



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 live in a time where the rule of law is threatened and challenged. The International Criminal Court in particular is facing several serious challenges such as sanctions, numerous reports of poor work climate inside the Court, a large number of outstanding arrest warrants, and a small number of convictions.

The International Criminal Court is a central pillar of the international criminal justice system, and it is still the key institution to provide justice for victims of the most atrocious crimes.

As president of the Danish Association of Judges and from my leadership positions within the European and International Association of Judges, I believe it is essential to fight for the rule of law and the international criminal justice system.

I have dedicated my whole career to uphold the rule of law, fighting impunity, and to bring justice to victims of the most serious crimes. I would be honored to be appointed and to contribute to fulfilling the mission of the Court through my work as a judge. If elected, I would contribute to fostering a strong, collegiate working environment and focus on creating the highest degree of legal professionalism which in turn would lead to a stronger and better court.

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

What sets you apart as a candidate?

I have more than 30 years of experience from senior positions both in the Danish Judiciary, the Ministry of Justice, and the National Police and prosecution services, providing me with the highest level of competence in criminal law and procedure.

I have extensive courtroom experience, managing successfully sensitive and complex cases as well as the needs and expectations of witnesses and victims.

I was the Chairperson of the Danish Expert Committee mandated to analyse Danish legislation and propose legislative amendments concerning the independent criminalisation of war crimes and other international crimes in the Danish Penal Code in accordance with the Rome Statute and recommendations on ratification of amendments to the Rome Statute, including on the crime of aggression.

I am highly regarded for my expertise and collegiality both nationally and internationally, which is reflected, inter alia, in the leadership positions that my peers have elected me to assume in both the Danish, European, and International Association of Judges.

Moreover, I have special expertise and practical experience in the area of evidence and its role in trials having taught at university and conducted research in this field for 29 years, and having managed a high number of complex cases in the courtroom, including the fields of organised crime and terrorism. Since May 2024, I have taught senior and specialised prosecutors and investigators in the field of complex domestic violence and abuse in intimate relationships as well as rape, including methods of interviewing and assessing the credibility of vulnerable and traumatised victims.

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?

I was nominated as a Danish candidate by the Danish national group of the Permanent Court of Arbitration, which is comprised of the Permanent Secretary of State for Justice at the Danish Ministry of Justice; the President of the Danish Supreme Court; the Under-Secretary for Legal Affairs at the Ministry of Foreign Affairs of Denmark ; and a professor of international law from the Faculty of Law at the University of Copenhagen. The nomination took place in December 2025, following a presentation of my candidacy by the Danish government.

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.

Yes, I have been a judge for more than 11 years.

From 2014 to 2015, I was appointed as Acting High Court Judge. In 2015, I was appointed Judge in next largest District Court of Denmark, and in 2019, I was appointed High Court Judge in the Eastern High Court in Copenhagen. The High Court mainly processes cases of appeal from the District Courts and certain cases of a principal nature.

As District Court Judge, I had pre-trial duties such as conducting hearings on confirming arrest, reviewing detention and granting or denying the police/prosecution certain investigative measures such as search, seizure and wiretapping. I was also elected by my colleagues to head the section responsible for preparing criminal trials. I was responsible for all categories of criminal cases, including terrorism, organised and cross-border crime, cybercrime, rape, homicide, deprivation of liberty, serious violence (including against women and children).

As High Court Judge, I have been dealing with all categories of criminal cases, including terrorism, organised and cross-border crime, cybercrime, rape, homicide, deprivation of liberty, serious violence (including against women and children), and cases concerning the lawfulness of police use of force. I have also worked on a large number of cases involving interpretation and application of the European Convention on Human Rights, EU law, and the UN Convention on the Rights of the Child.

I have long-standing experience in complex and highly technical evidentiary assessment in comprehensive cases involving specialized investigations and prosecutors.

I have extensive experience as Presiding Judge and Deputy Presiding Judge. In this capacity, I have also extensive experience with case management and administrative duties such as reviewing case papers, conducting preliminary hearings, approving final court orders, managing cases through technology, both in court and in chambers, and managing legal processes to ensure efficient progression. Moreover, I have extensive experience in legal leadership: Ensuring fairness, maintaining courtroom order, and providing leadership within the judicial system to ensure the efficient dispatch of business.

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?

As a judge for more than 11 years, I have heard many different types of cases. In my experience, the key traits of good judicial temperament such as neutrality, courtesy, patience and open-mindedness are intrinsically linked to legal professionalism and the perception of fairness, and it is something that you constantly have to focus on.

