



Tenth session

New York, 12-21 December 2011

**Report of the Search Committee for the Position of the
Prosecutor of the International Criminal Court**

Addendum

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1. Fatou B. Bensouda (The Gambia)

[Original : English]

Statement of qualifications

Deputy Prosecutor (Prosecutions), International Criminal Court

Education:

- Master of laws, UN/IMO International Maritime Law Institute;
- Barrister-at-law (B.L), Nigeria Law School, Lagos, Nigeria;
- Bachelor of laws-LLB (HONS), University of IFE (now OAU University), Nigeria.

Other relevant professional training:

- Diplômé d'études en Langues Français (DELF) 1er Degré, Le Ministère de la Jeunesse, De L'éducation Nationale et De La Recherche de La République Française;
- Diploma in Volunteerism, International Olympic Committee;
- Certificates in Computer and Information, Mutual Legal Assistance, Judicial Independence and Judicial Accountability, Human Rights Training for Commonwealth Public Official, International Law Programme, International Court of Justice, The Hague, Netherlands.

Summary of relevant attributes and competencies:

1. Sound knowledge of International Criminal, Humanitarian and Human Rights Law from training and professional experience.
2. Extensive experience in:
 - (a) The conduct of criminal prosecutions at both the national and international level (ICTR and ICC).
 - (b) The control and supervision of criminal investigations and prosecutions.
 - (c) The management of both public and private law offices and government departments.
 - (d) The management and administration of private sector enterprises as General Manager of a private commercial bank.
3. As former Government Cabinet Minister (Attorney General and Minister of Justice) as well as a government civil servant acquired extensive diplomatic and international experience generally and in relation to legal matters.
4. Strong interpersonal skills and ability to work effectively and harmoniously in a multicultural setting which is one of the major attributes for her management style.
5. Excellent oral and written communications and drafting skills.
6. Excellent supervisory skills.
7. Efficient execution of duties under pressure.
8. Strong analytical skills.
9. Familiarity with international judicial and multicultural environment as a result of frequent dealings with Commonwealth, the United Nations and other international legal bodies.
10. Strong advocate of Human Rights Law and International Justice.
11. Excellent Word-Processing Skills and other computer applications.

Work experience:

1. Deputy Prosecutor of the International Criminal Court, elected by the Assembly of States Parties in August 2004 and serving to date.
 - (a) Serve as a member of the Executive Committee of the Office of the Prosecutor (OTP) responsible for the overall supervision and administration of the work of the office;
 - (b) Manage, supervise and direct the Prosecution Division of the Office of the Prosecutor, which consists of the Prosecutions and the Appeals Section and provide strategic advice to the Prosecutor, coordinate prosecutions, including the execution of all elements of pretrial, trial and appeals measures, establish procedures and guidelines regarding prosecutions and appeals as well as interact with other organs of the court for effective investigations and prosecutions, as well as interact with other partners and stakeholders;
 - (c) Acting as Officer in Charge and perform the functions and duties of the Prosecutor of the International Criminal Court in his absence and/or upon delegation by the Prosecutor.
2. 2001 to 2004 worked as a Legal Adviser and Trial Attorney at the International Criminal Tribunal for Rwanda (ICTR) in Arusha, Tanzania, rising to the position of Senior Legal Advisor and Head of The Legal Advisory Unit.
3. 2002 worked as General Manager of a leading commercial bank in The Gambia.
4. 2000 to 2002 Private Legal Practitioner.
5. 1987 to 2000 worked successively as State Counsel, Senior State Counsel, Principal State Counsel, Deputy Director of Public Prosecutions, Solicitor General and Legal Secretary of the Republic of The Gambia, then Attorney General and Minister of Justice, in which capacity she served as Chief Legal Advisor to the President and Cabinet of the Republic of The Gambia.

