



Voices from the Rwanda Tribunal

Official Transcript: Roland Adjovi (Part 9 of 10)



Role:	Senior Legal Advisor
Country of Origin:	Benin
Interview Date:	13 October 2008
Location:	Arusha, Tanzania
Interviewers:	Donald J Horowitz Lisa P. Nathan
Videographer:	Max Andrews
Interpreter:	None

Interview Summary

Roland Adjovi compares the structure of the ICTR to other international tribunals and describes the ICTR's broad mandate for establishing peace and reconciliation. Adjovi discusses his early aspirations to improve the ICTR. He reflects on a proud moment in the case of Michel Bagaragaza, a case expected to be transferred to Norway but held back because Norway had failed to implement the Genocide Convention into domestic law. This decision prompted Norway to enact new laws, thus improving its legal system.

The transcript of Part 9 begins on the following page.

Part 9

- 00:00 **Lisa P. Nathan: So is there anything that you would like to add, something that you came in today or something that came up while we were talking that you would like to share?**
- 00:15 As I mentioned about Rwamakuba, every day I have been thinking whenever I do anything about the case if I was the accused – will I be happy with this result? Will I look at it as something fair? And that's something really important for me. The day I think the results I will be suggesting – if I was the accused I will not consider it as fair – I will have to consider, to reconsider my opinion.
- 00:50 And I hope that everyone working in this new environment has the same moral approach to our work. Everything you are doing on a daily basis could impact on the freedom of someone. What do you do to make sure that if it was you in the position of the accused, you will still consider this process as, as fair as possible? So I hope if everyone could do it I'm sure we'll do a little bit better than we have done in the past.
- 01:27 **LPN: What of the accused that don't feel that what they did was wrong?**
- 01:36 It's a human being (____) – I don't think that everyone of us understands what is wrong in the same way and sometime it could also be cultural. My, my simple answer will be I hope that at the end of each case, the accused could see something right in what the judge are saying about his behavior. Say, "Look, I have seen what you have done but this is not acceptable for our society."
- 02:17 If he accept it at the end, I think the judge will be very happy.
- 02:27 **Donald J Horowitz: If you don't mind, I just have one, one question, just to – I have just one question to follow up. And Lisa Nathan asked you a number of questions about the – if there was a new court being formed what would your suggestion be? And you've talked about getting the best lawyers and that that would be a big help.**
- 02:55 **DJH: Is there something structural, in other words would you – if you, if you were designing the statute or you're designing the structure of the court, what would you do if anything to, that would improve the operation of the court and its ability to get to justice and perhaps get there a bit more efficiently?**

- 03:19 Accountability. You have to make sure that each staff member is accountable. If a prosecution, a counsel for the prosecution team has done something completely wrong, he has to be punished and know that this is not allowed because you may have impression in some instance that everything you are doing is just noble, no one will ever punish you.
- 03:51 I gave the case of Lubanga. That's a major strategical and legal error from the prosecution. Accountability – have anyone been punished for its sanction? Said, "This was not correct, you should have not done it." Nobody up to now. You have another case. A staff member was fired and an administrative committee within the tribunal, I'm not talking about the tribunal for Rwanda, consider that the person should not be fired because there was an apprehension of bias but also interest of the person firing in the process, process.
- 04:38 But still, the staff member was fired and he planned, he launched an a – he challenged the termination of hi-, his contract before the administrative tribunal and he was granted 250,000 Euro for compensation. Meaning that the decision of someone working within the organ or within the institution has affect the financial status of the organization. Accountability.
- 05:17 Is anything done to prevent this to happen in the future? If nothing is done, I could say, "Oh, I can do whatever I want. I will never be sanctioned." And then we run into a risk in a situation where nobody is ever sanctioned for anything so you get people doing things carelessly.