

Renewed Tribunal

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Tribunal Update 53: Last Week in The Hague (November 17-22, 1997)

Five new Judges, elected in May this year by the UN General Assembly, made a solemn declaration that they will perform their functions "honourably, faithfully, impartially and conscientiously."

The new Judges are: Richard George May (United Kingdom); Florence Ndepele Mwachande Mumba (Zambia); Rafael Nieto Navia (Colombia); Almiro Simoes Rodrigues (Portugal) and Wang Tieya (China). The sixth newly elected Judge Mohamed Shahabuddeen (Guyana) has already joined the Tribunal and made his declaration in June 1997.

The ceremony was conducted in the Tribunal's only courtroom, in the presence of many UN member-states special representatives, ministers, ambassadors and other dignitaries, including Hans Corell, the UN Under-Secretary-General for Legal Affairs; Winnie Sorgdrager, Minister of Justice of the Netherlands; Elisabeth Guigou, Minister of Justice of France; and David Scheffer, United States' Ambassador-at-large for war crimes issues.

On November 19, the judges endorsed the proposal by outgoing President Antonio Cassese to nominate U.S. Judge Gabrielle Kirk McDonald as the new President, and Judge Mohamed Shahabuddeen as the Vice-President of the Tribunal for the next two years.

Introducing her nomination, Judge Cassese said that "Judge McDonald represents the best that America can offer: She is straightforward, direct, intelligent and hard-working; her manner is soft and gentle, yet she is firm in her convictions. She is principled but she is not jingoistic."

Before joining the ICTY in November 1993 where she presided over Trial Chamber II, Judge McDonald was a civil-rights lawyer and the first African-American woman to hold a federal judge position in Houston, Texas.

Regarding Judge Shahabuddeen, the outgoing President pointed out that he has "a blend of two crucial experiences: participation in very senior governmental affairs (he was, among other things, Minister of Legal and Foreign Affairs; First Deputy Prime Minister and Vice President of Guyana), and high-level judicial exposure (serving as Guyana's Solicitor-General and Attorney-General, and as a Judge of the International Court of Justice, the highest world's judicial body), for almost 10 years.

After consulting the Judges, President McDonald announced the new composition of the Tribunal's Chambers: The Appeals Chamber: Judge McDonald (presiding); Judge Shahabuddeen; Judge Vohrah; Judge Tieya and Judge Navia.

Trial Chamber I: Judge Jorda (presiding); Judge Riad; Judge Rodrigues. This Chamber will continue to hear the Blaskic trial, the Kordic case & Others (Lasva Valley).

Trial Chamber II: Judge Cassese (presiding); Judge May; Judge Mumba. This Chamber will handle two cases: Dokmanovic (Vukovar Hospital) and Kupreskic & Others (Ahmici)

The other trials (Aleksovski, Kovacevic and Erdemovic), will be handled by Chambers I-bis and II-bis, which will include some judges of the Appeals Chamber. So, starting from the May next year, when the Tribunal will have three courtrooms, the judges will be able to handle four or even six cases simultaneously.

The Celebici trial will continue to be held before the Trial Chamber consisting of Judges Karibi-Whyte (presiding); Judge Odio Benito, and Judge Jan.

On her first working day as the Tribunal's President - in a long interview for IWPR's "Tribunal Update" - Judge McDonald defined the priorities of her Presidency.

First, she said, the Tribunal had to "adapt our procedure so that we can have more effective and efficient trials, because we now have seven cases to try, and we don't have a luxury of listening for two years to one case." Second, to forge "a fresh relationship with the authorities of Former Yugoslavia and encourage them to cooperate, by telling them the simple benefits of justice, which is: without justice, there can be no lasting peace."

Finally, "to bring the good work of the Tribunal to the public, because the Tribunal goes beyond the Former Yugoslavia, and we hope to deter these kinds of violations and abuses all over the world. And we can

deter... only if people know what we are doing."

Location: Balkans
China

Focus: International Criminal Tribunal for the former
Yugoslavia

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