



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

ICCBA questionnaire for ICC 2026 judgeship candidates

Carolina Olarte Bácares - Colombia

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)?

From an institutional perspective, the International Criminal Court represents the shared interests of the international community as a whole regarding the maintenance of international peace and security. As such, it is one of the cornerstones of international justice.

Throughout my career as an international lawyer, academic, and diplomat, I have been firmly convinced that law plays a fundamental role in the development of societies as democratic, sovereign, and just environments. Therefore, I believe that the mission carried out by the ICC aligns with my interest in contributing to the consolidation of the rule of law in the international context.

I believe that, through its work, the Court makes three fundamental contributions. First, from a judicial perspective, it firmly addresses the needs of the global fight against impunity for international crimes. Second, from a legal standpoint, jurisprudence demonstrates the ongoing development of international criminal law as a dynamic system, one that constantly interacts with other normative areas (international humanitarian law, international human rights

law, and the domestic law of the States Parties). Third, from a teleological outlook, the Court facilitates the realization of the objectives of the international system, as it emphasizes that accountability is the path to reconciliation and lasting peace. In pursuit of these three pillars, I believe that my training, experience, and personal capabilities can be put to good use in the work of the ICC to fulfil its mandate.

Furthermore, my application is motivated by the empathy and commitment I feel towards the victims of international crimes, violations of international humanitarian law, and human rights abuses. In that sense, I believe that the Court, through its judicial action and its complementarity with national jurisdictions, can offer hope for effective representation to many communities that do not necessarily have other avenues to pursue justice. I also think that consolidating the Court's jurisprudence through clear, solid precedents can help deter conduct that leads to atrocities. I am convinced that victims' rights can be strengthened through the ICC's global activity, which has the capacity to translate principles, values and reasoning to other accountability and responsibility frameworks. In sum, I am interested in consolidating a legal legacy that is still developing, and I believe I have the necessary knowledge and expertise to do so.

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

What sets you apart as a candidate?

I believe I have a unique profile to serve in fulfilling the mission of the International Criminal Court. If elected as a judge, I would be able to incorporate three well-defined lenses into my work: the academic; the litigation practice; and the diplomatic, within the context of ICC governance.

Academically speaking, I have a solid foundation in international law, international criminal law, international humanitarian law, and human rights. This knowledge has allowed me to work as a dean, professor, and researcher, as well as in the training of law enforcement officers in these areas.

From a litigation practice perspective, I have represented my country of origin before international tribunals in various capacities (expert witness, co-agent, and counsel), demonstrating my ability to understand substantive issues and procedural specificities of international law and justice.

Finally, my diplomatic experience has provided me with specific skills relevant to the work of the Court. On a bilateral level, I negotiated specialized instruments between Colombia and the Netherlands, such as an extradition treaty and a cooperation and mutual legal assistance agreement, and contributed to a smooth relationship with criminal justice and policy bodies such as Europol and Eurojust. At the multilateral level, my work within the framework of the Assembly

of States Parties to the ICC strengthened my understanding of the institution's governance and the systemic challenges it faces regarding its sustainability.

These points are intertwined with my particular context as a Colombian citizen. Colombia is a country that has had to confront the scourge of various forms of violence due to an internal armed conflict of more than 60 years. Therefore, my country of origin has had to fight for recognition and accountability for the commission of international crimes, violations of international humanitarian law, and human rights abuses. These circumstances shaped my decision to become a lawyer to serve the goal of justice through my work, which today puts me in a position to transcend to the needs of the international community.

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

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

The national nomination process employed by the Republic of Colombia to select me as a candidate for ICC Judge was designed and carried out pursuant to Article 36, paragraph 4(a)(ii) of the Rome Statute.

The resulting procedure was conducted by the members of the Colombian National Group of the Permanent Court of Arbitration, an independent structure composed of experts in international law and litigation, appointed by the government that acted before the current nominator.

The National Group, chaired by Guillermo Fernández de Soto (who served as Minister of Foreign Affairs, Permanent Representative of Colombia to the United Nations, Ambassador to the Kingdom of the Netherlands, Secretary General of the Andean Community, and Director for Europe of the Development Bank of Latin America – CAF), received numerous nominations during 2025 and conducted a detailed assessment.

This assessment evaluated the prospective candidates' compliance with the essential requirements of the Rome Statute for serving as a judge, as well as other considerations relevant to the nominating State. As a result of this process, a reasoned written communication was sent to the Ministry of Foreign Affairs, recommending my nomination given that my profile met the suitability requirements for the position. For reasons of transparency and impartiality, although I was part of the National Group at that time, I did not participate in any stage of the evaluation and nomination process, and I ultimately presented my resignation.

