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Election of the Prosecutor of the International Criminal Court

Addendum *

Fatou B. Bensouda (The Gambia)

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Statement of qualifications

Fatou B. Bensouda (LLB (Hons), BL, LLM. Deputy prosecutor (prosecutions), International Criminal Court

Personal details

Date of Birth: 31st January, 1961

Nationality: Gambian

Gender: Female

Marital Status: Married

Summary of relevant attributes

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.

* Received by the Secretariat of the Assembly on 9 December 2011.

Education

- Oct 1990 – June 1991 Master of Laws, UN/IMO International Maritime Law Institute.
- Sept 1986 – July 1987 Barrister-At-Law (B.L), Nigeria Law School, Lagos, Nigeria.
- 1983 – June 1986 Bachelor of laws-LLB (HONS), University of IFE (Now OAU University) Nigeria.

Other relevant professional training

- Diploma Volunteerism – International Olympic Committee, New York, USA, - November 2001.
- Certificate Computer and Information Technology – Management, Development Institute-The Gambia, 1998.
- Certificate Oxford Conference on Mutual Legal Assistance Oxford, England-September 1994.
- Certificate Judicial Independence and Judicial Accountability-The Gambia, November 1993.
- Certificate Human Rights Training for Commonwealth Public Officials-Banjul, The Gambia-1989.
- Certificate International Law Programme-International Court of Justice-The Hague, Netherlands 1988.
- Diplome “Diplome d’études en Langues Francais (DELF) 1er Degre” from “Le Ministère de la Jeunesse, De L’éducation Nationale et De La Recherche de La République Française.

Work experience

- 8 August 2004 Elected Deputy Prosecutor (Prosecutions) International Criminal Court (ICC – The Hague) by The Assembly of States Parties to The Rome Statute.
- 1 November 2004 Sworn into Office as Deputy Prosecutor (Prosecutions) International Criminal Court (ICC – The Hague).

Duties and responsibilities

- Serve as a member of the Executive Committee of The Office of The Prosecutor responsible for the overall supervision and administration of the work of the office;
- Responsible for the management, supervision and direction of the Prosecution Division of the Office of the Prosecutor, which consists of the Prosecutions and the Appeals Section;
- Provide strategic advice to the Prosecutor in relation to prosecutions; establish procedures and guidelines regarding prosecutions and appeals; supervise the pre- trial, trial and appeal proceedings;
- Coordinate prosecutions, including the execution of all elements of pretrial, trial and appeals measures as provided for in the Statute;
- Interact with the Head of Investigations, the investigation team members, the national and international authorities, as well as with intergovernmental and other relevant bodies and organizations on issues relevant to the conduct of pre-trials, trials and appeals and to ensure the coordination of the Prosecution Division with all investigative activities;
- Establish and supervise teams for the conduct of pre-trials, trials and appeals on one or several cases selected by the Prosecutor;
- Establishment of defined and regular communication procedures between the sections within the Division and across Divisions and support functions;

