

PROFILE OF FINAL CANDIDATES
FOR THE POSITION OF
DEPUTY PROSECUTOR (PROSECUTIONS)

ASSEMBLY OF STATES PARTIES

SEPTEMBER 6– 10, 2004

The Hague

Women's Initiatives for Gender Justice



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APPLICANTS FOR DEPUTY PROSECUTOR

TABLE OF CONTENTS

LIST OF APPLICANTS PROFILED..... 2

ACADEMIC ACHIEVEMENT AND PROFESSIONAL TRAINING 3

PROFESSIONAL EXPERIENCE 4

LEGAL EXPERTISE 6

APPROACH TO PROSECUTIONS 8

APPROACH TO VICTIMS AND WITNESSES 9

APPROACH TO GENDER COMPETENCE IN THE ICC 10

AFFILIATIONS AND CONDUCT 11


APPLICANTS FOR DEPUTY PROSECUTOR
LIST OF APPLICANTS PROFILED

FATOU BENSOU DA (THE GAMBIA)

NICOLA CRUTCHLEY (NEW ZEALAND)

JOSAIA NAIGULEVU (FIJI)

The profiles of candidates were prepared based on candidates responses to a questionnaire, extensive internet research, and the *curricula vitae* of the final nominees.

 = **NOTE:** Profiles for applicants who were unable to return questionnaires to the Women's Initiatives for Gender Justice are denoted with shaded boxes.

APPLICANTS FOR DEPUTY PROSECUTOR
ACADEMIC ACHIEVEMENT AND PROFESSIONAL TRAINING

	LEGAL	OTHER
Fatou Bensouda (The Gambia)	<ul style="list-style-type: none"> ▪ Bachelor of Laws, University of IFE (Now OAU University) ▪ Barrister of Laws, Nigeria Law School ▪ Master of Laws, UN/IMO International Maritime Law Institute 	<ul style="list-style-type: none"> ▪ Certificate in International Law, International Court of Justice ▪ Certificate in Human Rights, Commonwealth Training for Public Officials ▪ Gambia Conference on Judicial Independence and Accountability ▪ Oxford Conference on Mutual Legal Assistance ▪ Certificate in Computer and Information Technology, Management Development Institute ▪ Diploma for Studies of the French Language, French Government Ministries
Nicola Crutchley (New Zealand)	<ul style="list-style-type: none"> ▪ Bachelor of Laws, Auckland University 	
Josaia Naigulevu (Fiji)	<ul style="list-style-type: none"> ▪ Bachelor of Laws, University of Otago ▪ Master of Laws, Queensland University of Technology 	<ul style="list-style-type: none"> ▪ Candidate for Doctorate of Juridical Sciences, Queensland University of Technology ▪ Diploma in Advanced Litigation Skills, New Zealand Law Society ▪ ETHICS Diploma in International Criminal Law, European University Institute

APPLICANTS FOR DEPUTY PROSECUTOR
PROFESSIONAL EXPERIENCE

	CRIMINAL-LEGAL	INTERNATIONAL LAW, HUMANITARIAN AND/OR HUMAN RIGHTS LAW	OTHER
Fatou Bensouda (The Gambia)	<ul style="list-style-type: none"> ▪ 15 years of prosecutions <ul style="list-style-type: none"> ▪ Started as a Public Prosecutor, and promoted to State Counsel, Senior State Counsel, Principle State Counsel and Deputy Director of Public Prosecutions in the Department of Justice, respectively, over a decade; representing the state on all criminal matters ▪ Believes the DP position calls for strong management skills, which she has developed, tested, and applied in these posts ▪ Served as Attorney-General and Secretary of State for The Gambia 	<ul style="list-style-type: none"> ▪ Senior Legal Advisor/Trial Attorney (current) at the ICTR, supervising sensitive investigations and preparing indictments <ul style="list-style-type: none"> ▪ Currently involved in the complex Military 1 trial ▪ Has worked closely with government heads, inter-governmental organizations, and NGOs during her career 	<ul style="list-style-type: none"> ▪ Appointed by the President to oversee Department of State for Local Government, Lands and Religious Affairs ▪ General Manager, International Bank for Commerce, Ltd. ▪ Private practice
Nicola Crutchley (New Zealand)	<ul style="list-style-type: none"> ▪ 20 years of prosecutions <ul style="list-style-type: none"> ▪ Deputy Solicitor-General (current) at Crown Law Office, overseeing the majority of New Zealand’s criminal legal matters and supervising a team of 13 lawyers ▪ Legal advisor to Attorney-General and police ▪ Barrister and Solicitor to High Court of New Zealand ▪ Previously a Crown Prosecutor and Barrister Sole 	<ul style="list-style-type: none"> ▪ Involved in policy development and treaty negotiations of Pitcairn Trials Act 2002, between New Zealand and the UK 	<ul style="list-style-type: none"> ▪ Management and accounting responsibilities for Government expenditure in relation to Crown prosecutions ▪ Served as Community Activities Officer, National Council of Adult Education ▪ Served as Community Development Officer for Wellington City Council

