leader, providing and supervising the provision of legal advice on matters concerning all U.N., U.N.-assisted and U.N.-related criminal courts and tribunals, namely:

the International Criminal Court (“ICC”);

the *ad hoc* International Criminal Tribunals for the former Yugoslavia and Rwanda (“ICTY” and “ICTR”);

the International Residual Mechanism for Criminal Tribunals (“IRMCT”);

the Special Tribunal for Lebanon (“STL”);

the Residual Special Court for Sierra Leone (“RSCSL”);

the Extraordinary Chambers in the Courts of Cambodia (“ECCC”); and

the Special Criminal Court for the Central African Republic (“SCC”).

Regarding the ICC, the advice that I have provided has covered all questions relating to the implementation of the Relationship Agreement between the U.N. and the ICC (pursuant to Article 2 of the Statute), including in relation to the sharing of U.N. information with the Court¹. Having worked directly and extensively with the ICC, I have a deep understanding and knowledge of the Court and its work.

I have been Acting Director of the Department of Legal Affairs of UNRWA, where I advised on the legal aspects of the humanitarian crisis stemming from the 2021 armed conflict in Gaza, including legal questions in the fields of international humanitarian law, international human rights law, international refugee law, international criminal law, and privileges and immunities.

In 2024, I was appointed Acting Special Adviser and Head of the Investigative Team to support domestic efforts to hold the Islamic State in Iraq and the Levant (Da'esh) accountable for international crimes committed in Iraq (UNITAD). I finalized criminal investigations relating to acts committed by ISIL (Da'esh) in Iraq that may amount to war crimes, crimes against humanity and genocide. This involved assessing the evidence of such acts that UNITAD had collected, preserved and stored. As Head of UNITAD, I personally supervised, reviewed and made final legal determinations on analytical reports and case-assessments, for their eventual use in fair and independent criminal proceedings.

Prior to joining the United Nations, I was a researcher and professor of public international law at the most prestigious universities (e.g. Université Paris 1 (Panthéon-Sorbonne), New York University, Institut d'Études Politiques de Paris - "Sciences-Po", Universidad Autónoma and Universidad Complutense de Madrid). As a Professor, I taught general courses in public international law and specialized courses in international humanitarian law, international human rights law and international criminal law, including specific seminars on international humanitarian law for the military at the Spanish Ministry of Defence and seminars on international human rights law and violence against women for judges from different legal traditions in the context of Council of Europe programmes. I was the director of the Spanish branch of a European research team on the rights of detainees in international law, funded by the European Union Commission. My authority in the field of public international law is well evidenced by my many publications, including a book that won the Suzanne Bastid prize in 2005 for the best doctorate in public international law in the French language. I have also published in the field of international criminal justice, including a book on universal jurisdiction for crimes against humanity.

I worked as a Senior Legal Adviser at the Spanish Ministry of Justice, in which capacity I routinely provided advice on public international law-related questions, including international human rights law, international humanitarian law and international criminal law, as well as on questions of criminal justice more broadly (for example, the drafting of domestic legislation relating to international crimes and the provision of judicial cooperation in criminal matters). I was part of

¹ Please note that, while campaigning for a judicial position at the International Criminal Court, I have recused myself from all matters relating to the Court. I have formally filed such recusal with the United Nations Ethics Office to avoid any conflict of interest between my official functions as an independent United Nations official and my candidacy for the ICC. See Question 17, below.

the teams representing Spain before various United Nations human rights committees and for the Universal Periodic Review.

(b) Strong skills in complex environments

My career is marked by a resolute approach that has enabled me to manage teams and address legal challenges in complex environments through the scrupulous application of the applicable rules, while being mindful of the specific context of each situation. In this regard, the ICC is both a Court and an international organization, which requires a clear understanding of its particularities. I have already worked in complex environments, including during field missions, where I had to refine and strengthen the qualities of impartiality, independence, and accountability for my actions and behaviour. As a lawyer and an international civil servant, it has been central to my work to discharge my functions with independence and to be impartial in my legal reasoning and decision-making.

Over the course of my career, I have developed the ability to negotiate and to find solutions to the most challenging questions and situations. I have negotiated many international instruments, both as a national and an international civil servant, including in highly sensitive situations.

Having worked in senior positions in the legal departments of international organizations, I am used to multicultural and multilingual settings and to working with different legal traditions. I have practised international law professionally in English and French, as well as in Spanish. I am bilingual in Spanish and French and fluent in English. I also have an excellent knowledge of Italian. Being able to work fully and effectively, not only in the two working languages of the Court, but also in my mother tongue, which is highly relevant to the ongoing work at the Court, is another asset that I could bring.

3. De quelle manière votre État vous a-t-il sélectionné(e) en tant que candidat(e) au poste de juge à la CPI ?

What was the process employed by your State to select you as a candidate for ICC Judge?

The Government of Spain submitted my nomination in strict compliance with the national procedure established for the nomination of judges to the International Criminal Court. This procedure is carried out pursuant to article 36, paragraph 4 (a) (ii), of the Rome Statute, by means of a selection process conducted by the National Group of Spain in the Permanent Court of Arbitration.