Special assignments undertaken:

- Special envoy of His Excellency the President of the Republic of The Gambia to His Excellency the President of the Federal Republic of Nigeria, May 1999;
- Special envoy of His Excellency the President of the Republic of The Gambia to His Excellency the President of Zambia, October 1999;
- Assigned by His Excellency the President of the Republic of The Gambia to oversee the Department of State for Local Government, Lands and Religious Affairs, June 1999;
- Led OTP High Level Visit to Guinea following the events of September 2009;
- Led OTP High Level Meeting to Côte d'Ivoire following the 2010 post electoral violence;
- Published articles on international criminal law.

Languages:

- English – Fluent;
- French -Excellent Working Knowledge.

Awards:

- 2009 ICJ International Jurists Award - for contributions to criminal law both at the national and international level, presented by Her Excellency, the President of India, P.D Patil;
- 2011 World Peace through Law Award, presented by the Whitney Harris World Law Institute, Washington University.

Nominations:

- Named the fourth most influential personality in Africa in the Civil Society Category (Jeune Afrique Magazine, No. 2450-2451, dated 26 Dec 2010 - 8 Jan 2011);
- Named one of the 100 most influential African personalities (Jeune Afrique Magazine, No. 2607 - 2608, dated 23 Dec 2007 - 5 Jan 2008).

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2. Andrew T. Cayley

[Original : English]

Statement of qualifications

International Co-Prosecutor ECCC November 2009 onwards

Appointed Chief International Co-Prosecutor of the Extraordinary Chambers in the Courts of Cambodia (“ECCC”), the Khmer Rouge Tribunal, on 27 November 2009. International Co-Prosecutor responsible, together with the National Co-Prosecutor, for the overall supervision of the four cases before the courts and overall management of the Office of the Co-Prosecutors. In Case 001 (“Duch”) led on the drafting of the prosecution appeal and response to appellant and during all the oral submissions before the Supreme Court Chamber in March 2011. In Case 002 – the trial of the four most senior living members of the Khmer Rouge regime – led and managed all pre-trial work including all preliminary motions and responses for both written and oral submissions which were heard in June 2011. Trial begins in November 2011. Other responsibilities include representing the court on public occasions, dealing with donors and the diplomatic community, engaging in Outreach activities including meeting victim communities across Cambodia.

Barrister in the Chambers of Anthony Berry QC, 9 Bedford Row, London WC1R 4 AZ July 2007 to November 2009

Co-counsel on defence teams for The Prosecutor v. Charles Ghankay Taylor before the Special Court for Sierra Leone and also for Ivan Cermak in his case: The Prosecutor v. Gotovina, Cermak and Markac before the International Criminal Tribunal for the former Yugoslavia. Developing defence case, examining prosecution witnesses, drafting motions and responses and interlocutory appeals in both cases. Presenting defence case for Ivan Cermak. Ivan Cermak was acquitted of all charges against him in April 2011.

Senior Prosecuting Counsel, Office of the Prosecutor, International Criminal Court (“ICC”), The Hague, The Netherlands February 2005 to July 2007

Supervised and provided legal direction on the Security Council referred ICC investigation into serious human rights violations in the Darfur region of Sudan. Oversaw a legal team of six lawyers and an investigative team of twenty investigators and analysts. Successfully completed the investigation and then filed applications for summonses to appear before the Pre-Trial Chamber in respect of a Sudanese Interior Minister and an Arab Militia leader in February 2007. The charges submitted to the court were 51 counts of crimes against humanity and war crimes including persecution, murder, rape, looting and deportation. Warrants of arrest issued against both individuals by the Pre-Trial Chamber in April 2007.