	CRIMINAL-LEGAL	INTERNATIONAL LAW, HUMANITARIAN AND/OR HUMAN RIGHTS LAW	OTHER
Josaia Naigulevu (Fiji)	<ul style="list-style-type: none"> ▪ 17 years of prosecutions <ul style="list-style-type: none"> ▪ Director of Public Prosecutions (current) for Fiji ▪ Barrister and Solicitor to High Courts of Fiji and New Zealand ▪ Previously State Counsel, Principle Legal Officer, Assistant Deputy Prosecutor, and Deputy Director of Public Prosecutions at the State Law Office 	<ul style="list-style-type: none"> ▪ Appointed to lead Fijian Government delegation to the South Pacific Forum Regional Security Meeting 	<ul style="list-style-type: none"> ▪

APPLICANTS FOR DEPUTY PROSECUTOR

LEGAL EXPERTISE

	SEXUAL VIOLENCE AND WOMEN'S HUMAN RIGHTS	VIOLENCE AGAINST CHILDREN	REPRESENTING IDENTIFIABLE GROUPS OR COLLECTIVITIES SUBJECT TO PERSECUTION	OTHER
Fatou Bensouda (The Gambia)	<ul style="list-style-type: none"> ▪ Has extensively prosecuted and supervised the prosecution of crimes of sexual violence, including rape and indecent assault throughout her career ▪ With the Military 1 Team at the ICTR, preparing charges of rape as a crime against humanity and working directly with victims of sexual violence encouraging them to speak out; has sought out Rwandan women's groups for assistance ▪ Presented a paper to the UN Development Forum on Gender in The Gambia ▪ Attended inaugural meeting of Women Ministers of Justice convened by the UN and Council of Women World Leaders 	<ul style="list-style-type: none"> ▪ Prosecution of violence against children, including rape of young girls and neglect ▪ Attended numerous workshops and seminars at the national and international level on rights of the girl-child 	<ul style="list-style-type: none"> ▪ Serves on the Board of Directors of GAMCOTRAP, eradicating harmful traditional practices against women and girls 	<ul style="list-style-type: none"> ▪ Delegate to Preparatory Commission meetings on the Establishment of the ICC ▪ Delegate to UNDP International Conference on Good Governance ▪ Delegate to UN Conference on Crime Prevention and Treatment of Offenders ▪ Permanent Delegate to ECOWAS ▪ Legal Expert to Commission on Fisheries meeting on the Convention on the Rights of Hot Pursuit

