



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

ICCBA questionnaire for ICC 2026 judgeship candidates

RESPONSES TO THE QUESTIONNAIRE

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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)?

ResponseQ1:

My decision to seek election as a judge of the International Criminal Court (ICC) is informed by three factors: **trust, efficiency and resolve.**

First, this is a moment to reinforce the ICC's legitimacy as a reliable, independent and impartial Court worth of being trusted by not only the State Parties, victims and accused persons, but also the entire global community. In that regard, as it currently need to fill six vacant positions for its judges, it requires not only competent but also experienced judges who administer justice independently, impartially and efficiently, while remaining attentive

to the rights of accused persons, the interests of victims, affected communities and the wider international community.

For more than twenty-five years, I have served the criminal justice system in my country in different capacities, as a prosecutor, an academic, a trial judge and, currently, as a Justice of Appeal. These complementary roles have provided me with not only a wealth of experience but also a comprehensive understanding of what those who engage with the criminal justice system expect: proceedings that are carried out with efficiency, sufficient fairness and transparency, independency and impartiality, and which are worthy of public confidence. Throughout my judicial career, therefore, I have sought to apply the law faithfully and without fear or favour, ensuring that every person appearing before the Court receives equal justice. My experience has taught me that judicial legitimacy depends not only on the correctness of legal decisions, but also on the fairness of the process by which they are reached. The Rome Statute entrusts the ICC with a unique responsibility: to deliver justice through fair trial guarantees for accused persons while recognising the rights and interests of victims and communities affected by the gravest crimes. It is this responsibility, coupled with my competence and wealth of experience, that motivated me to accept my nomination. If elected, I would endeavour to apply the Rome Statute with fidelity, fairness and efficiency so that justice is not only seen to be done but also recognised and experienced by the communities it is intended to serve.

Second, I am moved by the quest for efficiency. Justice delayed carries significant human and institutional consequences. Witnesses' memories fade, victims endure prolonged uncertainty, accused persons remain subject to unresolved proceedings, and confidence in the administration of justice is diminished. Having served both as a prosecutor and as a trial judge before joining the Court of Appeal, I have witnessed these consequences first-hand. My experience has impressed upon me the importance of effective case management, timely delivery of judgments and procedural discipline without compromising fairness or due process. In that regard, I consider that the duties of an ICC judge extend beyond the interpretation of legal provisions to include ensuring the fair and expeditious conduct of proceedings while safeguarding the rights of accused persons and facilitating meaningful participation and protection of victims. Balancing these responsibilities requires sound judicial case management expertise, careful legal reasoning and an unwavering commitment to fairness. These are qualities that I have sought to cultivate throughout my judicial career and which I now seek to bring to the Court for the sake of enhancing its institutional efficiency.

Third, is my resolve and commitment to Justice and the Rule of Law. The ICC operates in an increasingly complex legal and geopolitical environment. It therefore requires judges who possess independence, integrity and the courage to apply the law impartially, regardless of political pressure or public opinion. My own candidature reflects my longstanding commitment to the rule of law, judicial independence, accountability and equal justice before the law. As a prosecutor, a member of the academia, a trial judge and currently justice of appeal, I have established a track record of discharging my judicial responsibilities faithfully, independently and impartially. Therefore, I have the confidence that if entrusted with a similar duty under the Rome Statute I will contribute to preserving the Court's integrity, independence and credibility while endeavouring to strengthen the Court's complementary role as a court of last resort, intervening only where national

jurisdictions are unwilling or unable genuinely to investigate or prosecute the gravest crimes of concern to the international community.

In summary: these three considerations— **trust, efficiency and resolve**— define both my motivation for seeking election and the values that would guide my service on the International Criminal Court should I be elected. They reflect the professional experience I have acquired over more than twenty-five years in serving the criminal justice system in my country, my commitment to the rule of law and my belief that international criminal justice must always be independent, fair, efficient and principled.

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

What sets you apart as a candidate?

Response Q2:

What sets me apart from other candidates is the unique breadth and depth of my experience across the criminal justice system, spanning more than 25 years. Few candidates have had the privilege of serving in every major role within that system—as a prosecutor, an academic, a trial judge, and now as an appellate judge. That experience has given me a comprehensive understanding of the administration of criminal justice from multiple perspectives and has equipped me to approach every case with balance, fairness, and a deep appreciation of the responsibilities entrusted to the Court.

Throughout my career, I have developed the analytical ability to resolve complex legal issues and the practical judgment required to work effectively in an environment characterised by competing interests. I have consistently discharged my responsibilities with independence and impartiality, resisting external pressure while safeguarding the integrity of the institutions I have served.

My experience has also shaped my judicial temperament. As both a prosecutor and a trial judge, I have successfully managed complex multi-party proceedings, high-volume caseloads, and cases raising novel procedural and substantive questions. I have also presided over cases that evoked profound public and personal emotions for those involved, requiring the discipline to decide each matter solely on the evidence and the law. Throughout, I have remained committed to the fair and efficient administration of justice while safeguarding the rights of victims and accused persons alike.