When I was a fairly newly appointed District Court Judge, I was Presiding Judge in a criminal case that involved a Danish tabloid magazine. It was the first and only criminal case in Denmark in which chief editors of a media outlet were charged with unlawfully obtaining information about celebrities. The case attracted significant public and political attention, including live blogging from the courtroom. This tested my judicial temperament as it was my responsibility to ensure that the proceedings did not turn into a media spectacle.

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 Head of Section in the Danish Ministry of Justice, my duties included assessment of new Danish legislation regarding compatibility with international human rights law and EU law obligations. I also made contributions to Danish interventions before international courts.

As Head of and Deputy Head of Department in the Danish Ministry of Justice, I chaired inter-ministerial working groups on the implementation of EU legislation, inter alia, in the field of international criminal law. During the Danish EU Presidency in 2002, I was responsible for the coordination of initiatives in the fields of transnational criminal law and co-operation in police matters.

In 2012, I was Chair of the EU working group on information exchange and data protection during the Danish EU Presidency.

As Deputy Police Director, I was Representative of Danish police in an international programme organized by civil society partner Dignity, focusing on the prevention of torture in Jordan.

From 2023 to 2024, I was Chair of a government-appointed Expert Committee mandated to analyse Danish legislation and propose legislative amendments concerning the independent criminalisation of war crimes and other international crimes, including the Kampala and more recent amendments, in the Danish Penal Code in accordance with the Rome Statute. In that capacity, I was responsible for the committee’s legal analysis, drafting work, and preparation of legislative proposals which were subsequently presented by Government and within six months passed by a broad majority in parliament. I was also responsible for the committee’s interactions with various ministries and national authorities as well as the dialogue with Danish and international civil society.

Both as prosecutor and judge, I have extensive experience in cases that involve transnational criminal law and international human rights, inter alia, including in the fields of organised crime and terrorism.

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?

No, I don't have experience as a courtroom advocate, but as a former prosecutor, I have extensive courtroom experience in presenting evidence, examining witnesses and making arguments before a panel of judges both in the largest District Court in Denmark and in the Court of Appeals. As a prosecutor, I dealt with mainly the following categories of criminal cases: Rape and other grave sexual offences, child pornography, violence (including against women and children) and in relation to gang-related and organized crime), robbery and aggravated theft.

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 special expertise and practical experience regarding violence against women and children and have worked on numerous cases in this area both as a police official, as a prosecutor, and as a judge, including in international settings.

In addition, I have special expertise and practical experience in working with witnesses, survivors, and victims, including in cases involving sexual and gender-based violence. I have interviewed hundreds of witnesses, including in transnational cases and investigations.

Moreover, I have special expertise and practical experience in the area of evidence and its role in trials, including witness examination. As adjunct professor at the University of Copenhagen since 1995, I have taught on the graduate level and conducted research in this field for 29 years, and I have managed a high number of complex cases in the courtroom, including in the fields of organised crime and terrorism, which makes me a leading national expert in this regard.

Since May 2024, I have taught senior and specialised prosecutors and investigators in the field of complex domestic violence and abuse in intimate relationships as well as rape, including methods of interviewing and assessing the credibility of vulnerable and traumatised victims. I have served as Presiding Judge and Deputy Presiding Judge in

dozens of high-stake criminal proceedings, including complex cases involving violence against women and children.

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?

As mentioned above, I have interviewed hundreds of witnesses, including in transnational cases and investigations. I have special expertise and practical experience in working with witnesses, survivors, and victims, including in cases involving sexual and gender-based violence.

Since 1995, I have taught law students at the graduate level at the University of Copenhagen in the law of evidence, including witness examination and the evidentiary assessment of the credibility and reliability of witness testimonies.

Since May 2024, I have taught senior and specialised prosecutors and investigators in the field of complex domestic violence and abuse in intimate relationships as well as rape, including methods of interviewing and assessing the credibility of vulnerable and traumatised victims.

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?

Yes. I believe it is the duty of any independent Judge to write his or her own decisions. As a Judge for more than 11 years, I either write my own decisions or as part of a chamber take part in the drafting of decisions and judgements.

The length of judgements obviously varies depending on the nature of the case, the complexity, and number of witnesses etc., but I have drafted and participated in drafting a number of judgements consisting of several hundred pages.

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?

Yes. Both during my time as Acting High Court Judge and as High Court Judge since 2019, I work on a daily basis with fellow judges in a panel of minimum 3 judges. During my time as District Court Judge, I also worked with fellow judges in a panel of minimum 3 judges in several jury trials and certain key civil cases.