- 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.
- April 2004 Senior Legal Advisor – UNICTR, Arusha.
- Duties and responsibilities*
- Head of The Legal Advisory Unit of The ICTR; •Supervise and participate in the review and documentation of the jurisprudence of the UNICTR;
 - Draft, review and approve legal briefs, memorials and other legal instruments for the prosecution. This includes appeal briefs;
 - Supervise and coordinate the work of Legal Advisers (Prosecution) and Legal Advisers (Investigations) in the performance of their duties;
 - Review and provide legal advice on motions and other legal instruments prepared by trial teams, including pre-trial legal briefs, opening and closing arguments, statements of admission and other trial-related legal matters;
 - Provide advice on indictments and serve on The Indictment Review Panel;
 - Support the trial teams on legal matters and serve as a trial attorney;
 - Liaise with the Chief of Investigations and Commanders of Investigations and the Chief of the Evidence Unit about legal and procedural issues affecting investigations;
 - Survey and analyze ICTR and ICTY jurisprudence with a view to ensure that consistent legal positions are taken by the OTP;
 - As required, support teams working on appeals through research, drafting of opinions and generally giving legal and other advice;
 - Produce digests of decisions of the ICTR.
- May 2002 - August 2004 Legal Adviser/ Trial Attorney-ICTR, Arusha , Tanzania.
- Duties and responsibilities*
- Provide Legal advice for ongoing investigations, assist and support of trial preparations;
 - Undertake legal research on continuing bases for trial support and in the formulation of prosecution strategy and appeals;
 - Draft indictments and participate in indictments review exercises; • Conduct Prosecution of Cases before the UNICTR; • Review and document the jurisprudence of the UNICTR.
- January - May 2002 General Manager - International Bank for Commerce (Gambia) Limited, Banjul, The Gambia.
- Duties and responsibilities*
- Manage the day to day affairs of the bank and manage administrative staff matters (over 100 staff members);
 - Review and approve loan transactions;
 - Review all legal documents of the bank including mortgages prior to signature;
 - Deal with the Central Bank of the Gambia on matters affecting the Bank;
 - Deal with correspondent banks abroad on all financial transactions.

2000 to 2002

Private Legal Practitioner -Ya Sadi Chambers, - Bensouda and Co, Leman St. Banjul, The Gambia.

- Worked as defence counsel in criminal cases, conducted appeals in both criminal and civil trials and appeals, issued legal opinions to clients, drafted appeal briefs and bail applications, acted as consultants to major investment companies, drafted legal instruments and documents including deeds, leases, mortgages, motions, opening and closing arguments etc. conducted civil litigation , served as retained counsel for:
 - International Bank for Commerce and Industry (Gambia) Ltd (one of The Gambia's leading commercial banks);
 - Bimex - (one of The Gambia's leading trading companies);
 - British American Tobacco Ltd. (Gambia) (an international tobacco company).

1998 to 2000

Attorney General and Minister of Justice of the Republic of The Gambia.

Departments and offices under the office of The Attorney General:

- Attorney General's Chambers and Ministry of Justice;
- Judicial Department;
- Office of The Director of Public Prosecutions;
- Office of The Registrar General;
- Office of The Curator of Intestate Estates;
- Human Rights; Law Reform Commission;
- Commission for the Evaluation of Assets and the prevention of Corrupt Practices;
- National Council for law Reporting.

Duties and responsibilities

Constitutionally responsible for the control and supervision of all criminal prosecutions in The Gambia and in this respect:

- Direct the police investigation and the prosecution of all crimes and responsible for prosecutorial policies;
- Develop guidelines and practice manuals for prosecutors;
- Prepare and submit periodic reports on crime and prosecution statistics;
- Maintain effective cooperation with all other government departments concerning legal matters and coordinate with the police on the investigation and prosecution of crimes;
- Liaise with counterparts in other Governments and handle all matters relating to the extradition of criminals;
- Manage the administrative matters of the Judiciary; • Administer the justice system;
- Conduct all civil litigation on behalf of Government;
- Provide legal advice to Government as Chief Government Legal Adviser and prepare legal briefs and memoranda for Government;
- Provide guidance and supervise the drafting of all legislation for Government;
- Coordinate the activities of the various Departments within the Ministry of Justice and harmonise their respective policies;
- Supervise activities of the Registrar General's Dept., including Intestate Estates, Marriage and Divorce, Public Trusteeship, Trade Marks and Patents, Law Revision, and Law Reform;
- Administer or oversee other government departments as and when assigned;
- Serve as special envoy for the President whenever required.

April 1997 -July 1998 Solicitor General and Legal Secretary of the Republic of The Gambia.