The National Group, chaired by Ambassador Juan Antonio Yáñez-Barnuevo (a former Permanent Representative of Spain to the United Nations and the head of the Spanish delegation to the Rome Conference in 1998), examined many nominations, starting in early 2025. Three candidates were short-listed by the National Group on the basis of the criteria specified in Article 36, paragraph 3 of the Rome Statute. A more detailed assessment of the short-listed candidates was conducted by the National Group in September 2025. The National Group selected me as the most qualified candidate, on the basis of my academic and professional records, in particular my multidisciplinary professional experience relating to public international law in general and

international criminal justice in particular, in academia, at the Spanish Ministry of Justice and with the United Nations, both at its Headquarters and in the field.

The Ministry of Foreign Affairs and Cooperation of the Government of Spain was then informed of the National Group of Spain's decision so that the nomination could be submitted. My nomination was formally endorsed by the Minister of Foreign Affairs and Cooperation of the Government of Spain, who oversaw the nomination process and gave the final official approval for the nomination.

Questions sur vos qualifications en tant que juge / Questions on qualifications

- 4. Avez-vous déjà été juge auparavant, et si oui, veuillez décrire votre expérience, en particulier en ce qui concerne la procédure préliminaire au procès, le procès et/ou l'appel des jugements.**

Have you ever been a judge before, and if yes, please describe your experience, in particular as to pre-trial proceedings, trial proceedings, and/or appeals.

I am being nominated as a list B candidate with "established competence in relevant areas of international law such as international humanitarian law and the law of human rights, and extensive experience in a professional legal capacity which is of relevance to the judicial work of the Court" (Rome Statute, Article 36, paragraph 3 (b) (ii)).

While I haven't been a judge before, my professional experience has constantly exposed me to the judiciary and judicial proceedings. At the Ministry of Justice of Spain, my main clients were members of the judiciary. My functions focused on questions of judicial cooperation in the context of criminal proceedings. I also had to address amendments to the regulatory framework applicable to the judiciary, which required mastering relevant substantive and procedural rules, in particular to align them with international instruments.

At the United Nations, as head of the team charged with matters concerning all international criminal courts and tribunals, I had to closely monitor their proceedings. My functions included, as part of the implementation of the Relationship agreement between the U.N. and the ICC, overseeing the submission of information and evidence sought by the Office of the Prosecutor and defence counsel for use in proceedings before the ICC. I have also prepared, and supervised the preparation of, submissions to U.N. administrative tribunals to defend the interests of the Organization (UNRWA Disputes Tribunal), to the International Court of Justice (submissions on behalf of the U.N. in advisory proceedings) and investigative materials to be used in the context of domestic judicial proceedings (evidence, analytical reports and case-assessments with UNITAD).

- 5. Si vous avez été juge, pouvez-vous donner un exemple relatant un évènement ou un moment particulier qui a mis à l'épreuve votre tempérament judiciaire ?**

If you have been a judge, can you describe a time that tested your judicial temperament?

While not having been a judge, I believe that most of my professional experience as an international civil servant is equally relevant in terms of testing a "judicial temperament", with the

understanding that such temperament implies being able to face challenging situations without compromising the fundamental principles that support the judicial function, in particular independence in the work of the judiciary and impartiality in its decision-making. I believe that what is called “judicial temperament” is applicable to many actors in the legal profession, including those lawyers who are international civil servants, and goes beyond the principles of independence and impartiality, involving a certain temperament, behaviour, patience, sensitivity and emotional intelligence.

As a specific example, I will note my time as head of a mission in the field, trying to ensure an orderly end to its operations and closure after the local authorities had requested its departure from the country. Pressure came from different actors, and for different reasons. There was pressure from certain communities and civil society organizations to finalize investigations relating to international crimes committed against specific communities of victims. From my perspective, it was important to ensure that the work products of the mechanism were balanced in that regard. There was also pressure from State actors regarding the sharing with local authorities of the evidence collected by the mission. The pressure increased over time, including threats of prosecution of my team, which I had to counter through different means to ensure the safety of the staff, of the information collected, and ultimately of the reputation of the Organization. I handled this situation without ever compromising the applicable legal framework, including international law and U.N. policies (e.g. respecting the need for the consent of those who had provided information in confidence), which in practice meant that not all documents could be shared, despite the pressure to do so. It required many discussions to explain the rationale of my decisions and to secure the safe transfer of the archives of the mission outside of the country, while finding compromises where possible and as appropriate.

Separately, I would note that I have participated in sensitive international negotiations where not only my “legal temperament” but also my mental strength was being tested. For example, in a specific negotiation, my counterparts tried to destabilize me by exposing confidential information from my Office in their possession which, in their view, contradicted my legal position. I always remained calm in those situations, contextualizing the information and responding with specific and accurate legal analyses.

6. Pour les candidats de la liste « A », veuillez décrire votre expérience en matière de droit pénal international. Pour les candidats de la liste « B », veuillez décrire votre expérience en matière de droit pénal et de procédure pénale.

For list “A” candidates, please describe your experience in international criminal law. For list “B” candidates, please describe your experience in criminal law and procedure.

List B candidate

At the United Nations, I have provided, and supervised the provision of, legal advice on questions relating to all international and hybrid criminal courts and tribunals (see question 2 above). This has included the provision of advice on questions of international criminal law and procedure for all of those courts and tribunals.