As a Judge for more than 11 years, I also work with lay judges and jurors as most criminal cases before Danish Courts are tried not only before legally qualified judges, but also with the participation of 3 lay judges or 6 jurors before District Courts and 3 lay judges or 9 jurors before the High 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?

No, I do not have specific experience applying the Rome Statute or domestic codifications of it in concrete cases. However, I do have experience which is very relevant to this question. First, as mentioned above, I was recently the Chair of the Danish Expert Committee preparing the integration of the Rome Statute and other international crimes into the Danish Penal Code which gave me direct insights into the special nature of these crimes, and relevant case-law of international tribunals. Second, I have extensive experience prosecuting and for the last 11 years also judging cases concerning serious crimes, inter alia, in the transnational context, and I have worked with victims and witnesses to bring justice in cases of sexual violence and terrorism.

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

How would you describe your level of English and French?

I have an excellent command of English and extensive professional experience of working in English.

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

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

Danish courts apply a high level of digitalization compared to other countries, featuring fully integrated digital case-handling portals, mandatory electronic communication for lawyers, and widespread use of courtroom video technology.

As a Judge for more than 11 years, I am used to working with information-technology on a daily basis.

As President of the Danish Association of Judges I am part of the national leadership forum of the Presidents of all Danish Courts headed by the Director General of the Danish Court Administration. In this capacity, I have been involved in the drafting of the IT and digitalization strategy of the Danish Courts. This strategy focuses on modernizing legacy platforms, expanding e-justice solutions, improving stable IT operations, and increasing overall processing efficiency to strengthen the rule of law.

As part of the national leadership forum, I have also been involved in the drafting of an AI strategy for Danish Courts which was formally adopted in 2026. The strategy sets the framework and direction for AI-related work within the Danish court system for the period of 2026–2029.

In my capacity as adjunct professor in the law of evidence, I teach in the area of, inter alia, cybercrime and digital evidence and the evidentiary assessment and probative value of such evidence.

Against that background, I would describe my level of competence as very advanced.

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 generative AI entails several significant risks with regard to security and of a legal and ethical nature which are crucial to consider.

As a starting point, the following ethical considerations and questions in relation to the use of AI in courts should in my opinion be considered:

- Does AI challenge the free assessment of evidence and hide or obscure that assessment?

- How to distinguish false from true evidence?
- How is real transparency of the proceedings ensured?
- Will a support tool become part of the reasoning and result of the judgment?
- Ensuring the validity – and thus the credibility – of input data and as a result the validity and credibility of output data.
- The risk of bias in algorithms.

As also stated in the Ethical Charter on the use of AI adopted by the European Commission for the Efficiency of Justice, I believe that the following five basic principles are crucial when using AI: The principle of respect of fundamental rights, the principle of non-discrimination, the principle of quality and security, the principle of transparency, impartiality and fairness, and the principle of “under user control”.

In light of the rapid development of AI, it is very important that Judges reflect on how to deal with AI and how they secure judicial oversight. As stated in the thematic report of 2025 by the Special Rapporteur on Independence of Judges and Lawyers, to preserve judicial independence, Judges must be the ones assessing and deciding on the adoption of any innovation that might affect their decisions, and Judges must therefore have access to training on AI, and the ability to confer with technologists, lawyers and the public about which AI systems, if any, they embrace.

AI and its impact on judicial activities is an ongoing topic for the Danish Association of Judges, and in October 2024, I participated in an international seminar on this topic in South Africa as part of the annual meeting of the International Association of Judges.

Finding the right balance between, on the one hand, using the obvious benefits of AI, and on the other hand securing judicial independence in a time where digital technology constantly and very rapidly develops is vital to safeguard the independence of Judges.

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?

No.

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

What shows your “high moral character”?

I have more than 30 years of experience from senior positions both in the Danish Judiciary, the Ministry of Justice, and the National Police and prosecution services. During my whole career I have focused on not only how I conduct myself professionally but also in my private life, I have strived towards always doing what is fair, just and kind.

I am a strong consensus-builder and team-player, putting the integrity and legal quality of my court's work first.

Both when I was Head of Section in the Ministry of Justice, when I was a prosecutor with the Prosecution Service at the Copenhagen Police, and as High Court Judge, I was elected by my peers to be their representative and negotiator in matters involving work conditions and workplace conflicts acting as a liaison to the respective senior management.

For two years in a row, I have been elected unanimously by all Danish Judges to represent them in all matters that pertain to the rule of law and the work conditions of judges. I have recently been asked to run for a third period as President of the Danish Association.