Above all, my career reflects a proven commitment to upholding justice and the rule of law through integrity, independence, and impartiality. These are not simply values I profess; they are principles I have demonstrated consistently throughout my professional life.

In short, what I bring to the Court is more than extensive judicial experience. I bring a uniquely informed perspective gained from serving across the criminal justice system, together with the judicial temperament, independence, integrity, and unwavering commitment to the rule of law that are essential to maintaining public confidence in the Court and strengthening its legitimacy.

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?

Response Q3:

I was selected through Tanzania's constitutionally prescribed, merit-based judicial appointments process. Although different jurisdictions adopt different models for judicial appointments, Tanzania's constitutional framework is designed to ensure that appointments are based on merit rather than executive preference.

Under the Constitution of the United Republic of Tanzania, the Judicial Service Commission (JSC), established under Article 112(1), is responsible for conducting a competitive selection and vetting process for appointments to the national judiciary, as well as for identifying and recommending candidates for regional and international judicial offices. Following this rigorous assessment, the JSC advises the President, who is the constitutional appointing authority. Thus, while appointments are formally made by the President, they are preceded by an independent, merit-based evaluation conducted by the Commission.

My nomination as Tanzania's candidate for election to the International Criminal Court followed this same constitutional process. The JSC shortlisted three serving judges of the High Court and the Court of Appeal whose qualifications and experience satisfied the requirements of Article 36 of the Rome Statute. After a thorough evaluation of our qualifications, competence, and experience, the Commission recommended me as Tanzania's nominee. The President subsequently formalised that recommendation in accordance with the Constitution, thereby issuing and signing a statement of endorsement of my candidature.

Accordingly, my nomination was the product of a transparent, competitive, and constitutionally prescribed process founded on merit. It reflected the independent assessment of the Judicial Service Commission and was subsequently formalised by the President in the exercise of her constitutional mandate, rather than being the result of executive discretion or political preference.

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?

Response Q4:

I have served as a trial judge for almost five years before my elevation to the Court of Appeal. During that period, I acquired extensive judicial experience at every stage of the criminal justice process, namely the pre-trial, trial, and appellate stages. My work has been guided principally by the Criminal Procedure Act (Cap. 20 R.E. 2023) and the Magistrates' Courts Act (Cap. 11 R.E. 2023).

- **Pre-trial stage**

As a trial judge, I regularly presided over pre-trial proceedings to ensure that criminal cases were conducted fairly, efficiently, and in accordance with the law. My responsibilities included arraigning accused persons by ensuring that the charges were read and explained to them so that they fully understood the allegations they faced. I also ensured compliance with the constitutional and statutory safeguards governing arraignment, including the requirement that an accused person be brought before the court within the prescribed period. Where unjustified delays or other serious procedural irregularities occurred, I determined the appropriate legal consequences in accordance with the law.

I have extensive experience determining bail applications, particularly in bailable offences where an accused pleaded not guilty. In deciding such applications, I balanced the constitutional presumption of innocence with the interests of justice before delivering reasoned rulings. My pre-trial experience also includes conducting preliminary hearings to ensure that the prosecution fully complied with its disclosure obligations by providing witness statements, documentary evidence, exhibits, and other evidential materials to the defence in sufficient time to prepare its case.

In addition, I routinely determined preliminary applications and objections raised by both parties. These included applications challenging the validity of charges, objections based on defects in the charge sheet, pleas of *autrefois acquit* or *autrefois convict* (double jeopardy), applications to amend charges, requests for interpreters, applications for in-camera proceedings, and plea-bargaining arrangements. In each case, I delivered prompt and reasoned rulings aimed at safeguarding the fairness of the proceedings while avoiding unnecessary delay. Where an accused entered a guilty plea, I ensured that the plea was unequivocal, voluntary, and fully informed before proceeding to conviction and sentence in accordance with the law. Where a plea of not guilty was entered, I confirmed that investigations and disclosure had been completed before issuing case management directions, fixing hearing dates, and making the necessary arrangements for witnesses, interpreters, and any outstanding procedural matters.

- **Trial stage**

My experience at trial involved managing criminal proceedings from commencement to conclusion while ensuring that every accused person received a fair hearing and that the rights of victims and witnesses were equally respected. I maintained courtroom decorum, ensured the attendance of the parties and witnesses, administered oaths to interpreters where required, and guaranteed that each party had an equal opportunity to present its case. I supervised the presentation of oral, documentary, and real evidence, ruled on objections to admissibility, ensured that exhibits were properly identified and received into evidence, and safeguarded the accused's right to examine all evidence relied upon by the prosecution. At the close of the prosecution case, I determined whether a *prima facie*

case had been established and ruled on submissions of no case to answer. Where no prima facie case existed, I acquitted the accused. Where sufficient evidence had been presented, I informed the accused of the available defence options, including the rights to remain silent, to testify, and to call witnesses, before proceeding with the defence case.