In addition to my specific experience with international and hybrid criminal courts and tribunals, I was the Senior Legal Adviser in charge of reviewing the terms of reference (statutory framework) of non-judicial accountability mechanisms established by U.N. intergovernmental organs to investigate and collect evidence of international crimes. These included the International, Impartial and Independent Mechanism to assist in the investigation and prosecution of persons responsible for the most serious crimes under International Law committed in Syria (the IIIM), the Investigative Team to promote accountability for crimes committed by Daesh/ISIL in Iraq (UNITAD), and the Independent Investigative Mechanism for Myanmar (the IIMM). Such review was made in line with international criminal law and procedural standards, as applicable.

I have also been deployed as Acting Special Adviser and Head of the Investigative Team to promote accountability for crimes committed by Da'esh/ISIL in Iraq (UNITAD). In this capacity, I personally supervised, reviewed and made final legal determinations on analytical reports and case assessments relating to acts committed by ISIL (Da'esh) in Iraq that may have amounted to war crimes, crimes against humanity and/or genocide. My review and determinations were based, first and foremost, on international criminal law and international humanitarian law, including determinations relating to the existence of an armed conflict and the identification of the parties to the conflict.

In addition to the foregoing specific experience in international criminal law from a multilateral perspective, during my time as Senior Legal Adviser at the Spanish Ministry of Justice, I provided advice on complex criminal justice-related questions, including in the context of judicial cooperation in criminal matters. These included terrorism cases in Spain and third countries, where such cooperation had to be considered in conjunction with international human rights obligations and standards (e.g. questions relating to fair trial, torture, and the death penalty).

More generally, as a legal scholar in public international law, I have researched and published on complex legal questions of international criminal law since 1999, including a book on universal jurisdiction for crimes against humanity. In that capacity, I have taught specialized courses in international humanitarian law, international human rights law and international criminal law, including seminars for the military at the Spanish Ministry of Defence.

7. Avez-vous de l'expérience en salle d'audience/en matière de plaidoirie et interrogatoire de témoins, si oui, veuillez décrire.

Do you have experience as a courtroom advocate, if yes, please describe?

While I do not have experience as a courtroom advocate as such, I have participated in advisory proceedings at the International Court of Justice, leading the team that prepared written and oral statements on behalf of the U.N. Secretary-General that were submitted to and made before the Court. I have also represented the Organization in administrative proceedings against UNRWA (UNRWA Disputes Tribunal).

8. Avez-vous une formation ou une expérience de travail avec des victimes de violence sexuelle et sexiste ou des enfants victimes ?

Do you have any training or experience working with victims of sexual and gender-based violence or victims that are children?

I have proven legal expertise in the fields of sexual and gender-based violence, and in relation to crimes committed against children in the context of armed conflicts.

At the Spanish Ministry of Justice, I developed orders and protocols for the implementation of the 2004 Spanish Law on violence against women. While at the Ministry, I also advised on the drafting of the 2011 Council of Europe Convention on preventing and combating violence against women and domestic violence (the Istanbul Convention).

Between 2012 and 2015, while working as a consultant for the Council of Europe, I trained judges in Romania, Morocco and Tunisia on responding to violence against women. I also worked as a consultant for public sector foundations of the Spanish cooperation system to advise governments and conduct trainings for judicial operators on violence against women.

While at OLA, I have supervised the preparation of legal advice to the Special Representatives of the Secretary-General for Children and Armed Conflict and Sexual Violence in Conflict.

As Acting Special Adviser of UNITAD, I supervised investigations of international crimes committed by ISIL (Da'esh) in Iraq, which particularly affected women and girls. Some of the reports of those investigations describe the details of the abduction, enslavement, and oppression that ISIL practised against women and girls in Iraq, providing a legal analysis of such crimes, within the framework of international criminal law and international humanitarian law.

9. Avez-vous une formation ou une expérience en matière d'interrogatoire de suspects ou de victimes présumées ?

Do you have any training or experience interviewing suspects or alleged victims?

UNITAD's mandate included the collection of evidence in the context of criminal investigations relating to acts committed by ISIL (Da'esh) in Iraq that may amount to war crimes, crimes against humanity and genocide. In particular, UNITAD conducted interviews of victims and witnesses. While I do not have specific training or direct experience in interviewing suspects or alleged victims, as Acting Special Adviser of the team, I personally supervised, reviewed and made final legal determinations in relation to those interviews and assessed the possibility of sharing them for eventual use in fair and independent criminal proceedings. In this regard, during its mandate, the Team supported some 300 requests for assistance received from 21 States, aiding their ISIL-related national investigations and prosecutions, which involved interviewing witnesses and victims. By the time that the mission closed, at least 18 cases under investigation supported by the Team had led to indictments, and at least 15 cases ultimately resulted in convictions.

UNITAD had a specialized unit to support witnesses and victims providing testimonies, which I also supervised as head of the team, having to take decisions in relation to protective measures as the mission was closing.

10. Avez-vous de l'expérience dans la rédaction de longs jugements ou de décisions judiciaires ?

Do you have any experience in drafting lengthy judgements or judicial/legal decisions?