Next, the Ministry of Foreign Affairs revised and confirmed the information that supported the recommendation of the National Group and decided to approve such endorsement at the highest level. Shortly after, my candidacy was formalized before the Assembly of States Parties Secretariat.

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.

Although I have not yet served as a judge, I am a lawyer trained to conduct judicial functions at the local level, in accordance with the regulations established by the Superior Council of the Judiciary of my country of origin, Colombia. Specifically, I was trained in the context of a criminal procedure with both inquisitorial and accusatorial elements, which has similarities to the hybrid procedure of the International Criminal Court.

Moreover, due to my experience as an academic and lawyer in litigation settings (International Court of Justice as co-agent and representative in oral hearings; Inter-American Court of Human Rights as an expert witness), I possess the necessary skills and abilities that, if elected as a judge of the International Criminal Court, would allow me to perform effectively both in managing procedures and in the interpretation and application of international criminal law. In particular, I would carry out this work honoring and applying fundamental principles of the judiciary, such as due process, equality of arms, and the protection of victims' rights.

5. Si vous avez été juge, pouvez-vous donner un exemple relatant un événement 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?

Although I have not yet served as a judge, my judicial temperament—that is, the set of personal and psychological capacities I would bring to the International Criminal Court—has been developed over twenty five years of work as an academic, lawyer in legal settings, and decision-maker in the diplomatic sphere.

In particular, I believe that direct contact with diverse social actors, such as students, public officials, and victims of violence and crimes, has allowed me to develop clear ideas on how to manage complex and diverse situations within judicial proceedings. This includes how to ensure patience, open-mindedness, independence, and compassion when handling sensitive cases involving international crimes, strong political considerations, diverse interests at stake, and the emergence of strong emotions.

These elements will not only guarantee that my work does not cause harm or collateral damage to the defense and the victims, but, on the contrary, will contribute to ensuring that the judicial outcomes in which I am involved strengthen respect for their rights and interests.

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.

I am a lawyer educated and trained in a hybrid legal system, which is the case in Colombia’s domestic criminal jurisdiction. Therefore, I am familiar with the procedure followed by the ICC, which, in pursuit of its universal aspiration, combines elements of civil and common law.

Relatedly, I am aware of the specific features this type of procedure entails for the delivery of international criminal justice. First, the significant role accorded to the prosecutor during the preliminary phase. Second, the nature of the trial proceedings that combines common law and civil law elements. Third, the active participation of the victims in order to safeguard their rights and interests. Fourth, the judge’s fundamental role in relation to the evidence.

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?

I have significant experience in a courtroom as a lawyer in litigation settings. Within the context of the International Court of Justice, in 2023, I was co-agent of Colombia in the “Question of the Delimitation of the Continental Shelf between Nicaragua and Colombia beyond 200 nautical miles from the Nicaraguan Coast” Case. I also represented Colombia before the Court during the 2025 oral hearings corresponding to the Climate Change advisory proceedings. In turn, in 2023, I was designated as an expert on the right to development in the “U’wa People v. Colombia” Case before the Inter-American Court of Human Rights.

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 extensive experience working with and for victims of sexual violence and gender-based violence, as well as victims who are children in three scenarios:

- International litigation

In my capacity as an agent and counsel before the ICJ, in contentious and advisory proceedings, I have advocated for an approach that recognizes diverse relevant elements of international humanitarian law and human rights, particularly concerning certain vulnerable populations such as women and children, as well as the differential impact of climate change on women and girls. For example, in my statement to the ICJ during the 2025 advisory proceedings on states' obligations regarding climate change, I emphasized that the adverse effects of climate change are not evenly distributed. Rather, they interact with structural patterns of discrimination that increase the disproportionate vulnerability of women and girls to climate change. In this context, drawing on international evidence and the Colombian experience, I highlighted the capacity to address complex phenomena from a comprehensive human rights perspective that incorporates criteria such as due diligence, climate justice, and gender equality.

- Training and awareness-raising activities

Throughout my diplomatic career, I have been actively involved in multilateral and bilateral fora centered on international criminal justice. In these forums, I have addressed the prevention of sexual violence in armed conflicts and the protection of particularly vulnerable populations. Likewise, from 2023 to 2025, I participated in the design and implementation of Colombia's Feminist Foreign Policy.