Throughout the trial, I assessed the credibility and demeanour of witnesses, evaluated the reliability and probative value of the evidence, and ensured that proceedings complied with the requirements of due process. At the conclusion of the evidence, I heard oral or written final submissions before preparing reasoned judgments based on the applicable law and the evidence on record. Where an accused was convicted, I conducted sentencing proceedings by hearing mitigation from the defence and submissions from the prosecution regarding aggravating factors before imposing an appropriate sentence consistent with the applicable sentencing principles. I also informed convicted persons of their statutory right to appeal within the prescribed time.

- **Appellate stage**

Following my elevation to the Court of Appeal, I have gained substantial experience in the appellate review of criminal cases. My responsibilities involve examining whether the trial court correctly applied the law, properly evaluated the evidence, observed procedural fairness, and reached findings supported by the record. In determining appeals, I consider allegations of errors of law, errors of fact, procedural irregularities, misapprehension of evidence, denial of fair trial rights, and whether any identified error occasioned a miscarriage of justice. Where material errors are established, I have participated in correcting them through the appellate process; where the trial court's decision is legally and factually sound, I have upheld the judgment.

In essence, my combined experience as both a trial judge and an appellate judge has provided me with a comprehensive understanding of the criminal justice process from commencement to final appeal. It has also reinforced my commitment to judicial independence, procedural fairness, the protection of constitutional rights, and the delivery of reasoned and impartial justice at every stage of criminal proceedings.

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?

Response Q.5

One occasion when my judicial temperament was tested arose while I was presiding over a criminal trial in the case of *Republic v. Prisca Tenganamba @ Anthony* [2024] TZHC 239. The case concerned a domestic violence incident that resulted in the death of the accused's husband and ultimately led to a conviction for the lesser offence of manslaughter.

The case was particularly challenging to me because the evidence revealed a prolonged history of domestic abuse, and the accused, a mother of four young children,

became visibly distressed while recounting the events leading to the offence. It was important that I remained patient, composed and impartial despite the emotionally charged nature of the proceedings. I briefly adjourned the hearing to allow her to regain her composure before continuing. Although procedurally modest, this step ensured that she was able to participate meaningfully in the proceedings while preserving the dignity of the court and the fairness of the trial.

Throughout the case, I remained mindful that my role was neither to sympathize with nor to condemn the accused, but to determine the appropriate outcome according to the law. In sentencing, I carefully weighed all relevant mitigating and aggravating factors, including her unequivocal plea of guilty, the prolonged domestic abuse she had endured, her personal circumstances, the interests of her four young children, and the applicable sentencing principles. Having balanced these considerations within the governing legal framework, I concluded that an absolute discharge was the appropriate sentence.

This experience reinforced the importance of judicial temperament: remaining calm and respectful in emotionally difficult circumstances, treating all parties with dignity, and ensuring that compassion never displaced impartiality or fidelity to the law.

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.

Response Q.6:

My candidature is in List A. Although I have not yet litigated a case before an international tribunal, I have developed substantial expertise in international criminal law through my academic work, scholarship, and extensive experience in criminal justice. As a member of the academia, I have taught criminal law and criminal procedure, including international criminal law, which has provided me with a strong foundation in the legal principles and jurisprudence governing the field.

My academic background is complemented by studies in public international law and international human rights law, as well as publications in these areas. In particular, I have published a paper examining the International Criminal Court as a pillar of international criminal justice in an increasingly fragile world. This work has deepened my understanding of treaty law, customary international law, state responsibility, and the institutional framework of international criminal justice. My knowledge of international human rights law has also equipped me with a thorough appreciation of due process, fair

trial guarantees, and the protection of both the rights of the accused and the interests of victims—principles that lie at the heart of international criminal law.

In addition to my academic expertise, I have served as both a prosecutor, a trial judge and currently an appellate judge of the apex court in my country. These roles have enabled me to develop practical skills in the interpretation and application of criminal law, the assessment of evidence, judicial reasoning, and the conduct of fair proceedings. While this experience has been acquired within the domestic legal system, the core principles of legal analysis, impartial adjudication, and the administration of criminal justice are equally applicable in the international context. Accordingly, I bring to international criminal law a combination of rigorous academic knowledge, scholarly research, and extensive practical courtroom experience. I am well prepared to apply these complementary strengths to the work of an international tribunal.

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?

Response Q.7:

I have substantial courtroom advocacy experience acquired through my service as both a public prosecutor and Chief Legal Counsel of the Fair Competition Commission (FCC). In these capacities, I was responsible for preparing and filing a wide range of legal documents, including pleadings, affidavits, notices of motion, and written submissions, and for representing my clients before courts and tribunals.

As a public prosecutor, I represented the Republic in criminal trials and appellate proceedings. My responsibilities included presenting the prosecution's case, examining and cross-examining witnesses, tendering documentary and other evidence, making oral and written submissions, and advancing legal arguments to establish the prosecution's case to the requisite standard of proof.

