



**CICC questionnaire to candidates for a post of judge
of the International Criminal Court.**

*Please reply to some or all the following questions as comprehensively or
concisely as you wish*

Name: Anita UŠACKA
Nationality: Latvian
Nominating State: Latvia
List: _ A or _B List B

While the first question is relevant to either list A or list B candidates, we know that some candidates have competence that would qualify for both lists, and we would want them to show their full experience in both criminal law and international law. Question 1a) has been specifically drafted with list A candidates in mind. Likewise, question 1b) has been drafted for list B candidates. However, candidates with competence in both criminal and international law should feel free to answer any question in 1a) or 1b) to give the reader a more complete view of their background and experience.

1 a) For candidates on list A:

- **How would you describe your competence in criminal law and procedure?**
- **How would you describe your experience as judge, prosecutor, counsel or in other similar capacity, in criminal proceedings?**

1 b) For candidates on list B:

- **How would you describe your competence in relevant areas of international law, such as humanitarian law and the law of human rights?**

In 1992, I took an in-service training at the International Human Rights Institute in Strasbourg. I took this course at the very beginning of the restoration of Latvia's independence. I have become very interested in humanitarian law and human rights law. After completing the in-service training course in Strasbourg, I spent the year 1993 at the Notre Dame University in the United States. Here I conducted research and studied human rights issues in greater depth. It was also a great opportunity to meet qualified specialists in the field of human rights law and to study a variety of literature. In 1994, I created the course on human rights to be lectured at the University of Latvia. 1994 was a challenging year for me; I also became the Executive Director of the Latvian branch of UNICEF that year. I focused on such important issues as rights of the child in both national and international context. Two years later, I was nominated and elected the

Judge to the Constitutional Court of Latvia. Human rights issues have played an important role in my every day work as a judge. Also a Law Professor at the University of Latvia, I lecture a course on international human rights law in which students have expressed great interest. Lecturing this course, one must closely follow the development of human rights law, because it is one of the fields of law in which changes are made frequently.

- **How would you describe your experience in a professional legal capacity that is of relevance to the judicial work of the Court?**

I have been a Judge of the International Criminal Court from 2003. Moreover, I was a Judge of the Constitutional Court of Latvia from 1996 to 2003.

2. What are the qualifications required in your nominating State for appointment to the highest judicial offices? How do you meet these qualifications?

In accordance with the Constitutional Court Law, any citizen of Latvia who received university legal education and has had at least ten years' working experience in a legal profession, scientific, educational field, judicial specialty, research, or higher educational establishment, may be confirmed a Justice of the Constitutional Court. A person, who may not be nominated for the office of a judge under Article 55 of the Law "On Judicial Power", cannot be appointed as a Justice of the Constitutional Court.

I meet the above requirements and am confirmed as a Justice of the Constitutional Court of Latvia. The judges shall be chosen from among persons with high moral character, impartiality, and integrity.

3. Article 36 of the Rome Statute provides for two possible nomination procedures. Please describe in detail the procedure used for your nomination.

The nomination procedure used in Latvia was as follows. The Minister of Justice invited the Office of the Prosecutor General, the Supreme Court, The Council of Sworn Advocates, and the University of Latvia to nominate their candidates for the International Criminal Court. When I was first nominated in, several candidates were proposed to the Minister of Justice. Having served as a Judge of the International Criminal Court for the past three years, this time I was the only candidate to be proposed. In accordance with the Rome Statutes, the Government of Latvia wrote a note verbale to the Secretary-General of the United Nations, nominating me as the candidate for the position of judge in the International Criminal Court. The Government of Latvia nominated me as the candidate for inclusion in List "B". My candidacy was also highly recommended by the International Association of Women Judges.

4. Have you provided the statement required by article 36(4)(a) of the Rome Statute and by the nomination and election procedure adopted by the Assembly of States Parties? If not, why not?

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The Government submitted note verbale and my curriculum vitae. Both these documents indicate how my candidature meets the requirements set forth in the Rome Statute.

5. What is your knowledge and fluency in English, if it is not your native language? Do you have experience working in this language?

Even though English is not my native language, I have had considerable experience using it. In the first place, I have been using the English language during my work as a Judge of the International Criminal Court for the past three years and I had an opportunity to familiarize myself with the relevant legal terminology. Moreover, I worked as the Executive Director of the Latvian branch of UNICEF. As a visiting professor abroad, I have given lectures in English. In May and June 2002, I lectured Comparative Constitutional Law at the Lewis & Clark School of Law in Portland, Oregon, USA. I also lectured “Constitutional Development in Latvia”, “Renewal of the Independence and Succession of the State”; and “Problems of Human Rights; Rights of the Minorities in Latvia” at the Robert Schumann University in Strasbourg in 1999. Throughout the years of studying, researching, lecturing, and participating in various international organizations and conferences, I have developed a sound legal English.

What is your knowledge and fluency in French, if it is not your native language? Do you have experience working in this language?