I have also led and participated in international conferences, panels, and campaigns aimed at raising awareness and combating violence against women and girls, particularly femicide as an expression of structural violence against women, and highlighting states' responsibility to respond to these phenomena in accordance with relevant international standards. My work has incorporated intersectional approaches that recognize the distinct impacts on populations such as indigenous women, Afro-descendant communities, and LGBTQI+ individuals.

I am currently a member of the International Gender Champions (IGC) network and its Steering Committee. In 2024, I chaired the group of women ambassadors to the Netherlands, and I participated in numerous awareness-raising and analysis campaigns on gender-based violence and the implementation of Resolution 1325 on Women, Peace and Security. In particular, I have conducted an in-depth analysis of the fundamental role of women as key actors in peace processes, recognizing their contributions as leaders, builders of the social fabric, and agents of institutional transformation. Within this framework, I have shared Colombia's experience with restorative justice at the international level, particularly in the peace process, which incorporates a gender perspective.

- Administrative-disciplinary sphere

Throughout my professional career, I have been part of interdisciplinary teams focused on the prevention, support, and follow-up of cases involving gender-based violence and discrimination.

This is evidenced by my role as director of the Department of Philosophy and History of Law at the Pontificia Universidad Javeriana, where I served as a member of the drafting committee for the Protocol on the Prevention, Support, and Follow-up of Cases of Violence and Discrimination. Subsequently, as Dean of the School of Legal Sciences, I actively participated in the technical committee responsible for updating and revising the protocol. This experience allowed me to develop specialized and practical understanding, as well as sensitivity, regarding gender-based violence in its various manifestations and contexts. It also strengthened my ability to analyze each specific situation according to due diligence standards and to adopt protective approaches tailored to the particularities of each case.

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?

I have specific academic training to perform these duties. Through my master's and doctoral studies, I was trained in qualitative methodologies for conducting structured and semi-structured interviews, which, if elected as a judge of the International Criminal Court, would allow me to carry out non-coercive, rapport-based interviews to ensure accurate information gathering and safeguard human rights, presumption of innocence, and other procedural safeguards.

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?

Thanks to over twenty years of experience as a legal scholar, consultant, and diplomat, I possess the skills and expertise to write complex legal documents, including lengthy judgments and judicial/legal decisions. In particular, I consider it relevant to note that, through both individual and collegial processes, I have successfully drafted complex briefs presented before international courts.

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

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

As a scholar and decision-maker in the Colombian higher education sector, I have experience forming relationships and working with colleagues on academic and administrative evaluation

panels. Through these experiences, I came to further appreciate the importance of collegiality and of understanding diverse perspectives when deliberating and reaching consensus on the application of norms and standards.

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?

In my capacity as Ambassador of Colombia to the Kingdom of the Netherlands, I took part in the negotiation and adoption of an Extradition Treaty between Colombia and the Kingdom of the Netherlands. With respect to the multilateral sphere, I had the opportunity to contribute directly to the negotiation and implementation process of the Agreement between the Office of the Prosecutor of the International Criminal Court and Colombia, regarding complementarity and cooperation, under which the Rome Statute serves as the legal basis, as well as the Joint Work Plan between the Ministry for Foreign Affairs of Colombia and the Office of the Prosecutor.

As Colombia's representative to the Assembly of States Parties to the International Criminal Court, I frequently engaged in discussions regarding the interpretation and application of the Rome Statute – specifically in relation to the functioning of the institution, from the perspective of the consistent fulfilment of the obligations to investigate and prosecute those responsible for international crimes. In particular, I would like to highlight my direct participation in Colombia's Written Observations pursuant to Rule 103, concerning the situation in the State of Palestine and the question as to whether the Court had jurisdiction to open an investigation.

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

How would you describe your level of English and French?

I have full and specialized command of French, as well as an advanced level of English. I have published in both languages, including my master's and doctoral dissertations, which were written in French. Furthermore, in my capacity as ambassador of Colombia to the Kingdom of the Netherlands, I have worked daily in both languages. Thus, as required by Article 50(2) of the Statute, I am able to engage with cases in the two working languages of the Court.

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

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

I am proficient in the use of essential information-technology tools required for the effective conduct of judicial work. This includes word processors, spreadsheets, data processing and presentation tools, and web navigators. I am also competent in navigating secure legal databases, electronic filing systems, and cloud-based collaboration platforms for managing sensitive legal records. Furthermore, I possess basic knowledge of AI tools for their responsible use in a transparent work environment.

