

## **President Jorda's 'Initial Appearance' Before The ICTY Correspondents**

**Author:** [IWPR](#)

Tribunal Update 152: Last Week in The Hague (November 15-20, 1999)

A French national, President Claude Jorda was born in Bone in Algeria on February 16, 1938. He has been a judge at the ICTY since January 1994. Appointed to replace the previous French judge, who resigned for health reasons, Judge Jorda was re-elected for a second four-year term on May 20 1997 by the UN General Assembly. He came to The Hague from the Paris Appeals Court, where he was Chief Prosecutor.

Judge Jorda took part in three of the four deferral proceedings at the ICTY and also presided over four of the five so-called 'rule 61' proceedings from the very first one, in the Nikolic case in October 1995, to those in the Martić and Vukovar cases in March 1996 and April 1996 respectively, and finally to the most recent in the Karadžić and Mladić case in July 1996.

Furthermore, Judge Jorda presided over the Trial Chamber which accepted the first guilty plea entered by an accused and subsequently pronounced the first sentence imposed by the ICTY in the Erdemović case in May and November 1996. Trial Chamber I is presently in the final phase of sentencing hearings in the Jelisić case and is also deliberating over its judgement in the Blaskić case, which it heard from June 24 1997 to July 30 1999.

Vice-President Judge Florence Ndepele Mwachande Mumba was born on December 17 1948 at Mufulira in Zambia. Elected as an ICTY judge on May 20 1997, Florence Ndepele Mwachande Mumba took the oath on November 17 that year. As a member of Trial Chamber II she sat on the bench in the Kupreskić et al. case, which is currently being deliberated. She also presided over the trial of Anto Furundžija in Trial Chamber II whose case was settled on December 10 1998. Judge Mumba remains one of the five judges assigned to the Appeals Chamber to hear the Aleksovski case.

She began her national career in 1973. In 1989 she was appointed Ombudsman, a post which she held until her appointment to the Supreme Court of Zambia in 1997.

Two days after being elected President Claude Jorda made his first appearance before a small corps of ICTY correspondents. He said he was worried about the length of the trials, and expressed concern over how long those accused have been kept in custody.

He avoided fully declaring his opinion on trials in absentia (an idea he had advocated in some earlier newspaper interviews), but eventually admitted that trials in absentia would represent "admission of the defeat" and "failure of international justice." He then concluded: "International justice which has already been confronted with so many difficulties cannot allow itself to say: we are going to live with the failure."

According to the general philosophy of the new president, the mission of the ICTY is twofold: "The most important thing is to render justice to the victims and to testify for history. This is where the exemplary nature of our work is shown. You have to understand the difficulties here.

"We have to show that we are capable of organising a fair trial by the highest standards that the international legal community and civilised countries have organised as superstructures since Nuremberg. We have to be the guarantors of the rights of the accused. At the same time we have to prepare the way for the future permanent criminal court."

President Jorda's top priority is to secure the arrest and trial of President Slobodan Milosevic and other indicted leaders: "It is absolutely essential. That is the only raison d'etre of the tribunal - to try the leaders. I am not saying that we shouldn't try the executors. But the tribunal has limited resources, and when the tribunal tries executors they have to be executors who operated in a certain way.

"An executor would be prosecuted for rape, if rape was profoundly integrated into the process of ethnic cleansing. The prosecutor is right when she asks us to view cases that are going to transcend the acts of the executors. The tribunal was established to get to the very heart of the evil, not only to punish but to eradicate, to purify, to rip out the root of that evil. To ensure that those responsible are brought to justice. To make sure it doesn't happen again."

President Jorda said he would start his mandate the same way his predecessor, Judge Gabrielle Kirk McDonald of the United States, ended hers: with a strong message urging the UN Security Council and the international community to compel states under the tribunal's jurisdiction to execute court orders and arrest warrants.

"We will relentlessly ask that the accused be delivered to us. I want the arrests to take place. I will make that request as strongly as did my predecessors. We must not be pessimistic. If we had been pessimistic we would have laid down our pens in February 1994. We will keep approaching those states which hold them and ask them to do what they have to do. We will also relentlessly ask for cooperation in respect of the production of evidence.

"Without evidence for both parties the whole issue of fair trials becomes embarrassed. But also, the international community has the right to ask how this institution is operating, what are its goals, how long it is going to last, what its results are going to be. We must cooperate with the prosecutor to make sure that this vast ship has a helmsman who is solid and that the ship is not drifting.

"This was not the case, anyway. But we are talking about that overheating... though our numbers are not negative. For the 17 people that have come to trial here, the average length from the day of arrest till the beginning of the trial is 11 months. Things are going to get heavier. We have to show our trustees where the real problems are and what the real needs are and especially how this institution operates."

**Focus:** International Criminal Tribunal for the former Yugoslavia

---

**Source URL:** <https://iwpr.net/global-voices/president-jordas-initial-appearance-icity>