I am highly regarded for my expertise and collegiality also internationally, which is reflected, inter alia, in the leadership positions that my peers have elected me to assume in both the European and International Association of Judges.

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?

I am obviously familiar with this criticism and with the surveys about staff satisfaction. In April 2026, I also had the opportunity to meet with representatives from the Staff Union Council at the International Criminal Court and civil society experts to learn more about this matter.

I strongly believe in a healthy work environment and in the teamwork of a court and that a healthy and safe work environment contributes to a high degree of legal professionalism.

As mentioned in the proposal from the Study Group on Governance, I agree that to improve workplace culture it is necessary to focus on efforts both of a managerial nature and an institutional nature.

In my experience, from my many leadership positions, as representative for fellow colleagues, and in my current position as High Court Judge and President of the Danish Association of Judges, a good judge creates an inclusive and secure working environment by the way he or she communicates with and treats legal and administrative staff and fellow judges. It also has to do with the ability to manage the courtroom in a respectful manner.

In my experience, what characterizes an efficient and competent Presiding Judge is a blend of legal mastery, managerial leadership, and personal temperament.

If elected, I will strive towards creating a more cohesive organizational culture, securing equal treatment of all staff, and strengthening judicial collegiality and the importance of deliberation.

Creating and sustaining a healthy and safe work environment is not only a matter of securing a set up for dealing with complaints of poor work environment but requires a continued and institutionalized focus on creating an everyday healthy and inclusive work environment both within Chambers and across the Court as an institution.

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?

An independent and impartial judiciary is a cornerstone of the rule of law. The independence of the judiciary is not a privilege granted to judges, but a fundamental guarantee of the rule of law and the protection of human rights.

Pursuant to article 40 of The Rome Statute, the Judges shall be independent in the performance of their functions and shall not engage in any activity which is likely to interfere with their judicial functions or to affect confidence in their independence.

As stated in the ICC Code of Judicial Ethics, Judges shall be impartial and ensure the appearance of impartiality in the discharge of their judicial functions. Judges shall avoid any conflict of interest or being placed in a situation which might reasonably be perceived as giving rise to a conflict of interest. Judges shall conduct themselves with probity and integrity in accordance with their office, thereby enhancing public confidence in the judiciary. Judges shall not engage in any extra-judicial activity that is incompatible with their judicial function or the efficient and timely functioning of the Court, or that may affect or may reasonably appear to affect their independence or impartiality.

It is a duty for any judge to make sure that you discharge your functions without any undue pressure or influence from parties in the case or external factors such as political pressure. As a Judge for many years, I adhere to those standards.

Due to the special nature of the cases before the Court, if elected, I will continuously discharge my functions based solely on the evidence presented by the parties and in accordance with the relevant legal framework.

Notwithstanding the individual responsibility of Judges to secure their independence and impartiality, measures can and must also be taken on an institutional level and by states. The Assembly of States Parties is the Court's management oversight and legislative body which must support the Judges and protect the independence of the Court.

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?

The right to a fair trial is a fundamental human right and a basic principle of criminal justice.

As a prosecutor and Deputy Police Director, I have focused on conducting investigations and securing successful prosecutions while always ensuring that the rights of the defence are respected and upheld.

As a Judge for many years, I ensure on a daily basis that the rights of the defence are upheld, and I carefully balance in every trial the rights of an accused person and the rights of victims. This balance must be guided by the fundamental principles of a fair and expeditious trial, including the presumption of innocence, and the right of the accused to confront evidence and present evidence. These fundamental principles are also enshrined in the Rome Statute, article 66, on the presumption of innocence, and article 67 on the rights of the accused.

As President of the Danish Association of Judges, I have close cooperation and regular exchanges with the Danish Bar Association and The Danish Association of Defense Lawyers with regard to – on a politically neutral basis – securing the rights of the defence, improving the rule of law for the benefit of citizens and enterprises, and for a well-functioning society based on 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 arms in criminal proceedings is a fundamental legal principle and this principle is intrinsically linked to the right to a fair trial and is also encompassed in Article 67 of the Rome Statute.

Pursuant to Article 67(1)(b), as part of the rights of the accused, the accused – as a minimum guarantee, in full equality - shall be entitled to have adequate time and facilities for the preparation of the defence.

The Court's legal aid system ensures that the reasonable cost of legal representation is paid by the Court for persons who do not have sufficient means to pay for it.