Although I am not fluent in French, I have been attending French lessons at the Court on a regular basis. These lessons focus on the legal terminology relevant to the work of the International Criminal Court.

6. Do you have any specific legal expertise, including, but not limited to, violence against women or children?

Yes, I do. I have conducted various research projects on these issues. These were presented in different international conferences and were also taken into account when legislation pertinent to the above issues was being developed in Latvia. In December 2004, I delivered a speech at the 6th International Conference of Chief Justices of the World in Lucknow (India) on the protection of the rights of children according to the ICC Statute. In October 1999, I delivered the report “Some Problems of Domestic Violence against Women In Latvia: Legal Aspects” at the judges’ meeting on issues on “Elimination of any Discrimination against Women.” These reports were also published in “Bringing International Human Rights Law Home” (New York, United Nations, 2000). The article in Latvian titled “Children Protection as a Constituent Part of International Human Rights. Issues on Living Conditions. Social Work: Conclusions, Experience and Practice” was published in Riga in 1996. In May 2000, I participated at the International Association of Women Judges Conference “Women on the Edge” in Buenos Aires, where I also presented the paper “Imprisoned women and domestic violence in Latvia.” In May 1998, I participated at the International Association of

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Women Judges Conference “A New Vision for a Non-violent World: Justice for Each Child” in Ottawa, Canada. I presented “The Child as a Witness, its Legal Status in Latvian Law” at the Conference. I also participated at the International Conference of the Women Lawyers Organization and Association of Italian Judges in Rome, Italy, November 1997, where I presented “Exploitation of Prostitution by the Third Party (Human Rights Aspects).”

As the Executive Director of the Latvian branch of UNICEF for two years, I dealt with all aspects of protection of the rights of the child in Latvia and in the world. The organization also analyzed the overall situation of children in Latvia in accordance with the provisions of the Convention of the Rights of the Child. I represented Latvia at different international conferences and seminars quite often.

7. a) Please provide us with a list of your writings and opinions relevant to evaluating your experience.

The list of my writings and publications is available in my Curriculum Vitae (see attachment 1).

7. b) Please provide us with an electronic copy of any writing or opinion describing your experience as outlined in questions 1a), 1b) and 5.

**8. a) For candidates not currently ICC judges:
Please explain your qualifications for this position. What aspects of your career, experience or expertise outside your professional competence do you consider especially relevant to the work of an ICC judge?**

**8. b) For candidates currently ICC judges:
How do you think your experience as an ICC judge would serve you for another mandate?**

I strongly believe that in this crucial stage of development of the International Criminal Court it is essential to ensure continuity in the institution building process and to keep the institutional memory within the Court. My main activities during these past years are the following: I have been substantially involved in the drafting process of the Regulations of the Court. Moreover, together with my fellow judge of the Trial Division, I have been conducting a study with respect to the trial procedure before the ICC, analyzing legal and practical solutions aimed at tailoring the first trial proceedings before the ICC. Finally, I have been the judge in charge of the Court’s Judicial Capacity Strengthening Program, which has been working toward enhancing the judicial skill and awareness of matters relevant to the work of the ICC of all judges.

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9. Why do you want to be a judge at the ICC?

Coming from Eastern Europe, I lived under a regime that violated human rights for decades. Because I appreciate the rights and freedoms that came with the fall of Communism, I feel that, as a human being and a lawyer, I need to contribute to advancing them both on national and international level. For these reasons, I would like to make a contribution in securing universal respect for human rights and fundamental freedoms of individuals all over the world as a judge of the new international court.

Moreover, as a Judge of the International Criminal Court I have gained an insight in the working methods of the Court and I have an understanding and appreciation of the historic importance of this institution. I am deeply determined to contribute to the work of the ICC with a view to stopping impunity for serious violations of international humanitarian law, to working for the victims of these horrendous crimes and to contributing to the establishment and maintenance of peace.

10. What do you think will be the biggest challenges facing you as an ICC judge?

I believe that the primary challenge for a Judge in the ICC's Trial Division will be to tailor and conduct the very first trial proceedings in a fair and expeditious manner. Moreover, balancing the rights of the accused and the interests of victims, as well as working in a culturally diverse team of judges, prosecutors, and legal professionals educated in different legal systems are major challenges that a judge of the ICC will face.

11. What do you believe are currently some of the major challenges facing the Court, and what do you believe will be some of the major challenges in the coming years?

The institution building process of the ICC is not yet completed. One of the major challenges will be to build a functioning structure within which the Court can operate. Moreover, it is expected that in 2006 the first proceedings will be conducted. Interpreting the Statute and the Rules of Procedure and Evidence and apply them in a manner to provide for fair and expeditious proceedings is a major task that the judges will face in the coming year.

12. Article 40 of the Rome Statute requires judges to be independent in the performance of their functions.

12 a) Members of the Coalition for the ICC and governments are concerned about the difficulties judges might experience in interpreting articles of the Rome Statute where their government has already expressed an opinion. Do you expect difficulties in your taking an independent position?