As Chief Legal Counsel of the Fair Competition Commission, I represented the Commission in litigation before the courts and the Fair Competition Tribunal (FCT). My role involved developing litigation strategy, preparing and reviewing court documents, filing proceedings, and presenting legal arguments in defence of the Commission's decisions and enforcement actions.

These roles have provided me with extensive practical advocacy experience, including case preparation, witness examination, evidentiary presentation, legal argument, and courtroom procedure. They have equipped me with the skills, professionalism, and judgment expected of an experienced courtroom advocate.

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?

Response Q.8:

I have not received specialized training in working with victims of sexual and gender-based violence or child victims. However, throughout my service as both a prosecutor and now as a judge, I have acquired substantial professional experience in handling cases involving survivors of sexual and gender-based violence and children. That experience has enabled me to understand and apply trauma-informed and child-sensitive approaches within the limits of the law, while ensuring that an accused person's right to a fair trial is fully protected.

My experience has reinforced the importance of recognizing the profound impact that sexual and gender-based violence and other forms of abuse may have on victims and survivors. A trauma-informed approach does not mean favouring one party or lowering the standard of proof. Rather, it requires judges to conduct proceedings in a manner that promotes fairness, dignity and equal access to justice, while minimizing the risk that the judicial process itself will compound the harm already suffered by vulnerable persons. Throughout my judicial career, I have consciously sought to apply these principles in every appropriate case.

In cases involving rape, sexual violence and offences against children, I have consistently ensured that the identity of victims is protected in accordance with the law by using initials or coded references in proceedings and judgments. The judgments I authored in *Optatus Elias @ Paulo @ Opi v. Republic* [2024] TZHC 8458, *Paschal Ambroz @ Ntinda & Another v. Republic* [2024] TZHC 10421, and *Jofrey Yangson Mwashitete v. Republic* [2026] TZCA 96 illustrate this practice. Such protection is particularly important in matters involving children, where even seemingly insignificant identifying details may expose them to long-term psychological harm or social stigma. Where authorized by law, I have also ensured that access to identifying information is appropriately restricted, thereby safeguarding victims' dignity, privacy and emotional wellbeing without compromising the transparency of judicial proceedings.

I also take deliberate steps to ensure that courtroom proceedings are conducted in a manner that minimizes the risk of secondary trauma. Courtrooms can be intimidating environments, particularly for survivors of gender-based violence or individuals who have lost close family members through violent crime. The case of *Republic v Prisca Tenganamba @ Anthony* (supra) provides an illustration. Similarly, in cases involving children, I routinely order *in camera* hearings where the law permits in order to shield children from unnecessary public exposure and reduce psychological pressure. I regard effective courtroom management as an essential component of trauma-informed adjudication and consistently remind legal representatives that witnesses, particularly vulnerable witnesses, must be examined with courtesy, dignity and respect for their fundamental rights. While robust cross-examination remains an essential feature of a fair trial, it should never become abusive, intimidating or unnecessarily humiliating.

Witness protection is another area in which trauma-informed principles guide my judicial decisions. Where authorized by law and appropriate to the circumstances of the case, I have directed protective measures such as testimony behind screens, evidence by video link and restrictions on direct cross-examination by an unrepresented accused where

such questioning would expose vulnerable witnesses to intimidation or further trauma. In one gender-based violence case, for example, a witness expressed a genuine fear of retaliation by the alleged perpetrator. Allowing her to testify by video link enabled the court to receive her evidence safely while fully preserving the accused's right to challenge that evidence through the established legal process.

I also work closely with social welfare officers where their statutory involvement assists the court in addressing the needs of vulnerable persons. Their professional assessments often provide valuable insight into the welfare of victims and children affected by litigation. For example, in a child custody dispute involving allegations of abuse, I directed that a social welfare officer undertakes a home assessment and provide appropriate support during the child's participation in the proceedings. This ensured that the child's best interests remained a central consideration throughout the case while providing the court with objective information upon which to base its decision.

My commitment to a trauma-informed approach extends beyond the courtroom. During a prison inspection, I encountered a woman who was being held on remand together with her infant child in conditions that raised concerns about the child's welfare. The mother was visibly distressed, and the circumstances called for prompt attention. Within the limits of my judicial authority, I directed that the relevant social welfare authorities assess the child's welfare, that the proceedings be prioritized where legally permissible, and that the prison administration review the arrangements for women accommodated with infants. That experience reinforced my conviction that the administration of justice must remain responsive to the needs of vulnerable persons while respecting the limits of judicial authority.

Across these experiences, my guiding principle has been that the administration of justice should not inflict avoidable secondary trauma on those who come before the courts. A trauma-informed approach recognizes that victims and vulnerable witnesses often participate in judicial proceedings while carrying profound emotional and psychological burdens. By integrating respect for dignity, appropriate privacy protections, careful courtroom management, procedural flexibility, where permitted by law, and effective collaboration with relevant support agencies, I strive to ensure that every person appearing before the court is treated with fairness, humanity and respect while remaining faithful to the rule of law and the fundamental principles of a fair trial.

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?

