

KAM, Gberdao Gustave (布基纳法索)

[原文：法文]

资格说明

个人资料

姓名： Gberdao Gustave Kam
出生日期： 1958 年 5 月 19 日
出生地点： 布基纳法索多洛-(布古里巴)
职业： 法官，特等，4 级
现任职务： 卢旺达问题国际刑事法庭法官
国籍： 布基纳法索

专业经历

2008 年 9 月 24 日 案件编号 ICTR-2001-63 (*检察官诉 Nchamihigo*)，分庭查明被告有罪的判决。

2008 年 3 月 被法庭庭长指定为法庭规则委员会的成员。

2008 年 4 月 31 日 根据《卢旺达问题国际刑事法庭规约》第 12 条之三的第 2 款，由联合国秘书长分配到 ICTR-2005-88 号案件 (*检察官诉 Callixte Kalimanjira*)，从 2008 年 4 月 30 日起生效，该案件定于 2008 年 5 月 5 日开始，于 2009 年上半年的某个时间结束。

2006 年 10 月 13 日 尽管有《卢旺达问题国际刑事法庭规约》第 12 条之三的第 2 款，但是安理会根据秘书长的请求决定将 2003 年 6 月 25 日当选的国际刑事法庭审判法官的任期延长至 2008 年 12 月 31 日。

2007 年 12 月 4 日 *检察官诉 GAA*，案件编号 ICTR 07-90-77，分庭认定被告有罪的判决。

2007 年 11 月 8 日 由联合国秘书长根据《卢旺达问题国际刑事法庭规约》第 12 条之三的第 2 款分配到 ICTR07-90-77 号案件 (*检察官诉 GAA*)，从 2008 年 11 月 6 日起生效，该案件定于 2007 年 12 月 3 日开始，于三个月内结束。

- 2006年12月13日 检察官诉 *Athanase Seromba*，分庭认定被告有罪的判决。
- 2006年9月18日 由联合国秘书长根据 2006年9月25日生效的《卢旺达问题国际刑事法庭规约》第12条之三的第2款分配到 ICTR-2001-63 号案件(检察官诉 *Nchamihigo*)，从 2006年9月25日起生效，该案件定于 2006年9月25日开始，于 2007年上半年的某个时间结束。
- 2006年9月20日 检察官诉 *André Rwamakuba*，案件编号 ICTR-98-44C-T，宣告无罪的判决。
- 2005年9月1日 由联合国秘书长根据《卢旺达问题国际刑事法庭规约》第12条之三的第2款分配到检察官诉 *Karemera* 等人的案件，从 2005年9月5日起生效，该案件定于 2004年9月12日开始，于 2007年的某个时间结束。
- 2005年5月26日 由联合国秘书长根据《卢旺达问题国际刑事法庭规约》第12条之三的第2款分配到检察官诉 *André Rwamakuba* 的案件，从 2005年6月1日起生效，该案件定于 2006年6月5日开始，于 2007年的某个时间结束。
- 2004年8月27日 由联合国秘书长根据《卢旺达问题国际刑事法庭规约》第12条之三的第2款分配到检察官诉 *Athanase Seromba* 的案件，于 2004年9月13日生效，该案件定于 2004年9月20日开始，并在约十个月内结束。
- 2004年7月 司法部长的技术顾问（同时承担 PADEG 项目协调员的职责）。
- 职责：协助部长审理所有属于他职责范围内的事项；研究案件资料；担任部长的代表。
- 2003年6月25日 由联合国大会选为卢旺达问题国际刑事法庭的审案法官，以使该法庭能够加速工作。直到后来，即 2004年9月13日才分配到第一个案件。
- 我是在联合国安理会通过其 1431 号决议（2002 年）决定为前南斯拉夫问题国际刑事法庭设立若干审案法官之后当选的。当选的法官任期为四年。

2003 年 [欧盟]巩固民主进程、法治和良政支持计划的国家协调员，同时承担研究和规划主任的职责。

职责：

- 拟定和执行年度方案概算，向方案指导委员会提交技术和财务报告，开列和管理 EDF 的管理账户；
- （依照《洛美公约四》第 313 条的规定）签署工程及供应品和设备合同的国家审批员；
- 审批协定草案签署的官员；
- 支付当地酬金的管理员。

2001 年 研究和规划主任。

职责：

- 集中关于本部活动和进行中或将进行的项目的整体数据；
- 监测和检查不论是否列入发展计划和方案的项目；
- 为促进本部的工作开展研究，特别是研究和拟订省级项目；
- 安排并监督本部职权范围内的公开招标；草拟技术规格和中标函；
- 监测与国际机构的关系；
- 监测合作联合委员会的工作；
- 拟订、执行和监测本部的信息技术计划；
- 拟订和监测本部的活动计划；
- 拟订和监督执行本部的年度和三年一次的公共投资计划。