I do not expect any difficulties in this regard. As a judge of the Constitutional Court, my responsibilities include delivering decision on compliance of laws with the Constitution,

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where the government already has expressed an opinion. When reviewing cases, I consider justice, impartiality, and legal ethics the most important. Moreover, while working at the UNICEF, I spoke impartially about situation of children in Latvia, and thus stood against the opinion of the government.

12 b) Would you be able to judge impartially whether an investigation by your government was genuine?

Yes, I would. As a national expert, I have got experience participating in the group of European Union experts that evaluated justice and home affairs in Latvia.

13. Victims have a recognized right to participation in the proceedings in the Rome Statute and to apply to the Court to award reparations under Article 75. What experience relevant to these provisions do you have?

During the past year, one of my primary duties as a Judge of the International Criminal Court was to conduct a Trial Study, which has the aim to identify the details of the proceedings by which the first trials will be conducted. This also includes an examination of the ways in which victims can participate in proceedings and how reparations may be awarded.

14. Historically, many of the grave abuses suffered by women in situations of armed conflict have been marginalized or overlooked.

What experiences have you had dealing with crimes of sexual and/or gender violence? Are there situations or cases in the past where you believe you have applied a gender perspective, i.e. inquired into the ways in which men and women were differently impacted? If so, to what effect? Are there situations where you did not analyze the different impacts of a situation on women and men but on reflection you now think such an analysis would have been appropriate?

Over the course of my career, I have dealt with these issues by studying international human rights instruments, case law of different international and national courts, and attempting to identify these problems in Latvia. I have encouraged Latvian judges (while teaching them in the Judicial Training Center), prospective judges, and university students to pay close attention to domestic violence, child abuse, women trafficking, and relevant problems. Moreover, as the judge in charge of the Court's Judicial Capacity Strengthening Program, I have organized a number of gender related training activities, which are aimed at increasing the awareness of all judges for relevant issues concerning the protection of the rights of women. Finally, I have promoted the idea of establishing recommendations as to what measures to adopted to best protect vulnerable victims and witnesses, including victims of sexual violence, who participate in court proceedings.

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15 a) Did you help advocate for the adoption of human rights or international humanitarian law treaties or other instruments? Please describe your experience.

Yes, I did. I have had experience in teaching human rights law in various settings. For example, I have almost ten year of experience in teaching international human rights law at the University of Latvia. I have also delivered lectures on human rights to judges in the Judicial Training Center for Judges, as well as special lectures to Justices of the Supreme Court of Latvia, who deal with international criminal and human rights law.

In addition, during the last years I participated in a number of international conferences in states that have not yet ratified the Rome Statute and spoke to lawyers and policy makers enhancing the understanding of the International Criminal Court and promoting its ratification.

15 b) Have you served on the staff or board of directors of human rights or international humanitarian law organizations? Please describe your experience.

I was the Executive Director of the Latvian branch of UNICEF from 1994-1996.

16. Have you ever resigned from a position as a member of the bar of any country, or been disciplined or censured by any bar association of which you may have been a member? If yes, please describe the circumstances.

No, I have not.

17. Have you ever been found after an administrative or judicial hearing to have discriminated against or harassed an individual on the grounds of actual or perceived age, race, creed, color, gender, sexual orientation, religion, national origin, disability, marital status, socioeconomic status, alienage or citizenship status? If yes, please describe the circumstances.

No, I have not.

18. It is expected that a judge shall not, by words or conduct, manifest, or appear to condone, bias or prejudice, including, but not limited to bias or prejudice based upon age, race, creed, color, gender, sexual orientation, religion, national origin, disability, marital status, socioeconomic status, alienage or citizenship status and shall require staff, court officials and others subject to his or her direction and control to refrain from such words or conduct.

Do you disagree or have difficulty with this expectation?

How will you be able to meet this expectation?

Yes, I completely agree with it. I have not experienced such problems as the judge of the Constitutional Court. Beside all the above mentioned, I have not had any problems with

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regard to the legal ethics while working as judge of the Constitutional Court. At the ICC I have actively contributed to drafting the Code of Judicial Ethics, which was adopted by the judges' plenary session according to Regulation 126 of the Regulations of the Court.

19. Judges will be elected for a term of nine years.

A judge is expected to be on the bench or otherwise handling legal matters for at least seven hours per day, five days per week, and at times, a judge's responsibilities may require him or her to be on the bench or at work into the evenings and on weekends.

Do you expect to be able, now and in the foreseeable future, to perform these tasks on your own or with reasonable accommodation? If no, please describe the circumstances.

My work as a judge has previously been connected with all the circumstances and conditions mentioned above.

20. Do you know of any factors that would adversely affect your ability to competently serve as a judge, to comply with a judge's ethical responsibilities, or to complete the day-to-day responsibilities that a judge is required to assume? If yes, please explain.

No, I do not know any of such factors.

Thank you.

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