



Official Transcript: Christine Graham (Part 2 of 13)



Role: Senior Appeals Counsel

Country of Origin: Sweden

Interview Date: 29 October 2008

Location: Arusha, Tanzania

Interviewers: Robert Utter
Donald J Horowitz

Videographer: Max Andrews

Interpreter: None

Interview Summary

Christine Graham discusses the considerable length of ICTR cases, due in part to the unusual nature of the crimes and to an initial lack of infrastructure. She reflects that judicial systems usually are built over hundreds of years, yet the ICTR was tasked with building a justice system in roughly a decade. She observes that while the Tribunal contributes to reconciliation by providing a judicial response to the genocide, the mandate for reconciliation had little influence on the judicial procedures.

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Part 2

- 00:00 **Robert Utter: And what are your plans after you finish here?**
- 00:03 I don't know. I haven't really planned it and I, I can say, and this may sound callous, but I haven't really planned any of my career. That's how it feels. I've alwa-, always tried to do what I felt I wanted to do, where my heart was. And right now it's still here. I enjoy the work immensely. I'm looking forward to go on to do appeals work. And I have my children here, they're fine to go to school so I haven't really thought concretely what I'm going to do. Right now I'm still just doing what I am doing here. Yeah.
- 00:44 **RU: I, I understand every bit of that. That's the way my career went too. I was a Supreme Court Judge for 24 years in our country at Washington State.**
- 00:54 Yeah.
- 00:54 **RU: Where there are a lot of people from Sweden, and then a Trial Judge and a Court of Appeal Judge before that so – but at no time did I plan that this is what I'm going to do (____) happened.**
- 01:06 Yeah.
- 01:07 **RU: I have no objection. It's been a great, great adventure . . .**
- 01:09 Thank you. Yeah.
- 01:10 **RU: . . . as yours sounds as well. Tell me the type of cases you've, you've been involved with in the ICTR.**
- 01:19 Mm-hmm. Because our cases are so large and they go on for so long, (____), there's not really that many cases. I have mainly just dealt with two. When I first came we ha-, the team handled some other cases as well. But I never really went to trial on those cases. So primarily the case, the cases that I've dealt with on the trial level is what we call the Military One case.
- 01:48 It has four accused, senior military officers and one of the main accused is Théoneste Bagosora; that the press often refers to as the mastermind of the genocide. We didn't represent him as such of course as prosecution but he's, (____) sort of become his nickname. But that is a case, it's very big and bulky case and he'd – it had a conspiracy charge which was, which is of course, you know, particularly challenging on the part of the prosecution.
- 02:27 And we had 82, we called 82 witnesses for the prosecution. I think 81 was heard and it was over 160 for the – over 200 for the de-, for the defense and with many thousands of exhibits and, and so forth. It was very interesting but extremely hard work and one of the hard things about it was that it was, it felt like it would never end.

- 02:54 **RU: Mm-hmm . . .**
- 02:55 Well, I mean, trial work is, normally you have finality. You, you expect that sooner or later will come to an end. But when the trial goes on for over five years, you tend to lose, you know, the conviction that this will actually end. And, and that's, psychologically that's difficult.
- 03:16 **RU: Has it ended now?**
- 03:17 It has ended now but we still (_____) judgment. We haven't had judgment yet. And of course in that sense it hasn't ended. We expect it later this year but of course that's in the hands of the chamber.
- 03:31 **RU: What were the most difficult issues in that trial?**
- 03:36 There are so many. There were many difficult legal issues. There are many difficult personnel issues. There are many difficult administrative issues. It's just, it's, I think one of the lessons that can be learned from this tribunal is that it's difficult to have criminal litigation that goes on over a number of years with several accused involved.
- 04:08 It's difficult to keep your staff that doing the work on both side, whether the prosecution or the defense. It's – you have to have judges that are fit and strong to sit long hours over many years. You have to have strategies that actually works over all these years. You can't change them from one day to another so you have to have a very long-term vision as a lawyer when you present your case.
- 04:37 You have to have a organization behind you that's willing to back you on all levels all, over all these years. You have, as a team you have to have extreme tolerance and acceptance of each other because you spend so much time together. And although you're really tired of the ones that you work the closest with, you, you, as much as you learn to love them over the years, you know, it, i-, that can be difficult too. So I can really not pinpoint one thing.
- 05:09 **RU: Not the most difficult, they're all difficult.**
- 05:10 It's very di-, it was, it, it has been very challenging but I don't think I have been bored one day. And one of the main points for me I think, or not main points, but one thing that I always find very rewarding and I feel like, it's a pri-, you know, I feel like I'm being privileged is the fact that I don't have to go to work and I, to be bored. There's always something interesting and something challenging, although of course the, the challenge can be frustrating because you don't really know how to deal with it.