While I have not drafted judicial decisions *stricto sensu*, I have extensive experience in drafting lengthy legal opinions on complex questions of public international law. This has routinely required the preparation and exposition of legal analyses and the making of legal determinations. I have done so in the context of the provision of legal advice as well as when drafting legal submissions to international courts and tribunals and to international committees and other bodies. As an example, in recent advisory proceedings at the ICJ, I led the team of lawyers that prepared written and oral statements to be submitted to and made before the Court (on 27 February and 28 April 2025, respectively). At the Spanish Ministry of Justice, I was a member of the team drafting Spain's submissions to the human rights treaty bodies.

As a legal scholar, I have written many articles, as well as two books on public international law. (*Force, ONU, Organisations régionales. Répartition des responsabilités en matière coercitive*, Brussels, Bruylant, coll. Droit international, 2012, 518 p. ; *La compétence universelle en matière de crimes contre l'humanité*, Bruylant, Brussels, 2003, VII + 178 p.)

11. Avez-vous déjà travaillé avec d'autres juges dans une formation collégiale ?

Do you have any experience working with fellow judges in a panel?

While never a judge myself, I have extensive experience working with judges, in particular during my time at the Spanish Ministry of Justice. In particular, I was a participant alongside members of the judiciary in working groups tasked with considering and developing legal reforms (e.g. criminal procedural code on universal jurisdiction for international crimes; European Union Council Framework Decisions discussed within the working party on judicial cooperation in criminal matters (COPEN), including on mutual recognition of decisions on supervision measures as an alternative to provisional detention, and on substantive criminal law (DROIPEN), including 2009/299/JHA on procedural rights).

I have also worked extensively with and for judges to provide trainings at the domestic level in Spain and at the international level as part of capacity-building activities (e.g. trainings for judges on human rights in the context of counterterrorism and on violence against women).

I have worked in other collegial settings, although not with judges, for instance as a member of selection and recruitment panels both in Academia and at the United Nations. This involved deliberations where it was fundamental to work in a collegial manner with the other panel members to find consensus and reach appropriate and fair decisions.

12. Avez-vous de l'expérience dans l'application du Statut de Rome ou de ses codifications nationales ?

Do you have any experience applying the Rome Statute or domestic codifications of it?

I have been analyzing and referring to various provisions of the Rome Statute - as the major codification of international criminal law - since I started my LL.M. in 1998, shortly after the Rome

Statute was adopted. I continued doing so throughout my academic career while teaching international law and preparing my publications.

During my time at the Spanish Ministry of Justice, I provided advice on the Rome Statute, in the context of the reform of the Spanish criminal code, to align domestic legislation with the Statute's provisions, in particular to integrate into Spanish law the notions of: a widespread or systematic attack directed against any civilian population; the grave breaches of the 1949 Geneva Conventions; and the non-applicability of a statute of limitations to genocide and crimes against humanity. I was also part of the interministerial team that prepared the Spanish positions at the 2010 Review Conference of the Rome Statute that took place in Uganda.

Since I joined the U.N. in 2015, I have continued to closely monitor the work of the Court, in particular its evolving jurisprudence. I have also frequently had to refer to the provisions of the Rome Statute, as well as to the jurisprudence of the Court, where relevant for the U.N.'s legal analyses, and when advising senior U.N. officials.

Having supervised the implementation of the U.N.-ICC Relationship Agreement, and the cooperation provided by the U.N. to the Court, I have acquired an excellent understanding of the main provisions of the Rome Statute and of the jurisprudence of the Court.

13. Comment décririez-vous votre niveau d'anglais et de français ?

How would you describe your level of English and French?

I have practised international law professionally in English, French and Spanish. I am bilingual in Spanish and French. I am also fluent in English, which has been my main working language since I began my work at U.N. Headquarters in 2015. I have also published several academic articles in English.

Most of my education was in French-speaking countries (Switzerland and France). I also taught international law in French in various universities, including the *Université de Paris 1 (Panthéon-Sorbonne)*, *Université de Cergy-Pontoise*, *Université de Paris 11*, and the *Institut d'Études Politiques de Paris - "Sciences-Po"*. In 2005 I was awarded the Suzanne Bastid prize for best doctorate in the French language.

14. Comment décririez-vous votre niveau de compétence informatique et technologique ?

How would you describe your level of information-technology competence?

I have excellent competence in the use of information technology. In addition to the use of traditional software tools for processing and presentations, I have been trained to use electronic discovery systems for the management of massive amounts of information in the context of criminal investigations (e.g. UNITAD), and most recently on the use of Artificial Intelligence ("AI") and generative AI (Copilot Web - advanced level). Given the overwhelming volume of digital data recovered from ISIL devices—nearly half of which was in video and image formats, and almost

entirely in Arabic—a specialized AI-driven e-discovery and data analytics application was developed at UNITAD, which I could and did access to verify information. Open-source investigation was also widely used by the team and proved to be very helpful for the investigative work.

As a researcher and legal adviser, I am used to traditional online research of data-bases of official documents, case-law and academic work.

15. Quels risques l'arrivée de l'intelligence artificielle causent-ils aux procédures judiciaires ? Comment feriez-vous en sorte de protéger l'intégrité de la procédure à cet égard ?

What risks are posed to judicial proceedings by the onset of Artificial Intelligence? How would you safeguard the integrity of proceedings in this respect?

