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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)?

- I believe that my extensive judicial experience, combined with my dedication to fairness and integrity, impartiality, and judicial independence, would allow me to make a significant contribution to the further development of international criminal law, international justice, and the jurisprudence of the International Criminal Court, as well as to share unique Ukrainian experience.

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

What sets you apart as a candidate?

- Over 31 years of progressive professional experience in criminal justice.

I have extensive experience dealing with complex criminal cases at all levels of the judiciary.

- Judge of the Supreme Court - the highest judicial instance in Ukraine (2017-2023, Criminal Cassation Court; 2023 – till now, the Grand Chamber)
 - The author of a landmark Grand Chamber decision concerning Article 437 of the Criminal Code of Ukraine (planning, preparation, unleashing, and waging an aggressive war) in 2024.
 - Member and Chair of the Ethics Council, which is an independent body established as part of judicial reform to assess candidates for the High Council of Justice for compliance with professional ethics and integrity.
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?

- Ukraine conducted a national competitive selection procedure to nominate a candidate for election as a Judge of the ICC. Candidates were assessed against the requirements of the Rome Statute, including professional competence, judicial experience, and integrity.

Following the evaluation of candidates and interviews by the national selection body, I was selected as Ukraine's candidate for the 2026 election of judges of the International Criminal Court.

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.

From 2004 to 2017, I served as a judge, including in the capacity of Chief Judge of a court of first instance, where I adjudicated criminal cases and ensured the proper organisation of the court's operations.

In 2017, after winning in the highly competitive selection process among the wide range of deserving candidates from all over the Ukraine I was appointed as a judge of the Criminal Cassation Court of the Supreme Court, where I served until 2023. In this role, I reviewed complex criminal cases, including the most serious categories of crimes, ensured the uniform application of law, and contributed to the development of judicial practice.

Since 2023, I have served as a judge of the Grand Chamber of the Supreme Court from the Criminal Cassation Court, adjudicating the most complex cases that involve exceptional legal issues and providing authoritative guidance for the national judiciary.

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?

- Cases concerning war-related crimes and matters of exceptional public importance have required particular judicial restraint. In such cases, the emotional and social context may be very strong, but a judge must remain guided only by law, evidence and fair trial standards.

A clear example was the Grand Chamber case concerning Article 437 of the Criminal Code of Ukraine on the planning, preparation, unleashing, and waging an aggressive war. The case had exceptional legal and public significance, yet the judicial task was not to respond to public expectations, but to provide precise legal reasoning, define the relevant elements of the offence and ensure that the judgment was based on law and evidence.

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.

As a candidate on List A, my experience in relevant areas of international criminal law is based primarily on my judicial work in complex criminal cases concerning war-related crimes, the crime of aggression, and the application of international legal standards. As a judge of the Criminal Cassation Court and the Grand Chamber of the Supreme Court of Ukraine, I have dealt with cases requiring the application of international criminal law, international humanitarian law, human rights standards and the jurisprudence of international courts.

In 2024, I authored a landmark Grand Chamber judgment concerning Article 437 of the Criminal Code of Ukraine — planning, preparation, initiation and conduct of an aggressive war — which required the application of international criminal law, international humanitarian law, and the jurisprudence of international courts and tribunals. This judgement defined important legal

criteria for this crime and became significant for national case law concerning crimes against peace and international legal order.

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?

- Yes. Before becoming a judge, I served in the prosecution service from 1995 to 2004. In that capacity, I represented the public prosecution in criminal proceedings and acquired practical experience in the presentation of evidence, examination of witnesses, procedural motions and courtroom advocacy.

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?

- Yes. Throughout my 31 years of judicial and prosecutorial career, I have dealt with a lot of different criminal cases, involving violence, sexual offences and crimes committed against women and children.

As a judge of first instance, I was the first one in the Ukrainian judiciary who introduced and used a child-friendly, special room for questioning children outside the courtroom to prevent re-victimization of minor victims and women in such criminal proceedings (concerning crimes related to violence, sexual assault, etc. committed against women and children).

I am also one of the authors of the Handbook for Judges of Ukraine "Peculiarities of Conducting Criminal Proceedings Against a Minor" (2016).

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?

- Yes. During my work as a prosecutor, I gained practical experience related to criminal investigations, including questioning and procedural interaction with suspects, witnesses and victims. As a judge of first instance, I conducted trial hearings involving the questioning of victims and witnesses, including vulnerable participants.

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?

- At the cassation level and within the Grand Chamber, I have administered a justice in around 4 500 (four and half thousand) criminal proceedings, majority of which were complex criminal cases involving significant volumes of evidence, complex legal issues, and the need for ensuring the consistency in the application of the law. Adjudicating all these cases required a deep analysis of criminal legislation and led to drafting lengthy judgements.