1999 – 2001 年 司法部民事刑事和司法事务司长。

职责：

- 监测民事、商事、刑事、劳动和行政法庭的工作；
- 监督省和区法庭的运作；
- 确保切实执行有关私法的国际公约，送交法律文件，在户籍登记册空白处填写信息，处理入籍申请；

1998 – 2002 年 参与成立国际刑事法院的筹备工作：

在罗马和联合国总部参加：

- 起草法院的《规约》（1998 年）；
- 起草《程序和证据规则》和《犯罪要件》；
- 起草《财务条例和细则》、《特权和豁免协定》、《法院与联合国的关系》。

2001 年

公有企业私有化委员会成员。

职责：

- 承担着多项任务的全国私有化委员会的目的是要对某些国有企业进行私有化。我是其中的一员，代表着司法部。

旨在审查刑事诉讼法和刑事法庭诉讼法的全国法典编纂委员会的成员。

职责：

- 审查司法部关于不属其直接负责的事项的法律文件、意见。

1998 – 2000 年

瓦加杜古军事法庭的政府专员。

职责：

- 在军事法庭行使检察官的职能；
- 采取或使别人采取一切必要行动，在军事法庭起诉刑事犯罪。

1996 – 1999 年

瓦加杜古上诉法院的检察官。

职责：

- 在上诉法院履行检察官的职责；
- 负责在全国执行刑法；
- 采取或使其他人采取一切必要行动，起诉刑事犯罪；
- 审议检察官在初审法庭的诉讼。

1995 – 1996 年：

库杜古大案法庭庭长。

职责：

- 对提交给该法庭并在其管辖权内的民事、商事和刑事案件做出初审司法裁决；
- 诉讼过程中的管辖权：在紧急案件中，庭长可以发出任何不会引起重大争议的命令；
- 根据情况需要发布临时强制令或恢复命令；
- 根据请求发布命令：根据情况需要发布不会引起相互争论的紧急命令。

- 1992 – 1995 年 博博迪乌拉索大案法庭庭长。
- 职责：
- 对提交给该法庭并在其管辖权内的民事、商事和刑事案件做出初审司法裁决；
 - 诉讼过程中的管辖权：在紧急案件中，庭长可以发出任何不会引起重大争议的命令；
 - 根据情况需要发布临时强制令或恢复命令；
 - 根据请求发布命令：根据情况需要发布不会引起相互争论的紧急命令。
- 1988 – 1992 年 人民法律援助办公室，瓦加杜古（律师）。
- 职责：
- 主要是向国营混合经济企业提供法律代理和援助；
 - 在法庭上进行口头论证并向法庭提交书面论证、各种材料和诉状。
- 1991 – 1992 年 Oumarou Clément Ouédraogo 谋杀案和 Moctar Tall 未遂谋杀案独立调查委员会的成员。
- 职责：
- 在全国各地进行调查，以查出并逮捕对前政府成员 Oumarou Clément Ouédraogo 实施犯罪的犯罪人、共同犯罪人和帮凶。
- 1987 – 1988 年 腾科多戈初审法庭庭长。
- 职责：
- 对提交给该法庭并在其管辖权内的民事、商事和刑事案件做出初审司法裁决；
 - 诉讼过程中的管辖权：在紧急案件中，庭长可以发出任何不会引起重大争议的命令；
 - 根据情况需要发布临时强制令或恢复命令；
 - 根据请求发布命令：根据情况需要发布不会引起相互争论的紧急命令。
- 1985 – 1987 年 博博迪乌拉索初审法庭的调查法官。
- 职责：
- 为了确定真实情况根据法律进行一切必要的询问和调查；
 - 进行或使其他人进行所有的询问和调查（品行调查、医疗检查等）。

教育

- 1984 – 1985 年 国家法官学院国际部，巴黎：法官文凭。
- 1978 – 1983 年 瓦加杜古大学法律学院，法学硕士 – 选修：私法。
- 1971 – 1978 年 博博迪乌拉索 Lycée Ouezzin Coulibaly，学士学位，B 组。
- 1965 – 1971 年 多洛公立小学证书。

其他培训

信息技术。

大学多媒体通讯证书。

- 互联网和电子邮件
- 网页制作
- 软件：文本处理
- Excel
- Publisher
- Photoshop
- Toolbook
- Fireworks
- Dreamweaver