Duties and responsibilities

- Principal Assistant to the Attorney General and Minister of Justice;
- Principal adviser to the Attorney General for the performance of the functions of the office;
- Perform the functions and responsibilities of the Attorney General and Minister of Justice in his absence and when delegated;
- Principal Accounting Officer of the Attorney General's Chambers and Ministry of Justice;
- Responsible for presentation and defending of the annual budget of The Attorney General's Chambers and Ministry of Justice;
- Principal officer responsible for all administrative matters of the Attorney General's Chambers of approximately 40 professional and 80 non professional staff;
- Head of the Civil and International Legal Affairs Division of the Attorney General's Chambers;
- Head of Civil Litigation Department of the Attorney General's Chambers;
- Responsible for Legal advice to all Government Departments and State Corporations.

1993 -1997 Deputy Director of Public Prosecutions. Assisted the Director of Public Prosecutions in directing the investigations and prosecutions of all Criminal cases handled by the Attorney General's Chambers and Ministry of Justice.

Duties and responsibilities

- Direct the investigations of criminal cases referred to the Prosecutions Office;
- Appear as counsel and conduct prosecutions of criminal cases;
- Supervise the prosecutions of criminal cases conducted by approximately 20 State Prosecutors (State Counsel and Public Prosecutors);
- Review legal opinions and briefs prepared by State Prosecutors (State Counsel and Public Prosecutors);
- Advise the Director of Public Prosecutions on general /specific conduct of criminal cases;
- Provide guidance to State Prosecutors (State Counsel and Public Prosecutors) on the conduct of specific cases;
- Act as and perform the duties and responsibilities of Director of Public Prosecutions in his absence and/or upon request;
- Appear as lead Counsel in the prosecutions of serious and complex cases such as treason, murder, rape, armed robbery, or on extradition applications, etc;
- Provide tutelage to Public Prosecutors and design training programmes for newly appointed prosecutors (State Counsel and Public Prosecutors).

1994 -1997 Whilst substantively Deputy Director of Public Prosecutions, also appointed and worked as Lead Counsel to the Commission of Inquiry into The Financial activities of Public Corporations: Presidential Commission of Enquiry 1994.

Duties and responsibilities

Directed and supervised investigations into and made recommendations to Government on the financial activities of Major Public Corporations in The Gambia such as:

- The Gambia Telecommunications Services Ltd;
- The Gambia Civil Aviation Authority;
- The Gambia Public Transport Corporation;
- The Gambia Ports Authority;
- The National Investment Board;
- The Gambia Produce Marketing Board.

January 1992 – 1993

Principal State Counsel.

- Conduct prosecutions of serious crimes including murder, rape and armed robbery;
- Direct investigations into crimes referred by the police to the Office of the Director of Public Prosecutions and supervise the compilation of case files for prosecutions;
- Served as special assistant to The Director of Public Prosecutions;
- Appear at the appellate courts to conduct criminal appeals;
- Lead junior Prosecutors in the prosecutions of complex cases;
- Wrote legal opinions on criminal cases for the Director of Public Prosecutions;
- Review opinions and briefs prepared by junior Prosecutors;
- Served as resource person in the training of junior Prosecutors.

April 1990 – January 1992

Senior State Counsel.

- Lead junior Prosecutors in the prosecution of criminal cases;
- Wrote legal opinions on criminal cases for the Director of Public Prosecutions;
- Conduct prosecutions of criminal cases in the High Court including murder, rape, fraud, theft and armed robbery;
- Direct investigations into crimes referred by the police to the Office of the Director of Public Prosecutions and supervise the compilation of case files for prosecutions.

1998 -1990

State Counsel.

- Wrote legal opinions on Criminal Cases for Prosecutions;
- Conduct prosecutions of criminal cases in the High Court and Magistrate Courts including murder, rape, fraud, theft and armed robbery;
- Conduct legal research for senior Prosecutors;
- Direct investigations into crimes referred by the police to the Office of the Director of Public Prosecutions and supervise the compilation of case files for prosecutions.

1987-1988

Public Prosecutor.