In my understanding, equality of arms does not mean an absolute equality of resources. As the Court underlined in the Lubanga case, it requires, however, that the defendant has a reasonable opportunity to present their case under conditions that do not put them at a substantial disadvantage. The Court ruled that the defense had been granted sufficient procedural timelines, legal aid, and structural access to prepare effectively.

If such an issue is brought to the attention of a Chamber, the Judges should carefully examine and consider the matter and if necessary to ensure a fair trial make decisions and orders to that end.

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?

It is always difficult and dangerous to judge the adequacy of any policy without detailed knowledge about the daily workings of any court. I have no specific views on the policy cited here.

In my capacity as President of the Danish Association of Judges, I am involved in ongoing debates and the drafting of a preparatory report about possible changes and enhancements to ensure sufficient and effective legal aid in Denmark both when it comes to support for victims and defendants. This work is done in close cooperation with The Danish Bar Association.

Based on my experience, I believe that sufficient legal aid is fundamental in ensuring equality of arms and thus the right to a fair trial. It is also fundamental in ensuring attracting legal counsel who meets the highest standards of efficiency, competence and integrity. Inadequate resources can thus be detrimental to the right to a fair trial.

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.

I have special expertise and practical experience regarding violence against women and children and in working with witnesses, survivors, and victims of sexual and gender-based violence having worked on numerous cases in this area both as a prosecutor, and as a judge. Since May 2024, I have trained senior and specialised prosecutors and investigators in the field of complex domestic violence and abuse as well as rape, including methods of interviewing and assessing the credibility of vulnerable and traumatised victims.

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?

The scope of victims participation and legal representation before the ICC is a special regime which is distinct from many national judicial systems. As part of my reading and learning process as candidate for the judicial elections I have begun to familiarize myself with this specialized area and expect to learn even more, as I progress in this role. The following are preliminary remarks reflecting my initial thinking on these issues.

As noted in the report of the Internal Expert Review from 2020, the rules on victims participation is a "novel participatory regime" that leaves considerable scope for judicial flexibility. This regime is intended to give victims a meaningful role with substantial impact but always ensuring that the implementation does not result in an unfair trial. Victims may exercise their participatory rights throughout all instances of judicial proceedings, including appeals, and notably, victims may also claim reparations in case of a conviction of the accused.

The Rome Statute gives victims agency and rights, and as a Judge I will apply those rules conscientiously bearing in mind the intention behind those rules and the relevant case-law and drawing on my experience as a Judge.

I have heard many cases where victims and their testimony have been central.

With regard to the protection of the victims and their participation in the proceedings, article 68 (1) of the Statute directs the Court to take appropriate measures to protect the safety, physical and psychological well-being, dignity and privacy of victims and witnesses. Article 68 (3) allows for the Court to permit the views and concerns of the victims to be presented and considered at the appropriate stages of the proceedings and in a manner that is not prejudicial to or inconsistent with the rights of the accused and a fair and impartial trial.

The Rules of Procedure and Evidence also set out important rules for the rights of victims, including rule 88 on special measures, rule 89 (1) on application for participation of victims in the proceedings, which may include making opening or closing statements, rule 91 (3) on questioning a witness, and rule 93 on a Chamber seeking the views of victims or their legal representatives.

I also take note of the general principle in rule 86 that a Chamber in making any direction or order, and other organs of the Court in performing their functions under the Statute or the Rules, shall take into account the needs of all victims and witnesses in accordance with article 68, in particular, children, elderly persons, persons with disabilities and victims of sexual or gender violence.

For victim participation to become a real possibility and to secure victims' rights, I believe it is important to focus on early outreach, sufficient legal aid and legal representation and thus on all stages of the proceedings.

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?

To maintain a fair trial, it is vital for any court to secure the right balance between the rights of the victims and the rights of the defence. In my experience as a Judge, this also includes balancing expeditious proceedings with the rights of victims and the rights of the defence.

Pursuant to Article 68(3) of the Rome Statute, victim participation must not be prejudicial to or inconsistent with the rights of the accused.

Although it might be a difficult task, if done properly and with a continued focus on securing the right balance in light of the rights of the accused and the right to a fair

trial in all stages of the proceedings, I do not see victim participation and the rights of the defence as necessarily conflicting.

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 would like to express my gratitude to the ICCBA for this opportunity and for their contributions to the election process, as it is important for candidates to engage with the actors making up the international criminal justice system and learning from their experience. I would also like to thank ICCBA for their efforts in securing independent Counsel and Support Staff who represent victims, defendants and other actors (such as witnesses) before the ICC. In my experience as a Judge, independence of legal Counsel is a core part of the rule of law.