RESPONSE Q.9

Yes, I have practical experience interviewing and examining both witnesses/victims and suspects. As a prosecutor, I developed experience in conducting examinations of witnesses and victims during court proceedings. In my role as Chief Legal Counsel at the Fair Competition Commission, I also conducted investigations under the Commission's

inquisitorial procedures, which involved interviewing suspects, informing them of their legal rights, including the right to legal representation, and advising them that their statements could be used as evidence. I also obtained sworn affidavits from persons interviewed, which could subsequently be relied upon in court proceedings. Collectively, my experience as a prosecutor and chief legal counsel has given me a well-rounded understanding of interviewing techniques, legal safeguards, and evidentiary considerations applicable to interviews of suspects, victims, and witnesses.

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?

RESPONSE Q.10

Yes. I have extensive experience in drafting lengthy and reasoned judgments and decisions arising from both trial and appellate proceedings. As a trial judge and currently an appellate judge, the preparation of written decisions has been an integral part of my judicial responsibilities.

Throughout my judicial career, I have drafted decisions involving complex factual and legal issues, requiring careful evaluation of evidence, consideration of submissions by parties, and application of relevant legal principles. These decisions have included matters of both criminal and civil nature, with the length and complexity depending on the facts and circumstances of each case.

Examples of lengthy decisions I have drafted include *Erastus Mtui v Coca-Cola Kwanza Limited & Others* [2026] TZCA 622, *The Republic v Malocha Kanji @ Venance and Moris Togwa* [2024] TZHC 5613, and *The Republic v Kija Jilunga Maduka @ Mahela and 8 Others* [2025] TZHC 30.

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?

RESPONSE Q11.

Yes, I have extensive experience working with fellow adjudicators as part of judicial panels. This experience began during my tenure as a High Court Judge, where I participated in constitutional matters that, under the law, were determined by panels of three judges. It

was further strengthened upon my elevation to the Court of Appeal, where appeals are decided by panels of three or five judges.

Through these experiences, I have developed the ability to listen carefully to and respect the views and reasoning of my colleagues while articulating my own views in a respectful and constructive manner. I have learned the importance of judicial humility, openness to differing perspectives, and maintaining collegiality while preserving judicial independence and impartiality.

Where differences of opinion have arisen, they have been addressed through respectful engagement, including acceptance of dissenting views where consensus could not be reached. These experiences have enabled me to contribute effectively to a collegial court environment, strengthen the quality of judicial decision-making, and uphold the integrity of the judiciary as an institution.

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?

RESPONSE Q.12

No. I have not applied the Rome Statute or any domestic legislation incorporating its provisions, as my jurisdiction has not codified the Statute into national law. However, throughout my career as a prosecutor and trial judge, I have handled complex criminal cases involving multiple accused persons, serious offences, and issues requiring careful assessment of evidence, individual responsibility, and fair trial guarantees.

For example, in *Peter Mwashilindi v Republic* [2026] TZCA 147, I participated as a member of the appellate panel in determining an appeal involving a conviction for rape where the appellant challenged the failure of the trial court to properly determine his age. The Court addressed important constitutional and procedural issues concerning the burden of proof, protection of vulnerable persons, and the accused's right to a fair trial. The decision demonstrated the importance of ensuring that criminal liability is established through lawful procedures and reliable evidence.

In *The Republic v Kija Jilunga Maduka @ Mahela and 8 Others* [2025] TZHC 30 (the Katavi case), I presided over a complex murder trial involving allegations of collective responsibility arising from the killing of three park rangers. I carefully assessed the evidence against each accused individually and acquitted the ninth accused after finding that the prosecution had failed to prove beyond reasonable doubt that he had ordered, intended, encouraged, or otherwise contributed to the murders. Although the case was decided under domestic criminal law and did not involve the Rome Statute, it involved principles consistent with international criminal law, particularly the requirement that criminal responsibility must be based on an individual's own conduct and mental element.

These experiences have strengthened my ability to analyze complex criminal cases, evaluate evidence rigorously, and apply principles of individual responsibility, due process,

and fairness—skills that are relevant to the work of international criminal justice institutions.

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

How would you describe your level of English and French?

RESPONSE Q13

English has been the language of instruction throughout my secondary and university education and has been the principal working language of my legal career. I am fluent in both spoken and written English and regularly use it in legal research, drafting judgments, and professional communication.

I do not have a working knowledge of French and am not fluent in either spoken or written French.

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

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

RESPONSE Q14

I have basic to intermediate ICT competence. I am proficient in using a computer to draft and prepare judgments, conduct legal research, use email and standard office applications, and participate in virtual court hearings using online platforms where internet access is available. I work effectively with ICT systems used in my role and seek assistance from Information Technology support officers only when technical support is required.

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?

RESPONSE Q15

The increasing use of artificial intelligence (AI) in an increasingly complex, dynamic, and fragile world has made it an important tool for improving the administration of justice. However, the key issue is not whether AI should be used, but the extent to which

it should be integrated into judicial work. AI presents several risks, including algorithmic bias, lack of transparency, data privacy concerns, cybersecurity vulnerabilities, and the danger of overreliance on automated outputs. These risks may undermine fairness, due process, and public confidence in the judiciary, especially if AI is used without adequate safeguards.