与我的法官专业有关的各种实习、研讨会和讲习班。

其他兴趣

- 1986 年 布基纳法索反对种族主义和种族隔离及促进民族之间友谊运动的成员，这是一个设在布基纳法索的自愿参加的国际人道主义协会。
- 1989 年 捍卫民主和自由协会的创始成员和秘书长，这是一个自愿参加的协会。
- 1992 年 1 月 布基纳法索消费者协会创始成员，这是一个保护消费者的协会。非法、过期和劣质产品的消费已成为一个公共健康问题。

语言

法文	说:	很好
	读:	很好
	写:	很好

英文	说:	较好
	读:	良好
	写:	良好

荣誉/奖章

国家骑士奖章

Annex

Cases assigned at the International Criminal Tribunal for Rwanda

1. 27 August 2004: *Prosecutor v. Athanase Seromba*
2. 26 May 2005: *Prosecutor v. André Rwamakuba*
3. 1 September 2005: *Prosecutor v. Karamera et al.*
4. 18 September 2006: *Prosecutor v. Nchamihigo* (no. ICTR-2001-63)
5. 8 November 2007: *Prosecutor v. GAA* (no. ICTR 07-90-77)
6. 30 April 2008: *Prosecutor v. C. Kalimanjira* (no. ICTR-2005-88)

Selected decisions

1. 050105 – E (OR) (filed on 6 January 2004): Decision granting extension of time to the Defence Counsel for Rwamakuba to respond to the Prosecution Motion for severance of Rwamakuba and amendment of the indictment
2. 050117 – E (OR): Decision on time-limit to file a response
3. 050125 – E (OR): Decision Granting Time-Limit to File a Reply to Defence Responses
4. 050214 – E (OR): Decision on Severance of André Rwamakuba and For Leave to File Amended Indictment
5. 050215 – E (OR): *Corrigendum* to Decision on Severance of André Rwamakuba and for Leave to File Amended Indictment
6. 050218 – E (OR): Decision on Prosecution Motion for Leave to File Amended Indictment and Filing of Further Supporting Material
7. 050223 – F (OR): Décision relative à la requête de Joseph Nzirorera aux fins d'obtenir la coopération du gouvernement d'un certain Etat – Annex under seal
8. 050223 – F (OR): Décision relative à la requête de Joseph Nzirorera aux fins d'obtenir la coopération du Gouvernement français
9. 050223 – E (OR) : Decision on Motion to Vacate Sanctions
10. 050223 – E (OR): Decision on Disclosure of Witness Reconfirmation Statements
11. 050303 – E (OR): Order (transfer of Serushago)
12. 050322 – F (OR): Décision relative à la requête de Joseph Nzirorera aux fins de rejeter l'acte d'accusation pour poursuites discriminatoires
13. 050324 – E (OR): Oral Decision on Time-Limits to File Reply under Rule 73(E) of the Rules
14. 050324 – E (OR): Scheduling Order
15. 050331 – E (OR): Decision on Joseph Nzirorera's Application for Certification to Appeal the Decision Denying His Request for Cooperation to Government of France
16. 050331 – E (OR): Decision on Prosecution's Motion to Renew and Extend the Transfer of Detained Prosecution Witness Omar Serushago
17. 050412-TC3-E (OR): Decision on Nzirorera's Motion to dismiss Amended Indictment for violation of Article 12 *quater* of the Statute
18. 050415-TC3-F (OR) -P- Décision relative à la requête du Procureur en prolongation de délai pour le dépôt de traductions de déclarations de témoins
19. 050419-TC3-E (OR) -P- Decision on the Prosecution Motion for Sanctions Against Counsel for Nzirorera for Violation of Witness Protection Order and for an Injunction Against Further Violations
20. 050419-TC3-E (OR) -NZ- Decision on Joseph Nzirorera's Motion For a Request For Governmental Cooperation – Annex under seal
21. 050425-TC3-E (OR) -P- *Corrigendum* to Decision on the Prosecution Motion For Sanctions Against Counsel For Nzirorera For Violation of Witness Protection Order and For an Injunction Against Further Violations