While the possibilities of AI should always be considered, its use should be carefully framed and limited, bearing in mind ethical and human rights considerations applicable in judicial, and in particular in criminal, proceedings. The U.N. has developed the following set of Principles for the Ethical Use of AI in the U.N. System, which I consider to be a good compilation of the main considerations that need to be taken into account: do no harm; defined purpose, necessity and proportionality; safety and security; fairness and non-discrimination; sustainability; right to privacy, data protection and data governance; human autonomy and oversight; transparency and explainability; responsibility and accountability; and inclusion and participation. For legal determinations and decisions affecting fundamental human rights, the U.N. recommends human autonomy and oversight. While AI can assist in research and in certain analyses, it should never replace human reasoning to support any legal decision-making. Its use in the analysis of evidence also requires human oversight (e.g. to avoid false positives or false negatives).

UNESCO has also developed helpful guidelines for the safe use of AI systems in courts and tribunals, which provide practical principles, safeguards and recommendations to orient organizations and individuals in developing, acquiring, and using AI systems ethically and in full respect of human rights. These include information security, auditability, and human oversight and decision-making. Consistently with these Guidelines, AI could, for example, be used for the preparation of transcripts, under the supervision of a Court official. AI is a reality that is now here, and, subject to controls and protections, could be a useful tool for assisting in and supporting the conduct of criminal proceedings.

In my personal experience, AI has been so far of limited use for detailed and high-quality research, and it cannot be used for decision-making or legal expert review. When checking results provided by AI, I have often found inaccurate information and even wrong conclusions, in particular when the technology is confronted with information or practices that are not comprehensively recorded in the public domain.

16. Avez-vous déjà démissionné en raison d'un manquement ou fait l'objet de mesures disciplinaires ?

Have you ever resigned due to a shortcoming or faced disciplinary measures?

No.

17. Vous êtes-vous déjà récuse d'une affaire ?

Have you ever recused yourself from a case?

No, I have not recused myself from any file throughout my career, except in the context of my current candidacy to the ICC. In this regard, please note that, while campaigning for a judicial position at the ICC, I have recused myself from all matters relating to the Court. I have formally filed such recusal with the United Nations Ethics Office to avoid any conflict of interest between my official functions as an independent United Nations official and my candidacy for the ICC.

18. Qu'est-ce qui montre votre « haute moralité » ?

What shows your "high moral character"?

The Statute provides that judges shall be chosen among persons of "high moral character, impartiality and integrity" (Article 21, paragraph 3 (a)). The requirement of high moral character seems to derive from article 2 of the Statute of the International Court of Justice, which refers to "independent judges" who are "persons of high moral character". This requirement has also been described as behaviour and personal status compatible with holding judicial office. In other words, beyond the qualifications relating to impartiality and integrity, the purpose is to ensure that there is not any feature about a candidate (both professionally and personally) that could pose difficulties to the Court if the candidate were to be appointed as a judge (e.g. bankruptcy).

Candidates for election to the Court should be principled, both professionally and personally. In this regard, I believe that I have a consistent record of principled behaviour, with my decisions being made within existing regulatory frameworks and with common sense so as to ensure reasonable and fair results. I have always resisted pressure from other actors, both internal and external. This, I have particularly demonstrated in my work in U.N. field missions (see a specific example in my response to Question 5).

In settings where confidentiality is fundamental, being of high moral character assists in respecting this principle. I have constantly endeavoured to maintain a balance between, on the one hand, transparency and the basic requirement of natural justice that clear and reasoned explanations be given for all decisions and, on the other hand, respect for confidentiality and the need to exercise the utmost discretion to avoid harm to others.

Last but not least, I have always been accountable for all my actions and decisions, as nobody is above scrutiny – for example, by consistently agreeing to be the subject of 360-degree performance assessments.

High moral character is not just an inherent quality: it is something that has to be constantly exercised, reaffirmed and reassessed, to ensure that nothing is compromising it or could be perceived as doing so. It requires a certain state of mind and skills, which I believe that I have developed and exercised throughout my professional career.

It also requires anticipation, to prevent any situation from arising that could affect, or reasonably be perceived as affecting, one's high moral character and integrity. For example, since my time as a civil servant for the Government of Spain, I have refrained from making any public pronouncements that might adversely reflect on my status as a civil servant or on the institution that I serve (e.g. by limiting my use of social media).

As another example, I note that as a U.N. official at the director level, in addition to the obligations of independence in my work deriving directly from the U.N. Charter, I have been required to file annual financial disclosure statements. These include certification that my assets and economic and outside activities, as well as those of my spouse and dependent children, do not pose a conflict of interest with my official duties or the interests of the U.N.

19. La CPI s'attire régulièrement des critiques pour ses déficiences relatives à la culture du lieu de travail. Comment comptez-vous, en tant que juge, contribuer à l'amélioration des conditions de travail à la Cour ?

The ICC is frequently criticized for the deficiencies of its workplace culture. As an ICC judge, how do you propose to contribute to the improvement of working conditions at the Court?

A number of forms of behaviour and actions could contribute to the improvement of the working conditions at the Court:

Promoting integrity: In addition to leading by example (see my answer to Question 18), credible accountability mechanisms should be in place, including for elected officials, to respond to complaints. These mechanisms should ensure procedural fairness and certainty for all involved when allegations of misconduct arise and should address complaints expeditiously. A process that lasts too long will inevitably impact negatively on the institution, independently of the result. In close coordination with the *Chef de Cabinet* of the President of the STL, I personally worked on the establishment of the accountability mechanism for the STL judges. The difficulties that we had to confront did not relate to its establishment, but to its practical implementation. This required lengthy discussions to ensure that the mechanism was as precise as possible and that it was endorsed by all interested parties, before including it in the revised terms and conditions of the judges' contracts.