	SEXUAL VIOLENCE AND WOMEN'S HUMAN RIGHTS	VIOLENCE AGAINST CHILDREN	REPRESENTING IDENTIFIABLE GROUPS OR COLLECTIVITIES SUBJECT TO PERSECUTION	OTHER
Nicola Crutchley (New Zealand)	<ul style="list-style-type: none"> ▪ Experienced prosecutor, including prosecution of sex crimes and physical abuse against women ▪ Guest lectured on Battered Women's Syndrome at the Institute of Criminology 	<ul style="list-style-type: none"> ▪ Experienced prosecutor of physical abuse against children ▪ Prosecution team is known for expert handling of child witnesses 	<ul style="list-style-type: none"> ▪ 	<ul style="list-style-type: none"> ▪ With the NZ Law Society: <ul style="list-style-type: none"> ▪ Directed Litigation Skills Program ▪ Served on and presented for Criminal Law Committee ▪ Served as Appellate Advocacy panelist ▪ Presented traveling seminar on Employment Law ▪ Mediated panels for Arbitrators and Mediators Institute of New Zealand and Lawyers Engaged in Alternative Dispute Resolution Workshop ▪ Participated in Asian Development Bank/ OECD Panel on Prosecution of Bribery ▪ Delegate to the Commonwealth Law Ministers Conference
Josaia Naigulevu (Fiji)	<ul style="list-style-type: none"> ▪ 	<ul style="list-style-type: none"> ▪ 	<ul style="list-style-type: none"> ▪ 	<ul style="list-style-type: none"> ▪ Taught Litigation Skills for the NZ Law Society ▪ Presented workshops for Prosecutors on Money Laundering for the Commonwealth Secretariat ▪ Presented a training course on Corruption Prevention and Awareness for the Australian Government ▪ Authored papers on terrorism, and contemporary problems in crime prevention and criminal justice. ▪ Lectured on Ethics and Professional Responsibility in Court ▪ Presented on Issues of Medical Consent

APPLICANTS FOR DEPUTY PROSECUTOR
APPROACH TO PROSECUTIONS

	VIEW OF THE ROME STATUTE PROVISIONS CRIMINALIZING ACTS COMMITTED AGAINST WOMEN	ENSURING EFFECTIVE PROSECUTIONS OF SEXUAL VIOLENCE AND GENDER-BASED CRIMES THROUGH THE ICC
Fatou Bensouda (The Gambia)	<ul style="list-style-type: none"> ▪ As civilians (a majority of whom are women and children) constitute an ever-increasing number of war casualties, and international case law has recognized violence against women as a weapon of war, she is fully supportive of the ICC’s criminalization of such acts ▪ Praises the Statute as taking into account gender concerns in the definitions of crimes and intends to give priority to them 	<ul style="list-style-type: none"> ▪ Will ensure that the prosecution rigorously pursues leads and thoroughly investigates allegations of crimes of sexual violence ▪ Priorities include initiating such investigations and devoting adequate human and logistical resources ▪ Proposes to support the appointment of staff with experience in gender-related crimes and juvenile justice and establish a periodic training program with compulsory gender and children’s rights sensitization for staff dealing more directly with those cases ▪ Intend to follow the example of the Special Court for Sierra Leone in adding indictments of gender-based crimes as crimes against humanity
Nicola Crutchley (New Zealand)	<ul style="list-style-type: none"> ▪ 	<ul style="list-style-type: none"> ▪
Josaia Naigulevu (Fiji)	<ul style="list-style-type: none"> ▪ 	<ul style="list-style-type: none"> ▪