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 potential and multifaceted uses of AI make it almost impossible for the Court to disregard these technologies. Artificial intelligence offers important opportunities for the ICC to address some of the longstanding issues in international justice, including, but not limited to, the lack of human and financial resources.

However, these technologies carry numerous risks, which are heightened in the context of an international court. For instance, the current AI models have replicated and amplified biases towards vulnerable or unrepresented communities. Similarly, the Court may face a risk of a sudden or gradual loss of control due to, among others, the overreliance of officers and judges on the models.

In this sense, I consider it essential that the use of these technologies is subject to constant monitoring and adjustment that guarantees adequate representation of all populations and/or parameters, as well as the consultation of experts in all stages of the model.

Moreover, as a judge, I believe it is crucial for the Court to develop its own internal policies for any AI systems within the Court that rely on strict human-in-the-loop review mechanisms, such as the inclusion of auditing mechanisms that test models for biases or errors across the different stages of their design, implementation, and improvement.

Most importantly, confidentiality and data protection should be the primary concern when using these technologies in the Court. Therefore, any AI system must comply with the highest standards of security, encryption, and data sovereignty. In this line, the Court should prioritise in-house development of models and systems rather than their development by third parties, as this would also reduce the risks of potential hacking. Likewise, the use of AI must remain firmly grounded in judicial independence, due process, and the protection of fundamental rights. Balancing innovation with integrity is particularly crucial for a criminal tribunal whose legitimacy depends on trust and impartiality.

As a judge, I would welcome AI systems that enhance the Court's capacity to process evidence and improve the timeliness of proceedings, provided these models and technologies are subject

to strict governance frameworks and internal policies that guarantee the Court's strict compliance with existing regulatory frameworks and human rights standards.

Similarly, I consider there to be fundamental and non-negotiable limits to the use of AI in judicial work. For example, AI must never determine guilt, innocence, sentencing, or reparations. As a judge, I would consider AI only as an assistant tool—never as a substitute for human judgment. In this sense, I would propose the adoption of internal policies that clearly define and limit functions that can and cannot be delegated to AI models.

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, I have not resigned due to a shortcoming or faced disciplinary measures of any kind.

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

Have you ever recused yourself from a case?

No, I have never recused myself from a case.

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

What shows your "high moral character"?

Throughout 25 years of professional practice, I have held positions that require high moral character, impartiality and integrity, including my appointments as Ambassador of Colombia to the Kingdom of the Netherlands; member of the Permanent Court of Arbitration - CPA; Dean of the Faculty of Law of the Pontifical Javeriana University; and member of the Arbitration Court of the Bogotá Chamber of Commerce.

Given my recognized commitment to ethics and transparency, I participated in the drafting and implementation of rules and guidelines on managing conflicts of interest. I have also created and integrated bodies that exercise disciplinary functions related to compliance with rules and codes of ethics. For example, as Dean of the Faculty of Law, I served in the Committee that drafted and adopted the Manual for Managing Conflicts of Interest at Javeriana University. Under that same position, I created the Faculty's Disciplinary Committee, where I led the proceedings for alleged disciplinary offences committed by professors, students, and administrative staff. Similarly, in my

role as a member of the Arbitration Court, I oversaw disciplinary proceedings against arbitrators, mediators, conciliators, and amicable compositors.

I have also served as an evaluator for the National Accreditation Council of the Colombian Ministry of National Education. This position required me to demonstrate institutional independence; an aptitude for making objective, fact-based decisions; and an inclination to act with honesty, prudence, and responsibility—qualities explicitly highlighted by the institutions I evaluated. I am also a member of the Standing Committee of the Javeriana School of Government and Public Ethics, where I focus efforts on the development, promotion, and ongoing discussion of public ethics at both the national and international levels.

Finally, in addition to my professional experience, I have always been perceived by my peers as a person of high moral standing, impartiality and integrity, as concluded by the national members of the Permanent Court of Arbitration in the selection and nomination process.

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?

Indeed, the International Criminal Court has been criticized for shortcomings in its workplace culture. I believe this is an institutional issue requiring coordinated action from various fronts: internal management, governance procedures, and the daily conduct and practices of officials. In this regard, I believe a structured review of internal operations could help identify areas for improvement and foster a greater sense of ownership among staff in demanding situations. Also, better management of expectations among States Parties, civil society and the Court itself would contribute to a more realistic understanding of the institution's capacities.