22. 050503-TC3-E (OR) -NZ- Decision on Motion To Unseal *Ex Parte* Submissions and To Strike Paragraphs 32.4 and 49 from the Amended Indictment
23. 050505-TC3-E (OR) - *Proprio Motu*: Order For Filing Documents
24. 050511-TC3-E (OR) - *Proprio Motu*: Order For Filing Documents
25. 050513-TC3-E (OR): Decision On Joseph Nzirorera's Motion To Hold Trial Sessions In Rwanda
26. 050516-TC3-E (OR) - *Proprio Motu*: Order Granting Time To Reply To Additional Prosecution's Submission
27. 050516-TC3-E (OR): Decision on Joseph Nzirorera's Motion For Deadline For Filing of Reports of Experts
28. 050518-TC3-F (OR): Décision relative à la requête d'Edouard Karemera en prolongation de délai
29. 050524-TC3-E (OR): Decision on Joseph Nzirorera's Motion for Order Finding Prior Decisions to Be of "No Effect"
30. 050526-TC3-E (OR): Decision on Joseph Nzirorera's Application for Certification to Appeal the Decision Denying His Motion to Vacate Sanctions
31. 050620-TC3-E (OR): Decision Granting Extension of Time to File Pre-Trial Brief
32. 050701-TC3-E (OR): Decision Granting Extension of Time to Defence File Pre-Trial Brief
33. 050704-TC3-E (OR) - *Proprio Motu*: Order for Filing Documents
34. 050705-TC3-E (OR): Decision on Joseph Nzirorera's Motion to Compel Inspection and Disclosure
35. 050712-TC3-F (OR): Décision sur les requêtes d'Edouard Karemera et de Mathieu Ngirumpatse aux fins de prorogation des délais pour le dépôt de leurs mémoires préalables au procès
36. 050712-TC3-E (OR): Decision Granting Extension of Time to Respond to the Prosecution Motion For Judicial Notice
37. 050712-TC3-E (OR): Decision on Prosecution's Motion for Return of Exhibits from Annulled Trial Sessions
38. 050713-TC3-OR (E): Decision on Joseph Nzirorera's Motion for Order Allowing Meeting With Defence Witness
39. 050725-TC3-D-ExtensionTime-ENG: Order Granting Extension of Time for the Prosecution
40. 050726-TC3-D-R90bisB-ENG: Decision on Transfer of Detained Witnesses
41. 050728-TC3-D-ExtensionTime-FR: Décision relative à requête en extension de délai de réponse à la requête du Procureur aux fins de prescription de mesures de protection spéciales pour les témoins G et T
42. 050801-TC3-O-R33B-DefenceInvestigators-ENG: Order for the Registrar to Make Submissions on Joseph Nzirorera's Motion for Allowing Defence Investigators in Closed Sessions
43. 050805-TC3-D-RenewUNChapter7-ENG: Decision on Renewed Motion to Dismiss for Lack of Jurisdiction: United Nations Charter, Chapter VII Powers
44. 050805-TC3-D-Indictment-DefectsForm-ENG: Decision on Defects in the Form of the Indictment
45. 050805-TC3-D-DismissCount7-ENG: Decision on Count Seven of the Amended Indictment - Violence to Life, Health and Physical or Mental Well-Being of Persons
46. 050805-TC3-D-JCE-ENG: Decision on Defence Motion Challenging the Jurisdiction of the Tribunal – Joint Criminal Enterprise
47. 050808-TC3-D-DisclosureAffidavit-ENG: Decision on Defence Motion for Disclosure of the Affidavit of Richard Renaud Related to Witnesses G & T
48. 050808-TC3-D-ExtensionTime-ConsolidatedReply-ENG: Decision Granting the Prosecution Time to File a Consolidated Reply to Defence Responses to the Judicial Notice Motion