To protect the integrity of judicial proceedings, AI should be used only to support administrative and analytical functions, such as evidence management, data analysis, translation, transcription, case management, and legal research. Decisions that require judicial discretion, credibility assessments, or the interpretation and application of the law must remain the responsibility of judges. Moreover, courts should adopt clear governance frameworks, ensure human oversight, conduct regular audits of AI systems, and maintain transparency and robust data protection measures. These safeguards enable courts to benefit from AI's efficiency while preserving the fairness, independence, and integrity of judicial proceedings.

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?

RESPONSE Q16

With utmost certainty, I confirm that I have never been asked to resign, required to step aside, or subjected to any disciplinary proceedings or disciplinary measures. I have never been suspected, investigated, or charged with any misconduct in the course of my professional or public service. Throughout my life, from childhood to the present, I have maintained a record of integrity and have conducted myself as a law-abiding citizen. As a public servant and judicial officer, I have consistently discharged my duties with integrity, professionalism, independence, impartiality, and fidelity to the rule of law.

However, in my professional career, particularly during my service as Director of Compliance at the Fair Competition Commission, I was part to a disciplinary hearing team where a member of staff was involved. As the Commission's chief legal counsel, throughout the proceedings I ensured that the staff member concerned was given a fair opportunity to be heard, that the process remained confidential, and that the applicable disciplinary procedures were applied consistently and impartially. My objective was to ensure that the process was both fair and respectful, thereby maintaining confidence in the institution's disciplinary framework.

These proceedings taught me on the importance of acting with integrity, independence and impartiality even for internal matters touching on issue of discipline at work places.

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

Have you ever recused yourself from a case?

RESPONSE Q17.

Yes. On one occasion, after I had dealt with preliminary matters and made interlocutory rulings in a case, the matter proceeded to hearing and a legal representative for one of the parties appeared pursuant to a power of attorney. I immediately recognized that the representative was a close relative of mine.

To avoid any actual or perceived conflict of interest, I promptly disclosed the relationship to the parties and recused myself from further presiding over the matter. In my view, recusal was necessary to preserve the integrity and impartiality of the proceedings, maintain public confidence in the administration of justice, and uphold the ethical standards expected of a judicial officer.

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

What shows your “high moral character”?

RESPONSE Q.18

Integrity has been the cornerstone of my legal and judicial career. Throughout my service, I have consistently discharged my duties with honesty, independence, and an unwavering commitment to ethical principles.

A notable example occurred during my tenure as Chief Legal Counsel at the Fair Competition Commission. At the time, the Commission was investigating a liquor supply company. During the Christmas season, the company's Managing Director sent several crates of beer to the Commission as gifts, explaining that the company customarily distributed such gifts to its stakeholders. Upon being informed of the delivery by my subordinates, I immediately directed that the entire consignment be returned to the company without delay. I considered it inappropriate for the Commission to accept gifts from a company that was the subject of an ongoing investigation. Accepting the gifts, regardless of the company's stated intention or established practice, could reasonably have created a perception of bias or compromised the integrity and independence of both the investigation

and the institution. By returning the gifts, I sought to uphold the highest ethical standards and preserve public confidence in the Commission's impartiality.

This incident reflects my enduring commitment to protecting both my personal integrity and the integrity of the institutions I serve. I firmly believe that integrity is indispensable to the fair administration of justice and is essential to maintaining public trust in the judiciary.

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?

RESPONSE Q19.

An institutional culture founded on integrity, respect, accountability, and professionalism is essential to the credibility, effectiveness, and legitimacy of the International Criminal Court. As an international judicial institution entrusted with addressing the most serious crimes of concern to the international community, the ICC must foster a workplace in which every judge, official, and member of staff is treated with dignity, feels safe to raise concerns, and is held to the same high ethical standards.

In my view, strengthening the ICC's institutional culture requires both strong governance structures and sustained leadership commitment. First, the Court should ensure that its codes of conduct, ethical standards, and disciplinary policies are clear, accessible, and consistently applied to all personnel, regardless of rank or position. Confidence in institutional integrity depends not only on having appropriate rules but also on their impartial and transparent enforcement.

Secondly, the Court should maintain secure, confidential, and independent reporting mechanisms for allegations of harassment, discrimination, bullying, abuse of authority, sexual harassment, retaliation, and other forms of misconduct. Staff and officials who report concerns in good faith should be protected from retaliation, and complaints should be investigated promptly, fairly, and confidentially. An environment in which individuals feel safe to speak up is indispensable to institutional accountability.

Thirdly, promoting a healthy institutional culture should be viewed as an ongoing responsibility rather than a one-time initiative. Regular training on ethics, professional conduct, diversity and inclusion, respectful workplace behaviour, and leadership responsibilities should be provided to judges, managers, and staff alike. Periodic staff surveys and structured opportunities for dialogue can also help identify emerging concerns and enable the Court to respond proactively before problems become systemic.