Senior Prosecuting Counsel, Office of the Prosecutor, International Criminal Tribunal for the former Yugoslavia, The Hague, The Netherlands June 2001 to February 2005

Supervising and providing legal direction in the investigation against General Ratko Mladic commander of the Bosnian Serb army. Redrafted the first indictment against Mladic and laid new charges in the court including genocide, crimes against humanity and war crimes. At the same time supervised the investigation of the Bosnian Serb Minister of Justice and the Minister of Interior for crimes against humanity and war crimes. Eventually recommended prosecution of only the latter and subsequently drafted the indictment against him which was confirmed in 2004. Also supervised the investigations into members of the Kosovo Liberation Army for serious human rights violations committed in Kosovo between 1998 and 1999 and into members of the Macedonian government, army and police for serious human rights violations committed in Macedonia in 2001. Managed the legal team and twenty investigators and analysts. Laid charges against the Macedonian Minister of the Interior and a senior police officer for war crimes committed in the village of Ljuboten in

Macedonia in 2001. In 2004, led the first prosecution of members of the Kosovo Liberation Army for crimes against humanity and war crimes committed against members of the Yugoslav army and the civilian population of Kosovo.

Prosecuting Counsel, Office of the Prosecutor, International Criminal Tribunal for the former Yugoslavia (“ICTY”), The Hague, The Netherlands October 1994 to June 2001

Supervised and provided legal direction to the “Stupni Do” inquiry investigating the murder of sixty civilians and the destruction of the village of Stupni Do in northwest Bosnia-Herzegovina in December 1993. In August 1995, drafted the indictment in respect of crimes against humanity and war crimes committed by the commander of the attack on Stupni Do, Colonel Ivica Rajic (who after evading arrest for ten years eventually pleaded guilty to a number of the original charges from the 1995 indictment). From June 1997 to June 1999 served as prosecuting counsel on the prosecution of Major General Tihomir Blaskic, charged with crimes against humanity and war crimes in connection with the “Ahmici massacre” of April 1993. Examined and cross-examined witnesses to fact and expert witnesses and wrote written submissions and co-wrote the closing brief. From January 1999 to June 2001 served as prosecuting counsel in the trial of Colonel General Radislav Krstic charged with genocide, crimes against humanity and war crimes in connection with events at Srebrenica in July 1995. Examined and cross-examined witnesses to fact and expert witnesses and co-wrote the closing trial brief. From June 2000 to October 2001 served as prosecuting counsel on the investigation and then for part of the trial of Radislav Brdanin and General Momir Talic charged with genocide, crimes against humanity and war crimes in connection with serious human rights violations committed in the Republika Srpska from 1992 to 1994.

Commissioned Officer, Adjutant General’s Corps (Army Legal Services) British Army March 1991 to February 1998

After the commissioning course at the Royal Academy Sandhurst and spending three months as an infantry platoon commander with the 1st Battalion, the Kings Own Royal Border Regiment then military prosecutor and command legal adviser with the British army in Germany and the United Kingdom. Seconded by British government to ICTY from 1995 to 1998.

Other Professional Activities

From 1996 onwards I have presented papers at conferences and courses on international law, international criminal law and international humanitarian law. Most recently in May 2011 presented a paper to the Arab States Conference on the ICC: “The referral of situations by the Security Council to the ICC.” In June 2011 wrote a paper presented to a specialist group of the IBA in The Hague on “Prosecutorial Disclosure.” Participated with advocacy training at the International Criminal Tribunal for the former Yugoslavia and the International Criminal Tribunal for Rwanda since 1998.

Education

Barrister, Member of the Honourable Society of the Inner Temple; Royal Military Academy Sandhurst (Professionally Qualified Officers Course), 1991; Law Society’s Solicitors Final Examination, College of Law Guildford, 1988;

LL.M (University College London), 1986; LL.B, 1985.

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3. Mohamed Chande Othman

[Original : English]

Statement of qualifications

Academic qualification

- LL B (Hon), University of Dar Es salaam, 1974.
- M. A (International Relations) Webster University, Geneva, 1982.
- Certificate, The Hague Academy of international law, the Netherlands (Summer Sessions, 1983).