If elected as a judge of the International Criminal Court, I hope to contribute to improving working conditions at the Court through actions that will form part of my mandate. First, I will promote collaborative leadership so that, within a deliberative space among peers and with legal teams, ideas regarding the judicial mandate can flow freely. Second, I will seek to break down hierarchical structures so that judges transcend their positions and work more horizontally with other officials, ultimately forming true working teams. Third, I will actively participate in all training opportunities related to working culture—which is not usually the case for judges—to foster trust and recognition of the importance of these issues for the institution as a whole. Finally, I will contribute to eliminating any aspect that represents a culture of fear and retaliation within the context of the Court's 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?

In accordance with Article 40 of the Rome Statute and Article 3 of the Code of Judicial Ethics, judicial independence is one of the cornerstones of the ICC's work, insofar as judges must exercise their functions with complete autonomy. In this regard, the relationship between a judge of the Court and any external actor must be characterized by complete independence and autonomy. To the same extent, a judge must avoid any relationship that could affect his or her independence and impartiality. His or her conduct, as well as his or her judicial activity, must always be objective, rejecting any form of instruction, influence, or direct or indirect pressure, as well as any bias in favor of or against any particular interest.

In the performance of their judicial duties, judges must always respect and uphold their loyalty to the ICC. To this end, judges must never represent a particular state, but rather the interests derived from the mandate established by the Rome Statute, which ultimately takes shape in the institution's judicial work. In this line, if elected as an ICC judge, I would strive to have a constructive exchange relationship with all the States Parties to the ICC and other key actors, one based on transparency and the necessary independence of judicial operators, without displaying any kind of preferences.

To guarantee that judges resolve the cases impartially, free from any restrictions, undue influence, inducements, pressure, threats, or interference, and in accordance with the United Nations Basic Principles on the Independence of the Judiciary, it is necessary to count with a working environment in which all the requirements for the proper performance of their duties are adequately met, but also a safe scenario in which judges can be confident that their rights and personal living conditions will not be affected by the power of external actors. In this way, undue or unjustified political interference in the judicial process could be prevented.

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?

As a litigator before international tribunals, I have directly experienced and witnessed the need for, and importance of, the defense to count on adequate and equal opportunities and tools, which go beyond mere procedural safeguards. Through this experience and others, I have developed a comprehensive understanding of the importance of the right to a defense, as a pillar of due process. Moreover, in my roles as Dean and a member of multiple ethics and disciplinary

committees, I have witnessed first-hand the importance of adequate legal representation through judicial counsel, as well as the equality of arms in ensuring due process and preventing harm to the accused or potential mistrials.

Therefore, if elected as a judge of the International Criminal Court, I will strive to ensure that, through my work, the rights of the defense are preserved, maintaining a balance with the mandate of the Prosecutor's Office and the safeguarding of victims.

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 and access to sufficient resources are crucial not only for the maintenance of the presumption of innocence but also for guaranteeing the right to a fair trial, and the overall safeguard of proceedings at the Court.

Considering the design of the Court and the apparent institutional asymmetry that comes from it, it is paramount to ensure, and to the extent possible, remedy any disparities between the Office of the Prosecutor and defense teams. In this sense, I believe it is the role of judges to uphold and provide both sides with equal opportunities throughout the proceedings. This includes, among other things, strict judicial oversight of the disclosure of evidence, as well as timely opportunities for both parties to contest such evidence, examine witnesses, and challenge submissions and requests.

In this regard, I also consider it essential that defense teams have optimal working conditions, which allow for the formation of strong legal teams, composed of experts with the highest professional qualifications, and therefore capable of best defending the accused and ensuring the overall fairness of the proceedings.

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?

As provided in the ICC's Strategic Plan 2026-2029 with respect to Strategic Objective 1 — delivering justice fairly, effectively and promptly— it is expected that the Court ensures the full and effective implementation of the Court's Legal Aid Policy by allocating an appropriate level of

resources to Defense and Victims' teams, allowing for high-quality and efficient legal representation at all stages of the proceedings.

The Legal Aid Policy has been criticized for failing to effectively meet expectations of providing legal defense teams with the optimal tools to perform their functions efficiently and with full guarantees. In particular, efforts have been made to modify the remuneration conditions for those responsible for this function —particularly on income taxation—in order to establish parity with the conditions enjoyed by the staff of the Court. Unfortunately, a suitable and definitive solution has not yet been achieved in spite of the activity of the Assembly of States Parties in the last few years.

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.

The promotion and protection of victims' rights have been a constant part of my work as an academic, consultant, practicing lawyer, and diplomat. In particular, guaranteeing victims' participation has been a recurring theme in my professional career, especially given the context of my country of origin, Colombia.