Working as part of a team: I am used to working as part of a team, both as a team member and as a team manager, with teams ranging from a few lawyers (in academia, at the Ministry of Justice and at the U.N.) to larger teams, including heading a team of more than 200 personnel in Iraq (UNITAD). In all the teams that I have led, I have actively encouraged open and lively discussion of the legal issues involved in any task or assignment. Getting teams to work together and open

up, share, listen and contribute has contributed, in my experience, to a healthier working environment. In addition, it has enriched discussion, made it easier to anticipate counterarguments, and ultimately led to more refined and reasoned analyses. Understanding the reasoning behind the different positions at stake is fundamental to engaging in a respectful and constructive discussion and to finding consensus where possible.

Encouraging consensus and collegiality in decision-making:

Throughout my career, whether in the legal office of an international organization or within a domestic authority, reaching consensus has been the objective. It has been necessary to find ways to overcome differences and find a common legal position, first, through thorough research and analysis, and second, by using language that accommodates and reflects as far as possible the different viewpoints and sensitivities at stake. A readiness on the part of all parties involved to consider alternative opinions, and to compromise where possible, is necessary.

In this regard, and as reflected in the Chambers Practice Manual, separate and dissenting opinions should only be issued once every effort to arrive at judicial consensus has been exhausted and as a measure of last resort. They should in any event be drafted in respectful language and a spirit of collegiality. The potentially adverse impact of separate opinions on judicial coherence and on the credibility of the Court should always be borne in mind. I would suggest caution and economy in issuing separate opinions when they are concurring in the disposition of the case. This would strengthen both the authority of the Court's decisions and avoid any possible perceptions that the reasoning behind those decisions is weak or somehow questionable.

Governance: The Chambers Practice Manual has become a key tool for monitoring judicial productivity, including timelines (e.g. by setting a typical target of four to six months from the first appearance to the confirmation hearing). It could be developed further to continue consolidating best practices as standards that judges should follow, in particular by reinforcing structural discipline through clear, stable and predictable practices (see the recent Nuremberg Academy Document Containing the Charges to Expedite Proceedings at the ICC, and its recommendations for early and consistent judicial gatekeeping in ICC pre-trial proceedings, in particular at the confirmation stage).

Ensuring respect for multilingualism and multiculturalism: During my more than 26 years of professional experience, I have worked effectively in three different languages (English, French and Spanish) in diverse and multicultural environments. Multilingualism, in particular in both working languages of the Court and, if possible, in other official languages, is always of added value. Judges operational in both working languages can ease discussions and facilitate consensus.

As an academic in the field of public international law, I worked with legal scholars from different countries throughout my career. I also provided training in almost all regions of the world, in English, French and Spanish, and interacted with lawyers from multiple legal traditions.

I have been working in OLA since 2015 with lawyers of around 50 different nationalities, from different legal traditions and with different cultural backgrounds. I have, furthermore, been deployed for prolonged periods of time in Jerusalem (with UNRWA) and in Baghdad (with UNITAD), where I had to lead multicultural legal teams and liaise with local institutions and lawyers. I have also frequently been deployed as the OLA lawyer in support of negotiations in every region of the world and have had to adapt to the different cultural environments in which the negotiations were taking place.

Understanding and respecting different legal traditions and cultural approaches to sensitive legal questions has been a key element of my work as a lawyer in a multicultural environment. I believe that such experience is important, not only to immediately fit within the ICC working environment, but also to contribute to improving its workplace culture.

20. Les pressions politiques extérieures peuvent être importantes selon les affaires dont a à connaître la Cour. Quels sont selon vous les moyens de garantir votre indépendance dans ce contexte ?

External political pressure can be significant depending on the cases before the Court. In your view, what measures can be taken to ensure your independence in this context?

Most actions to protect the judges of the Court are in the hands of States Parties (e.g. statements of support to the Court and its members, operational measures to counter the effects of restrictions imposed on the Court's members, including sanctions).

As far as the judges are concerned, they need to have the character and skills to resist such external political pressure and ensure that it does not affect their decision-making. From a judicial perspective, the only way to protect the Court and its members is to continue to operate through the strict implementation of the applicable legal framework. In addition, public exposure needs to be carefully measured and requires remaining "on message" and being extremely discreet with sensitive information.

In this regard, I am used to working under pressure from States, governmental authorities, national and international organizations, the media and the wider public, including victims' communities and civil society organizations. This was a constant during my time working for the Spanish Government and has remained so at the U.N, in particular when deployed in its field operations.

Questions sur les droits de la défense et l'égalité des armes / Questions on the rights of the defence and equality of arms

21. Veuillez décrire toute expérience que vous avez en matière de garantie des droits de la défense ?

Please describe any experience you have relevant to ensuring the rights of the defence?

During my time in Academia in Spain, I was the director of the Spanish branch of the European Prison Litigation Network, funded through a grant agreement from the European Commission

(JUST/2013/JPEN/AG/4558). The Network included lawyers and academic institutions from six different European countries. Our research focused on the rights of detainees in international human rights law, including rights of the defence. I have also taught and trained extensively on international human rights law, including with regard to the right to a fair trial and the need to ensure the rights of the defence.