Languages : English, French, Kiswahili

Professional competences

International Criminal Prosecutions, International Humanitarian Law, Human Rights and Judicial

Professional experience

- | | |
|--------------------------|---|
| 28.12.2010 | Chief Justice of Tanzania, Head of the Judiciary |
| 07.02.2008 - 26.12.2010 | Justice of Appeal Court of Appeal of Tanzania, Justice of Appeal at Tanzania's Apex Court |
| 16.08.2004 - 06.02.2008. | Judge, High Court of Tanzania, Presided over criminal trials (murder, human trafficking), Constitutional petitions, and appeals (sexual and gender based crimes, armed gang robbery, corruption. |
| Dec. 2003 – Oct. 2004 | Senior Legal and Justice Sector Reform Adviser, UNDP, Cambodia, Principal legal adviser on legal and judicial reform in Cambodia. |
| 01.08.2000 – 16.10.2001 | Prosecutor General, (UNTAET) Timor Leste, Principal prosecution authority; overall direction of prosecutions, including of serious International Humanitarian violations; secured State Cooperation in investigations on the killing of UN Peacekeepers; advised on establishment of Independent, post-Independent P.G.'s Office. |
| 1 June 1999-31 July 2000 | Chief of Prosecutions International Criminal Tribunal for Rwanda, Directed investigations and prosecutions; lead Trial Attorneys and Legal Advisers; enhanced State cooperation in arrest and surrender of accused. |
| 20 Oct. 98 –31 May 99 | Acting Chief of Prosecutions International Criminal Tribunal for Rwanda, Directed investigations and prosecutions; prosecuting counsel in <i>R. v. G. Ruggiu P.v. Omar Serushago</i> ; <i>P. v. B. Ntuyahaga</i> . |
| 11.07.1996 – 20.10.1998 | Senior Legal Adviser to the Prosecutor International Criminal Tribunal for Rwanda, Head of Prosecutor's legal Advisory team, advised on Prosecution strategy, supervised Indictment drafting; drafted legal briefs on International Humanitarian law, Human Rights Law, and Comparative Criminal law and procedure. |
| 1994 | Head of Delegation International Federation of Red Cross & Red Crescent (IFRC), Hanoi, Vietnam |
| 06.01.1992 – 15.03.1993 | Head of Delegation International Federation of Red Cross & Red Crescent, (IFRC), Conakry, Guinea. |

- 1989 – 1990 Deputy Chief of Mission, the Coordinator for Afghanistan (UNOCA), Teheran, Iran
- 1977 - 1989 Desk/Regional Officer, International Federation of Red Cross & Red Crescent, (IFRC), Geneva. Dissemination of International Humanitarian Law.
- Apr. 1975 - 1977 Public Prosecutor, Bank of Tanzania
- Mar. 1974 – Mar. 1975 Assistant State Attorney, Attorney General’s Office, Tanzania

High level human rights assignments

1. U.N. Human Rights Council:
 - Independent Expert on the Human Rights situation in the Sudan, UNHRC Res. 11/10 & 15/27, Sept 2009 – To date.
 - Commissioner, High-Level Commission of Inquiry on Lebanon, UN Human Rights Council resolution S-2/1, 2006.
2. ICTR/ICTY
 - Member, Advisory Committee on the Archives of the International Criminal Tribunal for Rwanda and the Former Yugoslavia, 2008-2009.
3. Government of Tanzania
 - Chairman, Presidential Commission on Inquiry on the Relocation of Pastoralists, Ihefu, 2007, Appointed by H.E. President of the United Republic of Tanzania.

Selected legal publications

Books

- Accountability for International Humanitarian law Violations: The Case of Rwanda and East Timor, Springer Publishers, Heidelberg, Germany, 2005.
- New Approaches in International Criminal Justice: Kosovo, East Timor, Sierra Leone, Cambodia, (Eds. Ambos, K, and Othman, M), Max Planck Institute of Foreign and International Criminal Law, Freiburg, Germany, 2003.

Publications

Published numerous scholarly articles on International Law, International Humanitarian Law, Refugee Law and Justice, e.g.