Finally, institutional culture is shaped primarily by leadership. Judges and senior officials must consistently demonstrate integrity, impartiality, accountability, and respect in both their professional conduct and interpersonal relationships. A culture of professionalism is sustained when leaders lead by example, encourage constructive dialogue, listen

respectfully to differing views, and foster an environment in which all members of the institution can contribute confidently to the Court's mission.

My own professional experience has reinforced these principles. As Director of Compliance at the Fair Competition Commission, I managed teams and contributed to strengthening an institutional culture based on accountability, fairness, confidentiality, and mutual respect. I supported workplace practices that promoted respectful communication, professional conduct, and the consistent application of institutional policies, while ensuring that confidential information and those who reported concerns were appropriately protected.

Similarly, as a Zonal Judge in Charge, I was responsible for overseeing both judicial officers and non-judicial staff. I promoted ethical conduct, professionalism, and accountability through regular meetings, guidance on judicial ethics, and oversight of the implementation of the Judiciary's electronic case management system. Encouraging staff to embrace institutional reforms enhanced efficiency, consistency, transparency, and accountability while reinforcing a culture of service to court users founded on dignity and respect.

These experiences have strengthened my conviction that a positive institutional culture is built through principled leadership, fairness, transparency, accountability, and respect for every individual. If elected as a Judge of the International Criminal Court, I would actively support initiatives that strengthen these values, recognizing that a healthy institutional culture not only enhances staff well-being but also reinforces the Court's independence, effectiveness, and the confidence that victims, States Parties, and the international community place in its work.

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?

RESPONSE Q.20

It is true that the nature of a case before the Court may determine the type and intensity of external pressures a judge may face. However, regardless of the circumstances, the measures required to safeguard judicial independence remain the same: a judge must consistently uphold independence, impartiality, and integrity in the exercise of judicial functions.

In accordance with Article 40 of the Rome Statute and the ICC Code of Judicial Ethics, a judge should ensure that decisions are based solely on the law, the facts, and the

evidence before the Court, while providing clear and reasoned explanations for those decisions. To preserve independence, a judge should avoid conflicts of interest, disclose any circumstances that may affect impartiality, and recuse themselves where appropriate. Judges should also maintain professional distance from political influence, media pressure, and public opinion, and use the institutional safeguards available within the Court to address any improper attempts at interference.

Ultimately, judicial independence is protected through a continuous commitment to ethical conduct, fidelity to the Rome Statute, and the impartial application of the law without fear, favour, or external influence.

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?

RESPONSE Q21

In essence, the right of the defence are the rights which the accused person is entitled. These include right to be presumed innocent, right to be informed promptly of his offence for which the charge was preferred, right to legal counsel, right to adequate preparations of defence, right to examine witnesses, right to remain silent and not to self-incriminate. These being fundamental to a fair trial they are legally protected as basic rights of defence. The how aspect is what is paramount.

In discharging my judicial functions as a trial judge, I understood that I was a guardian of fair trial and, for that matter, from the commencement of the cases I presided over, I ensured that the accused persons understood the nature of the charges and the ensuing proceedings. I also ensured that the accused persons were duly represented by legal counsel and where the accused had conflicting interests that they are represented by different legal counsel. I also ensured that the duty to prove the offence rested on the prosecution throughout since the accused persons have not duty to prove their innocence.

Right to have an interpreter where the accused did not understand the language of the court as well as ensuring that the accused persons were afforded full disclosure of the evidence in the hands of the prosecutor was also among the rights I had to protect. In so doing, I guaranteed fair hearing and due process of the 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?

RESPONSE Q21

Equality of arms is essential to ensuring that an accused person receives a fair trial because it prevents the prosecution's greater institutional resources from creating an unfair advantage. While it does not require the defence and prosecution to possess identical resources, the accused must have a genuine and practical opportunity to present a case, challenge evidence, and participate effectively in the proceedings. Access to sufficient resources for defence teams, including qualified legal representation, adequate preparation time, investigative assistance, and expert support where necessary, is therefore critical. Where defence team lack these resources, the accused may be unable to properly challenge the prosecution's evidence or raise important legal and factual arguments, undermining the fairness of the trial. In my view, equality of arms is not merely a procedural safeguard but a necessary condition for ensuring that the accused's right to a fair trial is meaningful in practice rather than only guaranteed in theory.

- 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?

RESPONSE Q.23

I have read the 23 paged ICC Legal Aid Policy. In my view, the policy provides an important safeguard for the accused's right to a fair trial by supporting access to legal representation and essential defence resources. This is because it promotes equality of arms by helping to reduce the imbalance between the prosecution and defence, particularly where the accused lacks financial means. However, the adequacy of the policy remains open to question because complex international criminal cases require extensive resources, including investigators, experts, and substantial preparation time. Limited or delayed funding may hinder the defence's ability to effectively challenge the prosecution's case. Therefore, while the policy is a significant step towards ensuring fairness, it must provide timely, sufficient, and flexible resources to ensure that the accused can participate effectively and on an equal footing with the prosecution.