While I was working in the Ministry of Justice of Spain, in the context of the preparation of a draft law on the recognition and comprehensive protection of victims of terrorism, we prepared language relating to the provision of assistance, including free legal aid, not only to victims, but also to associations dedicated to ensuring the rights of the defence. I also represented Spain in negotiations of the Council Framework Decision 2009/299/JHA enhancing the procedural rights of persons subject to criminal proceedings, to facilitate judicial cooperation in criminal matters and, in particular, to improve mutual recognition of judicial decisions between Member States. The Framework Decision recalled the obligation to respect fundamental rights and fundamental legal principles as enshrined in Article 6 of the European Convention of Human Rights, including the right of defence of persons subject to criminal proceedings, as well as the obligations that are incumbent upon judicial authorities in this respect.

While working at the U.N., I have frequently had to prepare materials to be shared with defence counsel in the context of international criminal proceedings before international courts and tribunals, including the ICC. In doing so, I have always striven to respond as fully as possible to requests from defence counsel, consistently with safeguarding the legally recognized interests of the U.N.

22. Que pensez-vous de l'impact des questions de l'égalité des armes et d'accès à des ressources suffisantes et adéquates pour les équipes de défense sur le droit de l'accusé à un procès équitable ?

What is your view on how issues of equality of arms and access to sufficient resources for defence teams impact the right of the accused person to a fair trial?

The ability to challenge an accusation in a criminal trial effectively implies an appropriate degree of 'equality of arms'. Ensuring that an accused has recourse to effective counsel and access to sufficient funds to present his/her defence is fundamental. Having worked and interacted with the different parts of all international and hybrid criminal courts and tribunals, I am very much familiar with their modalities for management of the defence and their legal aid. In particular, during the negotiation of the Addendum to the Agreement between Cambodia and the U.N. on the Transitional Arrangements and the Completion of Work of the ECCC (I led the initial negotiations on the U.N.'s side), questions relating to the equality of arms had to be considered. These included ensuring that the relevant legal aid system remained fully operational and available where needed during the residual phase (at the ECCC, defence costs were borne solely by the UN, and channelled through a Trust Fund managed directly by the ECCC Defence Support Section).

In accordance with international human rights law, in particular Articles 14 and 15 of the International Covenant on Civil and Political Rights, the rights of the accused must be respected throughout criminal proceedings. The provision of sufficient resources to defence teams to

conduct investigations is fundamental for an effective defence, and ultimately to ensure a fair and expeditious trial. While there have been many discussions regarding specific amounts that should be provided to defence teams at various international courts and tribunals and on what could be considered as sufficient resources, their identification is generally something that needs to be determined on a case-by-case basis, depending on the circumstances of the specific case in hand.

23. Veuillez donner votre opinion sur le caractère adéquat de la politique d'aide judiciaire du Greffe. Selon vous, y a-t-il des aspects de cette politique qui sont susceptibles d'avoir un impact sur l'équité des procédures de la CPI ?

Please give your views on the adequacy of the Registry's Legal Aid Policy. In your view, are there any areas of the policy that may impact the fairness of proceedings?

The Registry's Legal Aid Policy is not a judicial function and falls within the responsibilities for the administration and servicing of the Court that are incumbent on the Registrar. The system is regulated by the ICC's legal instruments, internal Registry guidelines and standard operating procedures, as well as by resolutions adopted by the ICC ASP on the question of legal aid. Regulation 83(4) stipulates that the decisions of the Registrar on the scope of legal assistance paid by the Court as defined in the regulation may be reviewed by the relevant chamber on application by the person receiving legal assistance. In this regard, the Appeals Chamber has held that the Registrar enjoys a relatively wide margin of discretion in the area of legal assistance, in particular in relation to the calculation and payment of fees.

I am aware of the calls, in particular from the ICCBA, for further improvements of the Legal Aid Policy adopted by the ASP In November 2023. It is often noted that the overall remuneration of defence and victims' teams remains below that of their prosecutorial counterparts at the Court, and there are calls for securing increased remuneration for external counsel.

Questions sur la participation des victimes / Questions on victims' participation

24. Veuillez décrire toute expérience ou formation que vous pourriez avoir en rapport avec le droit de participation des victimes devant la CPI.

Please describe any experience or training that you may have relevant to the right of victim participation before the ICC.

My relevant experience comes from my work in the U.N. Office of Legal Affairs, leading teams tasked with advising on matters relevant to all international criminal courts and tribunals and comparing their statutory frameworks. An important innovation of the Rome Statute concerned the role of victims in proceedings before the ICC. The statutes and rules of procedure and evidence of the international criminal tribunals that had been established by the U.N. before the adoption of the Rome Statute did not contemplate such possibility; neither did those of most of the international and hybrid courts and tribunals that the UN subsequently helped to establish. That said, the governing law of certain hybrid courts and tribunals did include victims' participation in the proceedings, in some cases as civil parties (*parties civiles*), in particular that of the ECCC. This was a consequence of the ECCC's hybrid nature and Cambodia's civil law system.