49. 050808-TC3-O-SchedulingOrder-PFC-ENG: Scheduling Order - Request for Clarification Between the 2001 Indictment and the Amended Indictment
50. 050808-TC3-O-SchedulingOrder-Rape-JCE-ENG: Scheduling Order - Oral Arguments on Rape, Complicity in Genocide and the Pleading of Joint Criminal Enterprise in the Amended Indictment
51. 050810-TC3-D-JCE-Corrigendum-ENG: Corrigendum to the Decision on Defence Motion Challenging the Jurisdiction of the Tribunal - Joint Criminal Enterprise
52. 050818-TC3-D-Investigators-ClosedSessions-ENG: Decision on the Defence Motion to Permit Investigators to Attend Closed Sessions
53. 050823-TC3-D-PaymentsWitnesses-ENG: Decision on Defence Motion for Full Disclosure of Payments to Witnesses and to Exclude Testimony from Paid Witnesses
54. 050829-TC3-D-ModificationProtectiveMeasures-ENG: Decision on the Defence Motions for Reconsideration of Protective Measures for Prosecution Witnesses
55. 050901-TC3-NZ-OTPInvestigators-ENG: Decision on Joseph Nzirorera's Motion to Exclude Testimony of OTP Investigators and Employees
56. 050906-TC3-NZ-E (OR) - *Proprio Motu*: Scheduling Order for Filing Response to Defence Motion
57. 050908-TC3-NZ-E (OR) - *Proprio Motu*: Scheduling Order for Submitting Reply to Defence Motions
58. 050909-TC3-NZ-E (OR): Oral Decision on Prosecutor's Submission in Compliance with the Chamber's Decision of 10 August 2005 (see transcripts E: p.; l. - F p.; l.)
59. 050909-TC3-KA-E (OR): Oral Decision on Karemera Motion for Extension of Time filed on 29 July 2005 (see transcripts E: p.; l. - F: p.; l.)
60. 050909-TC3-KA-E (OR): Oral Decision on Karemera Motion for Extension of Time filed on 7 September 2005 (see transcripts E: p.; l. - F: p.; l.)
61. 050909-TC3-P-E (OR): Decision on Prosecutor's Notice of Delay in Filing Expert Reports and Request for Additional Time to Comply with the Chamber Decision of 16 May 2005
62. 050909-TC3-NZ-E (OR): Decision on Joseph Nzirorera's Motion to Exclude Evidence Seized in Benin
63. 050912-TC3-NZ-E (OR): CONFIDENTIAL: Decision on Joseph Nzirorera's Motion For Disclosure of a Confidential Annex
64. 050913-TC3-NZ-E (OR): Decision on Defence Motion to Exclude In-Court Identifications
65. 050914-TC3-NZ-E (OR): Decision on Motions to Compel Inspection and Disclosure and to Direct Witnesses to Bring Judicial and Immigration Records
66. 050914-TC3-NZ-E (OR): Decision on Continuance of Trial
67. 050914-TC3-NZ-E (OR): Decision on Defence Motions Challenging the Indictment as regards the Joint Criminal Enterprise Liability
68. 050914-TC3-NZ-E(OR): CONFIDENTIAL: Decision on the Prosecutor's Motion for Special Protective Measures for Witnesses G and T
69. 050914-TC3-NZ-E (OR): Oral Decision - Decision on Defence Motions objecting the Proposed Amended Indictment of 24 August 2005 (see transcripts E: p.; l. - F: p.; l.)
70. 050914-TC3-NZ-E (OR): Oral Decision - Decision on Ngirumpatse Motion to exclude the 143 Prosecution witness statements filed on 4 July 2005 (see transcripts E: p.; l. - F: p.; l.)
71. 050914-TC3-NZ-E (OR): Oral Decision - Scheduling Order (Defence Motion to reduce Prosecution Witness List (see transcripts E: p.; l. - F: p.; l.)
72. 050915-TC3-NZ-E (OR): Corrigendum to Decision on Defence Motions Challenging the Indictment as regards the Joint Criminal Enterprise Liability
73. 050920-TC3-NZ-E (OR): Decision on Motion to Set Deadlines For Filing Expert Reports of Norwojee and Reyntjens

74. 050920-TC3-NZ-E (OR): Decision on Defence Written Request to Interview Prosecution Witnesses
75. 050920-TC3-NZ-E (OR): Oral Decision - *Proprio Motu*: Scheduling Order (Prosecution Witness List)
76. 050920-TC3-NZ-E (OR): Oral Decision - Decision on Joseph Nzirorera's Motion to Exclude the Testimony of Witness GFJ
77. 050920-TC3-NZ-E(OR): Oral Decision - Decision Joseph Nzirorera's Motion seeking certification to appeal Decision on Joseph Nzirorera's Motion to Exclude the Testimony of Witness GFJ
78. 050922-TC3-NZ-E (OR): Oral Decision on Admissibility of Witness GFJ's Testimony on a specific meeting
79. 050926-TC1-NZ-E (OR): Decision on Defence Written Request to Interview Prosecution Witnesses
80. 050927-TC3-NZ-E (OR): Oral Decision on Request for Adjournment
81. 051003-NZ-E (OR): Oral Decision on Exclusion of Testimony of Alison Des Forges and Granting Extension of Time for Disclosure of the Expert Report
82. 051003-NZ-E (OR): Oral Decision - Authorizing Representative of Prosecution and of Defence for Each Accused to be present at the location where Witness G will testify
83. 051003-NZ-E (OR): Oral Scheduling Order for Testimony of Witness G
84. 051005-NZ-E (OR): Décision relative à la requête de la défense en extension de délai
85. 051007-NZ-E (OR): CONFIDENTIAL: Decision on the Defence Motion to Unseal and for Application for Certification to Appeal Decision on the Prosecutor's Motion for Special Protective Measures for Witnesses G and T
86. 051010-KA-F (OR): Décision sur les requêtes d'Edouard Karemera en certification d'appel
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