As a scholar and a consultant in international law and business and human rights, I taught and conducted research projects on the participation of and access to remedies for individuals and communities affected by international crimes, violations of international humanitarian law, and human rights abuses.

Furthermore, as an expert witness before the Inter-American Court of Human Rights, I analyzed victims' participation from the perspective of the right to development of indigenous peoples, in accordance with Inter-American law.

In the diplomatic arena, particularly representing Colombia before the International Criminal Court and its various bodies, I have sought to promote the safeguarding of victims' right to actively participate in the corresponding proceedings in a proportionate manner, and provided that this does not infringe upon the rights of the defense. To this end, a constant dialogue was maintained with the Office of the Prosecutor, the Trust Fund for Victims, and the other States Parties to promote the progress my country of origin has made in this matter and, to that end, seek to consolidate efforts in terms of cooperation and complementarity.

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?

Historically, victims have played a limited role in international criminal justice, being considered merely as witnesses in an adversarial process. The Rome Statute marks, in this sense, a significant development, as it not only recognizes victims as participants but also provides a robust framework for their protection and participation at the various stages of the proceedings, including reparations (Article 68 of the Rome Statute and Section III Rules).

These developments intend to respond to specific criticisms regarding the difficulties that arise for victims in the cases to fully understand the procedures, manage their expectations regarding access to truth and reparation measures, and participate effectively and within reasonable timeframes. As a result, the Rome Statute and the further practice of the Court crystallized a hybrid procedural system that seeks to incentivize victim participation, even at an early stage of the proceedings, for the sake of providing balance to the interests at stake, ensuring predictability of the decisions made, and increasing legitimacy from the affected communities.

In turn, the idea of the early involvement of victims has generated some criticism. It has been argued that the right of victims to participate in the proceedings should not cover the investigation or preliminary phases, insofar as the impact of this decision would go far beyond the issue of victims' participation in investigations and could impact the expedited advance of the procedures. Moreover, it has been stressed that such a scheme would have implications for the rights of the accused as victims' participation may exert undue influence on the outcomes of initial assessments without a proper counterbalance.

However, based on my experience in Colombia, I believe that these natural tensions from the early articulation of victims can be reconciled. To do so, it is paramount to ensure that their participation is conducted in a manner that upholds the rights of the accused. This means that, on the occasion of the incipient inclusion of victims in the proceedings, for instance, issuing protective measures, protecting the evidence, or obtaining their views and concerns to inform decision-making, judges must take special care to guarantee equality of arms. This might entail exerting strict control over the preliminary procedures, as well as ensuring future opportunity for the defense to exert contradiction on such activity. In this line, it is also necessary that legal defense is granted effective capacity in all phases of the Court's proceedings to be equally wide-ranging and thus accomplish its mandate.

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?

Coming from the context of a hybrid domestic criminal jurisdiction, in which the participation of victims has been gaining relevance within the judicial proceedings since 2011, I believe that the impacts of victim participation on the rights of the defense must be seen in both positive and adverse dimensions.

On the one hand, victims' participation can be seen as an opportunity for judges to broaden the basis for their work in evaluating the facts that serve to determine international criminal responsibility. This is because they might count on firsthand insights and information that could facilitate the development of more robust theories of the crime, as well as access relevant evidence. For the defense, this would mean the possibility of exercising the right to contradiction with more elements of judgment, supplementing those presented from their own knowledge or those derived from the prosecution's case.

Furthermore, the participation of victims would allow for progress in the effectiveness of the restorative approach that the ICC has been adopting through both proceedings and reparation orders. In this way, the relationship between the accused and those affected throughout the process would transcend mere reproach, becoming a key factor in rebuilding the social relationships affected by the potential commission of international crimes. Therefore, the international criminal procedure would also contribute to the accomplishment of the complementary objectives of peacebuilding and reconciliation.

At the same time, victim participation must be managed so as to avoid any negative impact on the rights and interests of the defense, particularly the procedural balance and equality of arms that underpin any criminal process. ICC judges must ensure from the early stage of the proceedings that procedural safeguards —such as the right to question witnesses, effective access to the case file, and the ability to pursue a coherent defense strategy— are not undermined by the presence of both a prosecuting party and participants with an interest in a possible conviction. In exercising their functions, ICC judges should carefully assess and manage these risks, while ensuring that victim participation contributes to the fairness, legitimacy, and restorative objectives 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?

No, I do not have any other point to appraise the ICCBA.