



Voices from the Rwanda Tribunal

Official Transcript: Hassan Jallow (Part 7 of 15)



Role:	Chief Prosecutor
Country of Origin:	The Gambia
Interview Date:	5 November 2008, 6 November 2008
Location:	Arusha, Tanzania
Interviewers:	Lisa P. Nathan Donald J Horowitz Batya Friedman
Videographer:	Nell Carden Grey
Interpreter:	None

Interview Summary

Hassan Jallow emphasizes the need for extra-legal responses to post-conflict reconciliation and calls for the involvement of local communities in the justice process. He discusses the challenges of prosecuting gender violence and its role as an act of genocide. Jallow refutes the notion that the Court has delivered 'victor's justice', drawing attention to an investigation into war crimes committed by RPF forces. He suggests that the process of holding leaders accountable is feasible at the international level.

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- 02:48** DJH: Well, it's very interesting because you led right into another question I was going to ask, because in fact we've already interviewed a number of prosecutors and they stated, and I believe them, that they know the duty of disclosing exculpatory evidence and they, they adhere to it as best they can.
- 03:06 We've had lapses.
- 03:07** DJH: But, but you've had, but you've ha-, of course, there's been some, some . . .
- 03:09 Serious lapses.
- 03:10** DJH: . . . some serious cri-, criticisms.
- 03:11 Yes. Yes.
- 03:12** DJH: Serious lapses. And, and I-, I'm glad to hear you acknowledge that and, and one of the reasons you've just des-, described is, is the lack of communication. Yeah.
- 03:23 Communication between, between this, the, the teams themselves. We, we try to, to get them and that's one of the reasons why every Friday I, I arrange this meeting. It's usually two, three hours with all the senior trial attorneys and each of them talks about the case, their case.
- 03:36 What did they do last week? What do they plan to do next week? Who are the witnesses they are calling? So that something might be of interest to somebody else, another trial, senior trial attorney who's attending the meeting and then they can coordinate.
- 03:48** DJH: Okay.
- 03:49 But you also need to coordinate positions, you know, positions on issues like case theories. I mean, it's no use one team putting forward a theory for instance, that its accused people were the ones responsible for organizing the genocide and the other team also takes a view that no, it's their accused who, who, who were responsible, who were the top culprits – because there's a temptation for the, every team to make its case appear to be the, the most important.
- 04:16** DJH: Of course.
- 04:17 So, so you, you have to, to monitor those, those issues to, to try and make sure that the theory is the same – that our, our, our explanation of the genocide is consistent from, from case to case.
- 04:30 I have a Chief of Prosecutions who, who monitors that sort of thing and, and tries to make sure that we have a kind of uniformity and consistency in approach, we have a coordination in our, in our efforts and trials and we have a sharing of information, that we live up to our disclosure obligations. But it's, it's the biggest challenge we face in the OTP.

- 04:50 **DJH: Okay. I want to go to one other legal – we were talking about the civil and, and the common law.**
- 04:56 **DJH: Some of the people we’ve interviewed have said it might be better if the ci-, civil law, the civil law were used in terms of the ability of an inv-, having an investigating judge versus the prosecutors being in charge, without any criticisms of any of the specifics.**
- 05:17 **DJH: They’re used to that system and some of them feel that it, it might be better in or at least some aspect of that might be better included in the total . . .**
- 05:26 The total . . .
- 05:26 **DJH: . . . package of the, of the tribunal. And I, I’d be interested in, in your thoughts on that subject.**
- 05:36 I, I, I mean I only think that it, it may lead to a duplication of, of the work and instead of saving time, it may extend the time for, for trial because the role of the investigating judge will still not exclude the process in court where the trial court judges sit to hear the evidence.
- 05:59 **DJH: Of course.**
- 06:00 You know, the, so, so you, you may not be saving time by having an investigating judge and I think the current system we have is probably, probably, probably good enough. In Cambodia, in the Cambodia tribunal for instance, they have the investigating judge.
- 06:17 But, but y-, you have an investigation first by the prosecutor who then goes to ask for a, an indictment, then you have an investigation by the investigating judge and then you have a trial. I think that process is too, too much drawn out, too long and maybe the, what we are operating now, I don’t know, may, may be much better.
- 06:37 **DJH: Well, of course, I think earlier we talked about the fact that international criminal justice particularly in these areas is developing, and people are trying different experiments and . . .**
- 06:47 That’s right.
- 06:47 **DJH: . . . perhaps at some point we’ll figure on the best system or . . .**
- 06:50 Best system, yeah.
- 06:51 **DJH: . . . et cetera.**