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.

RESPONSE Q.24

I do not have direct experience or specific training concerning the right of victims to participate in proceedings before the ICC. However, in my capacity as a trial judge, I have gained relevant judicial experience concerning the involvement and protection of victims within criminal proceedings, particularly in cases involving sexual violence. In such cases, victims participated as witnesses, their experiences and the harm they suffered were placed before the court, and the prosecution advanced their cases. In appropriate circumstances, I have also ordered compensation for victims as a form of redress for the harm suffered. These experiences have provided me with a practical understanding of the importance of ensuring that victims' rights and interests are recognized within the justice process.

At the same time, my judicial role has required me to ensure that consideration of victims' interests is balanced with the rights of the accused and the fundamental requirements of a fair and impartial trial. While I have not had specific ICC experience in relation to victim participation, my judicial experience has given me insight into the principles underlying meaningful victim involvement and the need to protect both victims' rights and due process guarantees.

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?

RESPONSE Q25

The International Criminal Court (ICC) is an established a unique framework that allows victims to participate in proceedings where their personal interests are affected. Unlike traditional criminal justice systems, where victims mainly act as witnesses, the ICC recognizes victims as participants with independent interests. Under Article 68(3) of the Rome Statute, victims may present their views and concerns through legal representatives when permitted by the Court. This is a feature that markedly distinguishes the Court.

However, victim's participation during the preliminary examination stage is very limited. At this stage, when the Prosecutor evaluates whether there is a reasonable basis to open an investigation, victims do not have a formal procedural role. Even so, they may submit information to the Office of the Prosecutor, which may assist in assessing the situation. At this stage, even legal representation is generally unavailable because there is no active case before the Court.

When a decision to open a formal investigation is made, during such investigation and pre-trial stages, victims may apply for participation once proceedings are before the Court. It is at these stages, if recognized as victims, they may express their views through legal representatives, particularly during confirmation of charges hearings. Their role is not to prosecute the accused but to provide perspectives on matters affecting their interests. For instance, they may seek to be heard regarding disclosure or confidentiality **issues** where these directly affect victims' rights or security. It could also involve issues relating to the factual allegations underlying the charges, where relevant to their interests.

At the trial stage, however, victims have broader rights. Their legal representatives may make submissions, participate in hearings, and assist in presenting concerns related to evidence and the impact of crimes. During appeals, participation continues where victims' interests are affected, although their role remains limited compared with the prosecution and defence.

The reparations stage provides the greatest opportunity for victim involvement. Victims may present claims and participate in determining appropriate forms of reparations, including compensation and rehabilitation.

While victims' participation is a commendable innovation, in my view, legal representation ought to have been permitted during the early stages of ICC proceedings. If that was to be the case, it would ensure that victims are informed, supported, and able to contribute meaningfully from the beginning. While concerns exist regarding delays or interference with investigations, these can be addressed through judicial control. Allowing earlier participation would strengthen victims' rights, transparency, and the legitimacy of the ICC.

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?

RESPONSE Q26

In my view, while victim participation has the potential to affect the rights of the accused if left unchecked, the framework of the Rome Statute and the Court's jurisprudence provide adequate safeguards to ensure that such participation does not prejudice the fairness of the proceedings. Victim participation before the International Criminal Court is a qualified right, and Article 68(3) of the Rome Statute expressly requires that victims' views and concerns be presented only in a manner that is not prejudicial to or inconsistent with the rights of the accused and a fair and impartial trial. I therefore view victim participation as an important feature of international criminal justice that enhances the legitimacy and inclusiveness of proceedings, provided that it remains subject to judicial control. Depending on the Chamber's authorization, victims may, through their legal representatives, present observations on legal or factual issues affecting their personal interests, make written and oral submissions, attend hearings, and, in appropriate circumstances, question witnesses, experts, or the accused. However, they are not parties to the prosecution and cannot independently prosecute the case, amend or broaden the charges, compel the Prosecutor to pursue particular allegations, circumvent disclosure obligations, or exercise procedural rights reserved to the Prosecutor.

In my view, the decisive consideration is that victim participation must never compromise the accused's rights under Articles 66 and 67 of the Rome Statute, including the presumption of innocence, equality of arms, adequate time and facilities to prepare a defence, and the right to a fair, impartial, and expeditious trial. It is therefore the responsibility of the Chamber to determine the scope and manner of victim participation on a case-by-case basis and to impose any limitations necessary to protect those rights. Accordingly, I consider concerns that victim participation may affect the rights of the accused to be real but manageable. Through careful judicial oversight and the exercise of the Chamber's discretion, meaningful victim participation and the protection of the accused's fair trial rights are not competing objectives but complementary ones. The Court should ensure that victims are heard without permitting their participation to prejudice the rights of the defence or the overall fairness 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?

RESPONSE Q.27

No. However, I would like to express my gratitude for the questionnaires as initially it was not availed to me within the time frame you had indicated.