- “Defense Practices and the Khmer Rouge Tribunal”, in Bohlander, M, Boed, R, Wilsn, R.J, (Eds.) Defense in International Criminal Proceedings, Transitional Publishers Inc., N.Y, 2006.
- The Protection of Refugee Witnesses by the International Criminal Tribunal for Rwanda, International Journal of Refugee Law, Volume 14, No.4, May 2003.
- The Gulf Wars and Termination of Captivity for Prisoners of War, Revue de Droit International des Sciences Diplomatiques et Politiques (The International Law Review) Jan-Mars 1993, 11-36, Geneva, 1993.

4. Robert Petit

[Original : English]

Statement of qualifications

Counsel

Justice Canada, Crimes against Humanity and War Crimes Section, Ottawa, Canada
2001/ Current

Provide legal advice to Law Enforcement teams investigating persons currently in Canada, suspected of having committed violations of International Humanitarian Law and International Criminal Law in various countries.

Professional Experience

International Co Prosecutor

Extraordinary Chambers of the courts of Cambodia, Phnom Penh, Cambodia
2006 / 2009

In an Internationalized National Court, leading a team of National and International staff, supervise the investigation and prosecution of those most responsible for the crimes committed during the Khmer Rouge era of Cambodia.

Senior Trial Attorney

Special Court for Sierra Leone, Office of the Prosecutor, Freetown, Sierra Leone
2003 / 2004

In a Hybrid Tribunal, leading one of two teams of National and International staff, prosecute those bearing the greatest responsibilities for mass crimes committed during the period of the Civil War.

Prosecutor

United Nations Mission in East Timor, Serious Crimes Unit, Dili, East Timor
2002

In a Hybrid Tribunal, exercise criminal investigative functions and lead the prosecutions of persons suspected of mass crimes committed during a period of national political transition.

Crown Attorney
Justice Canada, Federal Prosecution Service, Montreal, Canada
2000 / 2001

Provide legal advice to Law Enforcement investigating international narcotics trafficking networks to ensure successful prosecution under domestic criminal legislation.

Regional Legal Advisor
United Nations Mission in Kosovo, Mitrovica Region, UNMIK, Pristina, Kosovo
1999 / 2000

Provide legal advice to the International Administrator of one of five Regions of Kosovo on various issues including the implementation of International Judiciary and issues arising out of the deployment of International Police and Armed Forces.

Legal Officer
International Criminal Tribunal for Rwanda, Office of the Prosecutor, Kigali, Rwanda
1996 / 1999

Supervise the investigations, indictments and prosecutions of numerous perpetrators of crimes committed during the Rwandan Genocide as well as provide legal advice to the Intelligence and Tracking Team of the Office of the Prosecutor.

Crown Attorney
Ministry of Justice, Government of Québec, Montreal, Canada
1989 / 1996

In a heavy caseload jurisdiction, appear for the Crown on an almost daily basis to conduct criminal prosecutions, specializing in violent crimes, gender crimes and organized criminality.

Education

Quebec Bar Association, Montreal, Canada September 1987
Advanced University Law Degree, Licence en droit

University of Montreal, Montreal, Canada September 1984
Bachelor of Arts L.L.B. Baccalaureat en droit

University of Montreal, Montreal, Canada September 1981
Bachelor of Arts Baccalaureat en Histoire

Publications

“Exploring critical issues in religious Genocide: case studies”; Case Western Reserve Journal of International Law, 2008

“Preserving the Rule of Law in the age of the “War on Terror”; American International Law Society, 2008

“A Review of the Jurisprudence of the Khmer Rouge Tribunal”; Northwestern Journal of International Human Rights, 2010

“Lawfare and International Tribunals: A question of definition?”, Case Western Reserve Journal of International Law, 2011

“Best Practice Manual of the Office of the Prosecutor of the ICTR, ICTY, SCSL, ECCC and STL”, to be published 2011, (editor)

Activities and Awards

Contributor to numerous International Conferences on International Criminal Law and the Prosecution of International Criminal Offences.

2009 Recipient of the Frederick K. Cox International Humanitarian Award for Global Reform