- Prosecute criminal cases before all subordinate courts in The Gambia;
- Wrote legal opinions, prepared legal briefs and compiled case files for prosecutions;
- Conduct legal research for senior Prosecutors.

1980 – 1982

Clerk of Court -Judicial Department.

- Received and processed all court processes and other legal documents filed in the High Court of the Gambia;
- Responsible for keeping up to date both the Judge's and Registrar's files of any cases in progress;
- Acted as special legal assistant of the Judge in Court.

Membership in professional organisations

- Member of the International Association of Prosecutors;
- Member of the Gambia Bar Association;
- Member of the Nigerian Bar Association;
- Member of The Advisory Board of The African Centre For Democracy and Human Rights Studies 1998-2000;
- Member-International Advisory Council of The International Board of Maritime Healthcare 2000 to date;
- Member-Professional Women's Advisory Board – 2000 to date.

Extra curricular activities

- Member of The Advisory Board of The African Centre For Democracy and Human Rights Studies, 1998-2000;
- Member-International Advisory Council of The International Board of Maritime Healthcare;
- Member - Gambia High School Board of Governors, 1992 -1995; •Member-Executive Committee of The Marina International School, The Gambia, 1994 – to 2002;
- 1st Vice President - Gambia National Olympics Committee (GNOC) 1994 – 2002;
- Member - Board of Directors - Gambia Committee on Harmful Traditional Practices GAMCOTRAP - (National Branch of The Inter African Committee).

Relevant Conferences/seminars and workshops attended as Official of the Government of The Gambia

- Delegate to The Asian African Legal Consultative Committee Meeting, 39th session for Justice Ministers, February 2000, Cairo, Egypt;
- Inaugural Meeting of Women Ministers of Justice by Council of Women World Leaders and the United Nations, New York, November 1999;
- Delegate of the Gambia to Preparatory Commission meetings on the Establishment of the International Criminal Court, New York, USA, 1999;
- Representative to the Commonwealth Law Minister's meeting in Port of Spain, Trinidad, May 1999;
- Representative to the OAU Ministerial Meeting on Human Rights in Africa Grand Baie, Mauritius, April 1999;
- Part of Gambian delegation to the UNDP International Conference on Good Governance, United Nations, New York, USA, July 1997;
- Official to the Meeting of Law Ministers of Small Commonwealth Jurisdictions, Barbados, July/August 1997;
- Gambia's delegate to the United Nations Conference on Crime Prevention and Treatment of Offenders, Preparatory meeting, Kampala, Uganda, 1995;
- Member of delegation to the 9th UN Congress on Crime Prevention and Treatment of Offenders, Cairo, Egypt, 1995;
- Ministry of Justice Permanent Delegate to Economic Community Of West African States –(ECOWAS) Series of meetings on:
 - The ECOWAS Treaty;
 - The West African Parliament;
 - The ECOWAS Tribunal.
- Legal Expert to the Sub-Regional Commission on Fisheries meeting on the Convention on the Rights of Hot Pursuit, Guinea Conakry, 1993;
- Member of Expert Group working on ministerial adaptation of ECOWAS Convention on Extradition and Convention on Mutual Legal Assistance, 1988-1989.

Selected Meetings/Assignments/ Presentation Papers as Deputy Prosecutor – ICC

- Presented Keynote Address to the Regional Conference on International Criminal Court, sponsored by the League of Arab States and the State of Qatar, Doha, 25th May 2011;