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?

As a judge of the Supreme Court and the Grand Chamber of the Supreme Court, I have had a significant experience in collegial work since 2017.

As a judge of the Grand Chamber of the Supreme Court, I deliberate within a panel of 21 judges drawn from all four jurisdictions of the Supreme Court.

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?

- Yes. My judicial work has involved the application of national provisions concerning international crimes and the use of international criminal law and international humanitarian law as interpretative frameworks.

In particular, I have applied these norms in cases concerning war-related crimes, war crimes and the crime of aggression under Ukrainian criminal law (Articles 437, 438, 442, 442-1 of the Criminal Code of Ukraine), that are domestic codifications of the Rome Statute.

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

How would you describe your level of English and French?

- I have an advanced command of English, both written and spoken, which enables me to perform judicial functions effectively in an international environment.

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

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

- I consider my competence in information technology to be strong. In my judicial work I use electronic case-management tools, legal databases, digital files, videoconferencing and electronic legal research on a regular basis.

I also hold a Master's degree in Applied Mathematics, which helps me understand the logic, possibilities and limits of technological tools. In recent professional work I have also addressed issues of admissibility and authenticity of electronic evidence obtained from open sources (OSINT) in criminal proceedings concerning international crimes.

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?

- The use of AI technologies by a judge is acceptable if it does not affect the independence and impartiality of the judge, does not affect the assessment of evidence and the decision-making process, and does not violate the provisions of the Rome Statute and the Rules of Procedure and Evidence of the ICC.

I see artificial intelligence as a useful, but exclusively auxiliary tool in the work of a judge: when analysing and summarising large volumes of open information, searching for relevant case law, and preparing analytical materials.

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 récusé d'une affaire ?

Have you ever recused yourself from a case?

- Yes, I have recused myself from a case in accordance with the law, when the Criminal procedure code of Ukraine requires it. In particular, when I received a case for cassation review in Supreme Court, which I had considered in the first instance court.

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

What shows your “high moral character”?

- I serve as a Judge of the Supreme Court - the highest judicial instance in Ukraine. Moreover, I am a member and Chair of the Ethics Council. This role reflects my unwavering commitment to high ethical standards and professional integrity.

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?

- As an ICC judge I propose to improve the workplace culture first through personal conduct and example: respect, fairness, clear communication, responsibility for decisions and zero tolerance of harassment.

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?

I am aware that the exercise of judicial functions at the ICC may entail risks of political pressure, including sanctions or other restrictive measures imposed by individual states. Nevertheless, such risks must not affect the independence and impartiality of a judge, who must remain guided exclusively by the Rome Statute, the evidence, and the duty to administer international justice.

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?

- Protection of the rights of the defence has been a central part of my work as a criminal judge. At first instance, I was guided by ensuring the presumption of innocence, the right to counsel, the right to examine evidence and witnesses, the right to present defence arguments and the overall fairness of the trial.

At the Supreme Court level, I have reviewed cases involving alleged violations of criminal procedure and fair trial guarantees. This experience has strengthened my view that the rights of the defence are not a formality, but an integral part of the rule of law.

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?

- Equality of all arms is a core component of the right to a fair trial and the rule of law.

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?

- My approach to this issue is grounded in the principle that that legal aid must be professional, effective and accessible to meet the real needs of each case.

Any legal aid policy that results in delayed approvals, underfunded investigations, insufficient staffing or inability to use necessary experts may affect equality of arms and, consequently, the fairness of proceedings.

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 direct professional experience has been in national criminal proceedings, but it is closely relevant to the ICC's concern for victims. I have adjudicated cases involving

victims of violence, women and children, and have practical experience in ensuring that victims can give evidence in a safe and respectful manner.

At the same time, all such measures should simultaneously ensure the rights of the accused and the fairness of the proceedings.

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' participation is one of the important features of the Rome Statute. It strengthens the human dimension of international criminal justice and may assist the Court in understanding the impact of crimes, provided that participation is properly organised and does not prejudice the rights of the accused.

In my view, legal representation of victims may be appropriate even at early stages where a decision directly affects victims' interests, such as issues of protection, participation, information and preservation of interests.

Besides, where necessary, there should be used safe conditions for victims to give evidence, including questioning from another location or other security measures, to minimize the risk of re-victimization.

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?

- Balancing the rights of the accused and the victims requires a combination of several principles: the right to a defence for the accused, the right to respect for the interests of victims, and the overall fairness of the proceedings for both the accused and the victims. This balance must be determined in each specific case through the proper application of the provisions of the Rome Statute and the ICC Rules of Procedure and Evidence.

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?

- No