

Personal details

Name: Gberdao Gustave KAM
Nationality: Burkina Faso
Date of birth: 9 May 1958, Dolo (Bougouriba, Burkina Faso)
Profession: Judicial Officer (Judge), special class, step 4
Currently judge at the International Criminal Tribunal for Rwanda (ICTR)
Decoration: Medal of Knight of the Burkina Faso National Order of Valour

Education

July 1985 Diplôme de Magistrat (Law School Diploma), École nationale de magistrature (National School of Magistracy), Section internationale (International Department), Paris, France.

July 1983 Maîtrise en droit, option Droit privé, Université de Ouagadougou (École supérieure de Droit) (Masters in Law, University of Ouagadougou, Law School), Burkina Faso

June 1978 Baccalauréat série B (GCE A' level) Lycée Ouezzin Coulibary de Bobo Dioulasso, Burkina Faso

Other qualifications 1) Diplôme universitaire de communicateur en multimédia (création et maintenance de sites Internet, publication assistée sur ordinateur) (University Diploma in multimedia communication – creation and maintenance of websites, computer-aided publishing).
2) Participation in various internship programmes, seminars and workshops related to my profession as a judicial and legal officer.

Professional experience

International Criminal Tribunal
for Rwanda

From March 2008 The President of the ICTR appointed me member of the Rules Committee of the Tribunal. The role of the said committee is to study the Rules in order to propose amendments thereto, where necessary, and to study all amendment proposals so as to give a reasoned opinion thereon to the President and to the Plenary Meeting of Judges.

13 September 2004 The Secretary-General of the United Nations appointed me, for the first time, as ICTR Judge in the *Seromba* case, in accordance with Article 12 *ter*, paragraph 2 of the Statute of the Tribunal.

25 June 2003 Elected by the United Nations General Assembly as ad litem judge of the International Criminal Tribunal for Rwanda. The list of *ad litem* judges was introduced by the Security Council (S/RES/1431 (2002) to enable the Tribunal to expedite its work.

Cases

- August 2009 *The Prosecutor v. Michel Bagaragaza*
Trial commenced in August 2009 and the Trial Chamber delivered its sentencing judgement on 17 November 2009.
- The Prosecutor v. Tharcisse Muvunyi*
Re-trial of the accused after an Appeals Chamber ruling.
The Trial Chamber delivered its sentencing judgement on 11 February 2010.
- 31 April 2008 *The Prosecutor v. Callixte Kalimanzira*
The Secretary-General of the United Nations assigned me to this case. The trial started on 5 May 2008 and the Tribunal estimates that it should end during the first half of 2009.
- 8 November 2007 *The Prosecutor v. GAA*
The Secretary-General of the United Nations assigned me to this case of contempt of Court in which a protected witness is accused.
- 4 December 2007
The accused pleaded guilty to the offence of false testimony and the Trial Chamber delivered its sentencing judgement. To date, this is the only judgement of its kind delivered by the ICTR.
- 18 September 2006 *The Prosecutor v. Siméon Nchamihigo*
The Secretary-General of the United Nations assigned me to this case. The trial started on 25 September 2006.
- 24 September 2008
The Trial Chamber delivered its judgement convicting the Accused, including the sentence.
- 1 September 2005 *The Prosecutor v. Édouard Karemera, Mathieu Ngirumpatse and Joseph Nzirorera*
The Secretary-General of the United Nations assigned me to this case. It is ongoing, and every year, the Chamber renders about 100 decisions.
- 26 May 2005 *The Prosecutor v. André Rwamakuba*
The Secretary-General of the United Nations assigned me to this case which was the result of the severance of the *Karemera et al.* case. The trial started on 5 June 2006.
- 20 September 2006
The Trial Chamber delivered its judgement acquitting the Accused.
- The Prosecutor v. Athanase Seromba*
- 27 August 2004
The Secretary-General of the United Nations assigned me to this case. The trial started on 20 September 2004.
- 13 December 2006
The Trial Chamber delivered its judgement convicting the Accused, including the sentence.