APPLICANTS FOR DEPUTY PROSECUTOR
APPROACH TO VICTIMS AND WITNESSES

	ENSURING CONSIDERATION OF INTERESTS AND PERSONAL CIRCUMSTANCES	BALANCING SAFETY OF VICTIMS AND WITNESSES WITH RIGHTS OF THE ACCUSED	RIGHTS OF VICTIMS TO PARTICIPATE IN PROCEEDINGS
Fatou Bensouda (The Gambia)	<ul style="list-style-type: none"> ▪ Comprehensive victim protection is essential to ensuring that crimes of sexual violence are heard; has a special interest in this sensitive area ▪ Intends to use various mechanisms in Rule of Procedure and Evidence Article 68 to ensure that the justice machinery is demystified for victims, that they receive appropriate counseling, that they are not subject to inhuman or degrading cross-examination or re-traumatized through interactions with the court, that their privacy and families are protected, and that the process is expeditious ▪ Will work closely with the VWU 	<ul style="list-style-type: none"> ▪ As Attorney-General, aimed to make justice relevant to the communities where crimes were committed and found that rights of both parties must be protected to realize this ▪ Duty of every court officer whether judge, prosecutor, or defense, to foster the health, self-respect, and dignity of witnesses, which is not mutually exclusive with the rights of the accused ▪ Will take lessons learned from <i>ad hoc</i> tribunals in this endeavor 	<ul style="list-style-type: none"> ▪ Unfortunately in the <i>ad hoc</i> tribunals, victims have been silent partners in the legal process without understanding what justice was done; or worse, they have been ostracized and intimidated on their return ▪ Intends to support applications made by legal representatives of victims for the victims' best interests ▪ Cites the UN Declaration of Basic Principles for Victims of Crime and Abuse of Power as reflecting the will of the international community to establish a balance between the rights of victims and suspects
Nicola Crutchley (New Zealand)	<ul style="list-style-type: none"> ▪ 	<ul style="list-style-type: none"> ▪ 	<ul style="list-style-type: none"> ▪
Josaia Naigulevu (Fiji)	<ul style="list-style-type: none"> ▪ 	<ul style="list-style-type: none"> ▪ 	<ul style="list-style-type: none"> ▪

APPLICANTS FOR DEPUTY PROSECUTOR
APPROACH TO GENDER COMPETENCE IN THE ICC

	SUPPORT OTP APPOINTMENTS OF EXPERTS IN SEXUAL VIOLENCE AND VIOLENCE AGAINST CHILDREN?	REQUIRE AND VALUE GENDER COMPETENCE IN OWN STAFF?
Fatou Bensouda (The Gambia)	<ul style="list-style-type: none"> ▪ Fully supports such appointments and believes they warrant particular emphasis ▪ Advocates a vigorous policy of recruitment drawing from a large pool of experts to deal with the different challenges of prosecution 	<ul style="list-style-type: none"> ▪ Will make gender competence an essential prerequisite and integral policy of the prosecution division ▪ Intends to conduct ongoing in-house training and establish a policy of minimum standards for professional competence in this regard
Nicola Crutchley (New Zealand)	<ul style="list-style-type: none"> ▪ 	<ul style="list-style-type: none"> ▪
Josaia Naigulevu (Fiji)	<ul style="list-style-type: none"> ▪ 	<ul style="list-style-type: none"> ▪

APPLICANTS FOR DEPUTY PROSECUTOR
AFFILIATIONS AND CONDUCT

	PRIVATE FUNCTIONS AND AFFILIATIONS	DISCIPLINARY ACTION OR CENSURE?	FOUND TO HAVE DISCRIMINATED OR HARASSED?
Fatou Bensouda (The Gambia)	<ul style="list-style-type: none"> ▪ Member, Gambia Bar Association ▪ Member, Nigeria Bar Association ▪ Member, International Advisory Council, International Board of Maritime Healthcare ▪ Member, Professional Women’s Advisory Board ▪ Member, Advisory Board, African Center for Democracy and Human Rights Studies ▪ Diploma in Volunteerism, International Olympic Committee ▪ Vice President, Gambian National Olympics Committee <ul style="list-style-type: none"> ▪ Advocated for and wrote articles on women in sports ▪ Board Member, Gambia High School and Marina International School 	<ul style="list-style-type: none"> ▪ No 	<ul style="list-style-type: none"> ▪ No
Nicola Crutchley (New Zealand)	<ul style="list-style-type: none"> ▪ Executive committee/Senate member, International Association of Prosecutors ▪ Contributor, Heads of Prosecuting Agencies Conference ▪ Member, New Zealand Law Society ▪ Member, Wellington District Law Society ▪ Member, Psychologists Board ▪ Member, Accident Compensation Commission Medical Misadventure Committee 	<ul style="list-style-type: none"> ▪ 	<ul style="list-style-type: none"> ▪
Josaia Naigulevu (Fiji)	<ul style="list-style-type: none"> ▪ Member, International Association of Prosecutors ▪ Director, Asia Crime Prevention Foundation (consultative UN status) ▪ Member, War Pensions Board ▪ Board Member, Veiuto Primary School 	<ul style="list-style-type: none"> ▪ 	<ul style="list-style-type: none"> ▪