- Participant at The American Society of International Law, in panel presenting the preliminary examination and policy paper including the status of ICC Situations and cases, Washington, USA, March 2011;
- Discussant and presenter to the PGA Regional Roundtable discussion on the implementation of the Rome Statute of the International Criminal Court, Monrovia, February 2011;
- Speaker and presenter at the African Centre for the Constructive Resolution of Disputes (ACCORD), a high level seminar “1325 in 2020: looking forward... looking back”, Durban, SA, October 2010;
- Participation together with International Prosecutors of other International Courts and Tribunals in all the four Annual International Humanitarian Law Dialogs, Chautauqua, 2008 – 2011;
- Speaker and presenter at the Conference organized by the Ministry of Foreign Affairs and Cooperation, on the role of leadership in promoting gender equality, Kigali, Rwanda, May 2010;
- Speaker at the Seminar hosted by the NGO Africa Legal Aid (AFLA) on “Africa and the International Criminal Court,” Kampala, Uganda, May 2010;
- Guest lecturer at University of North Carolina Law School, Duke University and Chapel Hill, North Carolina, USA, April 2010;
- Speaker at the International Coalition of the Cities Against Racism, Nuremberg, October 2009;
- Presenter and discussant at the IBA Conference on the International Criminal Court; Prospects for International Criminal Justice in Mozambique; A prospective – legal and political challenges facing the ICC, Maputo, Mozambique, June 2009;
- Speaker and presenter at the Amnesty International USA Annual Meeting, on Peace and Justice: International Justice and Challenge of Enforcement, Washington DC, USA, April 2008;
- Keynote speaker to the ACP-EU Joint Parliamentary Assembly, Brussels, April 2008
- Presenter to the African Union Summit; African Women Consultations on Darfur, Addis Ababa, Ethiopia, 2008;
- Presenter and discussant to the Inter Parliamentary Conference, and speaking on the Legacy of International Tribunals, New York, USA, November 2007;
- Public lecture on The Future of The International Criminal Court, Carter Center, Atlanta, G.A., USA, 26th September 2011.

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 Cote D’ Ivoire following the 2010 post electoral violence.

Competencies and special attributes

- Excellent Oral and Written Communications Skills;
- Proven drafting skills;
- Excellent inter-personal skills;
- Excellent supervisory skills;
- Efficient execution of duties under pressure;
- Strong analytical skills;
- Strong Legal and Prosecutorial background;
- Familiarity with International Judicial and Multicultural environment as a result of frequent dealings with Commonwealth, the UN and other International Legal Bodies;

- Strong advocate of Human Rights Law and International Justice;
- Experience in dealing with Foreign Governments and familiarity with the workings of diplomatic circles;
- Excellent Word-Processing Skills and other computer applications.

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, President P.D Patil;
- 2011 World Peace Through Law Award presented by The WhitneyHarris World Law Institute, Washington University.

Nominations

- Named the 4th 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).

List of publications

- From Human Rights to International Criminal Law (Martinus Nijhoff Publishers) Chapter by Bensouda on "Gender and Sexual Violence under The Rome Statute" Contribution to ICTR Laity Kama Essays on Gender crimes and Sexual violence;
- "International Criminal Law in an African Context" by Hassan Jallow and Fatou Bensouda - Chapter 2 of The African Guide to International Criminal Justice; first published by the Institute for Security Studies (2008) www.issafrica.org;
- International Criminal Justice: Law and Practice from The Rome Statute to it's Review (Farnham: ASHGATE, 2010) - Chapter 6 by Bensouda "Challenges Related to Investigations and Prosecutions at the International Criminal Court."

Affiliations with academic institutions

- Visiting Lecturer - University of Turin, Italy and UNICRI Joint Masters Program in International Crimes and Justice 2006 to date;
- Visiting Lecturer - Kennesaw State University, Georgia, USA, PhD Program on International Conflict Management, 2011;

Referees

1. Dr. Luis Moreno Ocampo, Prosecutor, International Criminal Court, The Hague, Netherlands
2. Hon. Justice Hassan Jallow, Prosecutor, International Criminal Tribunal for Rwanda, Arusha, Tanzania
3. Hon. Justice Andresia Vaz, Judge of the Joint Appeals, Chamber of ICTY and ICTR, The Hague, Netherlands
4. H.E. Amb. Stephen Rapp, Ambassador at large for war crimes, United States Department of State, Washington D.C., USA
5. H.E. Judge Navanethem Pillay, United Nations High Commissioner for Human Rights, Geneva