The Statute of the STL also had a provision mirroring the statute of the ICC in relation to victims' participation (Article 17), although its scope remained more limited than the Lebanese *partie civile* model of participation (and the ECCC one). The SCC in the Central African Republic, which is supported by the U.N., also allows victims to participate as *parties civiles*.

25. Quelle est votre opinion quant à l'étendue de la participation des victimes et à leur représentation légale devant la CPI, selon les différents stades de la procédure (y compris l'examen préliminaire, les enquêtes, la confirmation des charges, le procès, l'appel et les réparations) ? Plus précisément, considérez-vous que la représentation légale des victimes devrait être permise au stade initial de la procédure ?

What is your view on the scope of victim participation and legal representation before the ICC across the different stages of proceedings (including preliminary examinations, investigations, confirmation of charges, trial, appeal, and reparations)? In particular, do you consider that legal representation of victims should be permitted during the early stages of proceedings?

Victims, through their legal representatives and the activity of the Office of the Public Counsel, have become an important procedural actor, despite not formally being a party to pre-trial, trial, and appellate proceedings. Victims' participation at various stages of the proceedings is specifically provided for in the Statute, the rationale being that victims should be able to present their views and concerns to the Court at stages of proceedings in which their personal interests are affected.

In the absence of any detailed framework on victims' participation, the judges have gradually clarified matters, which has led to the current situation, where the participation of victims is well established. If elected, I would pay special attention to supporting the harmonisation of practices between the chambers in relation to the modalities of victims' participation.

I believe that it is advisable to initiate legal representation of victims during the early stages of the proceedings, and in particular as soon as an arrest warrant or summons to appear is issued, so as to facilitate their early involvement. The judges of the Court will decide at what stage(s) victims are entitled to participate in proceedings, starting from the Preliminary examination stage:

Preliminary examinations and investigations: The judges can decide that victims affected by the situation should be entitled to participate to express their views and concerns.

Confirmation of Charges Hearing: Victims' participation at this stage is viewed as a means to enhance the transparency of the judicial process and allow victims to voice their concerns.

Trial: During the trial, victims have the opportunity to express themselves through their legal representatives, enjoying specific rights such as presenting evidence and cross-examining witnesses. This contributes to the search for the truth and to victims' reparation. It is important to ensure that the rights of the defence are protected as appropriate.

Appeal: Victims' participation is usually more limited, although they may submit written observations on the issues under appeal and provide additional evidence.

Reparations: Victims' participation at this stage is crucial for determining appropriate reparation measures. They have the right to submit requests for reparations. As mentioned earlier, the length of the reparations phase remains problematic, despite the establishment of a special chamber for that purpose. This has led to disappointment of the victims themselves, and of their communities. There are ongoing discussions on how better to address this matter, bearing in mind that the time for required reparations is very long, and the funds are limited. In this regard, it is fundamental to find ways to reduce timelines. In my experience with victims of international crimes, time is of the essence to locate victims (e.g. identification information can quickly become obsolete), notably in volatile environments and where access to the territory is not easily obtained. Specific efforts could be devoted to this objective, in particular increasing financial contributions (from public and private donors) to accelerate the work for the identification of the victims.

26. De quelle manière considérez-vous que la participation des victimes a un impact sur les droits de la défense ?

How do you view victim participation as impacting the rights of the defence?

Participation by victims was extensively discussed during the negotiation of the Rome Statute, and States Parties did not reach a clear agreement, leaving to judges the responsibility of ensuring that a balance between the rights of an accused person and the rights of victims would be maintained at every stage of the proceedings.

The Statute allows victims' views and concerns to be presented in a manner that is not prejudicial to or inconsistent with the rights of the accused. The key point for the Judge is, accordingly, to ensure that victims can intervene and assert their views where their interests are involved, without their becoming a second prosecutor. During the trial, questions from the representative for the victims should therefore not duplicate those of the Office of the Prosecutor. Neither should victims' participation cause any unreasonable delay in the conduct of the proceedings.

27. Avez-vous des remarques ou des questions dont vous souhaiteriez faire part à l'ABCPI ?

Do you have any other points of which you would like to apprise the ICCBA?

I wish to conclude this questionnaire by thanking the ICCBA for the opportunity to share some of my views, thereby hopefully contributing to the quality and transparency of the selection process.

In this regard, I would like to add a point of increasing relevance in the Court's decision-making: namely, the important role that public international law in general plays in the consideration and solution of particularly sensitive questions (e.g. questions of jurisdiction of the Court, immunity of heads of state, obligations of States Parties to cooperate) and more generally in the analysis of public international law instruments (e.g. treaty law, U.N. resolutions).

The ICC is not only a court; it is also an international organization, established through the Rome Statute, a treaty to be interpreted in line with the rules that are codified in the Vienna Convention on the Law of Treaties. Moreover, pursuant to Article 21, the Statute (a Treaty) is the primary applicable law, and “applicable treaties and the principles and rules of international law” are a secondary source.

Certain of the Court’s analyses of issues of public international law have been criticized. More detailed and thorough analysis, elaboration and development of public international law issues, including from the perspective of customary international law, could help to strengthen the Court’s legal reasoning. Well-developed analyses of issues of public international law that may arise in the course of the Court’s work will ultimately prevent criticism of the Court’s decisions and so help to reinforce its authority and legitimacy. I believe I have the necessary qualifications and skills to contribute to realizing this objective.