Ministry of Justice,
Burkina Faso

- July 2004 Technical Adviser to the Minister of Justice (alongside my duties as Coordinator of PADEG). My role was to assist the Minister in the study of all matters under his authority and to represent him whenever necessary.
- 2003 PADEG (Programme d'appui à la consolidation du processus démocratique, l'état de droit et la bonne gouvernance) (Programme for the Consolidation of the Democratic Process, the Rule of Law and Good Governance).
PADEG National Coordinator, alongside other duties in the Ministry of Justice.
In this capacity, I was in charge of the preparation and execution of the annual programme of activities and draft budget, the presentation of technical and financial reports to the programme's steering committee, the opening and management of the programme's State-controlled European Development Fund Account. I was also the Authorizing Officer (pursuant to Article 313 of the Lomé IV Convention) regarding the signing of various contracts (works, supplies/equipment) and protocols. Lastly, I was the Manager of local payments expenses. The program specifically aims at providing training in various aspects of the law to magistrates and other officers of the Court (Registrars, Police Officers, Attorneys, etc.), and to human rights organizations. To that end, we have published some textbooks and compendium on different legal issues: criminal procedure, criminal law, international criminal law, family law, etc.
- 2001-2003 Director of Studies and Planning.
In this capacity, I was in charge of:
- (i) Centralizing all data relating to the activities of the Ministry and to ongoing projects or projects to be carried out;
 - (ii) Following up and monitoring projects, whether or not such projects were included in development plans and programmes;
 - (iii) Carrying out studies necessary for galvanizing the Ministry, in particular the study and design of the Ministry's projects;
 - (iv) Organizing the award of public contracts that fell under the authority of the Ministry; this comprised the preparation of tender specifications and letters of intent to order;
 - (v) Following up relations with international institutions;
 - (vi) Following up the work of cooperation joint committees;
 - (vii) Preparing, implementing and following up the data processing programme of the Ministry;
 - (viii) Preparing and following up the Ministry's plan of activities;
 - (ix) Preparing and ensuring the implementation of annual and triennial investment programmes of the Ministry.
- 1999-2001 Director of Civil and Criminal Matters and of the Seal.
My duties consisted of:
- (i) Following up the activities of various courts regarding civil, commercial, criminal, social and administrative cases;
 - (ii) Monitoring the functioning of regional and district courts (tribunaux départementaux et d'arrondissement);
 - (iii) Ensuring the effective implementation of international conventions relating to private law, the service of processes, the transcription of marginal entries in civil status registers, the study of naturalization applications.

- 1998-2002 Member of the Burkina Faso delegation to the preparatory meetings which preceded the creation of the International Criminal Court.
In this capacity, I participated in Rome and at the United Nations Headquarters (New York) in drafting the Statute of the International Criminal Court (1998), the Rules of Procedure and Evidence and in determining the Constituent Elements of Crimes. I also participated in drafting the Financial Rules and Regulations and the Financial Management Rules; the Agreement on Privileges and Immunities and the Agreement on the Relations between the Court and the United Nations Organization.
- 2001 (1) Member of the Public Enterprises Privatization Commission.
The mandate of this Commission whose members came from various professional backgrounds was to privatize some State corporations. I represented the Ministry of Justice in the Commission.
(2) Member of the National Codification Commission for proofreading the Criminal Procedure Code and the Law governing the procedure applicable by the Criminal Bench.
In the Commission, I participated in proofreading the legal texts of the Ministry and gave my opinion on matters that did not directly fall under the Ministry.
- 1998-2000 Government Representative at the Military Tribunal of Ouagadougou.
In this capacity, I served as Prosecutor before the Military Tribunal and took or caused to be taken all measures necessary for the prosecution of violations of criminal law.
- 1996-1999 Principal State Prosecutor at the Ouagadougou Court of Appeal.
As Principal State Prosecutor before this Court, my duties consisted of ensuring the application of criminal law throughout the national territory, taking or causing to be taken all measures necessary for the prosecution of violations of criminal law and supervising the work of prosecutors appearing before Courts of First Instance.
- 1995-1996 President of the Koudougou High (Regional) Court
- 1992-1995 President of the Bobo Dioulasso High (Regional) Court.
In this capacity, I had to decide, at first instance, civil, commercial and criminal cases that fell within the jurisdiction of the High Court and were brought before the said Court. I also ordered protective and restitution measures, as and when necessary.
- 1988-1992 Lawyer, Cabinet Populaire d'assistance judiciaire – Ouagadougou (a law practice in Ouagadougou) Burkina Faso
My work consisted of representing and assisting litigants, in particular state corporations and joint ventures, in Court.
- 1991-1992 Member of the Commission d'enquête indépendante sur les crimes d'assassinat de Oumarou Clément Ouedraogo, de tentative d'assassinat sur la personne de Moctar Tall (Commission on an independent inquest into the assassination of Oumarou Clément Ouedraogo and the attempted murder of Moctar Tall).
The Commission carried out all necessary investigations throughout the national territory in order to identify and apprehend the perpetrators and co-

perpetrators of the crimes committed on Oumarou Clément Ouadraogo, former member of Government, as well as their accomplices.

1987-1988 President of the Tenkodogo Court of First Instance.
In this capacity, I decided, at first instance, civil, commercial and criminal cases that fall under the jurisdiction of the High Court and were brought before it. I also ordered protective or restitution measures, as and when necessary.

1985-1987 Investigating Judge at Bobo Dioulasso Court of First Instance.
In this capacity, it was my duty to carry out or cause to be carried out, in accordance with the law, all judicial investigations necessary for the unveiling of the truth.

Other areas of interest

1986 Member of the Mouvement burkinabè de lutte contre le racisme, l'apartheid et pour l'amitié entre les peuples (MOBRAP) (Burkina Faso Association for the fight against Racism and Apartheid and for Friendship amongst Peoples), an international humanitarian association in Burkina Faso

1989 Founding Member and Secretary-General of APED-Liberté: An association for the defence of democracy and freedom.

1992 Founding Member of la Ligue des Consommateurs du Burkina (LCB) (a Burkina Faso consumers association): The Ligue des Consommateurs du Burkina is an association for the defence of consumers' rights. The consumption of illicit, expired and poor quality products has become a public health issue in Burkina Faso.

Knowledge of languages

French	Spoken:	Very good
	Reading:	Very good
	Written:	Very good
English	Spoken:	Quite good
	Reading:	Good
	Written:	Good

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