



Voices from the Rwanda Tribunal

Official Transcript: Everard O'Donnell (Part 1 of 14)



Role:	Deputy Registrar
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Location:	Arusha, Tanzania
Interviewer:	Donald J Horowitz
Videographers:	Max Andrews Nell Carden Grey
Interpreter:	None

Interview Summary

Everard O'Donnell discusses the unique characteristics of ad hoc tribunals and the challenges of coordinating multinational ad litem judges. He notes that the ICTR has been effective at tracking and capturing international fugitives such as Jean-Paul Akayesu. Although the ICTR has been criticized for providing 'victor's justice,' O'Donnell stresses its efforts to deliver justice impartially. He reflects on the case of Mika Muhimana who was convicted of genocide, but later had his conviction overturned by the Court of Appeal.

The transcript of Part 1 begins on the following page.

Part 1

- 00:00 Okay. Well, my name is Everard O'Donnell. And I'm the Deputy Registrar.
- 00:04 Donald J Horowitz: Alright, and I'm Judge Donald Horowitz of the ICTR Information Heritage Project, and I will be interviewing you for a certain period of the time, and then Ms. Nathan will take my place for part of the interview as well. And tell us what the duties of the Deputy Registrar of the ICTR, the International Criminal Tribunal for Rwanda, are.**
- 00:36 Okay. Interestingly, he is not the Deputy of the Registrar just. He has his own separate functions. In any rational organizational structure, somebody who's called the Deputy Registrar might be expected to be the person who assists the Registrar in all his functions, but nothing like that here.
- 00:59 A Deputy Registrar's job is to look after all the sides of the court function process. The actual supporting the courts themselves. From the prison, comes under the Deputy registrar, the language section, translation services, court reporting, archives, court management, defense teams, the provision of basically all immediate support to the court system.
- 01:41 As separate from the administration of the organization as a whole, which goes under a separate category.
- 01:47 DJH: Explain to me what 'the administration of the organization as a whole' means. It's . . .**
- 01:53 Well, in any mission of the United Nations, you're going to have very much the same kind of support – life support systems.
- 02:01 DJH: Okay.**
- 02:02 Payments, finances, travel, shipping – all those sort of materials. They're, they're separated off from essentially the immediate legal support functions, which comes under me.
- 02:15 DJH: Okay. So you're not directly involved with those other administrative functions. You are, essentially, the court support, or, and the – and those that come with court.**
- 02:28 That's right. And I mean, Re-, the Registrar himself is in charge of the administrative support functions. So that's why I say that I'm off on the side. I don't sit in the hierarchy of the – the organogram of the tribunal. I don't sit in a line directly beneath the registrar. When he goes away, of course, then I am meant to fulfill his functions.
- 02:52 DJH: So at this moment, for example, he's not back from somewhere. You're in charge of that as well?**
- 02:57 Ostensibly.

- 02:58 DJH: Okay. Let's go back for a minute – or a few minutes – and ask you a little bit about yourself. Where are you – where are you from, originally?**
- 03:09 From England.
- 03:10 DJH: Okay. And tell us a bit about your education and training and profession.**
- 03:16 All right, I was – at the University of Southampton. I did my Bachelors and my Masters in International Politics there, under Professor Joseph Frankel. And then I read for the Bar and was called to the Bar in 1976 and I practiced in criminal law, in both defense and prosecution. I have a rather bizarre little English barrister habit of being a prosecutor one day and a defense I-, attorney the next.
- 03:48 And then, after that, I became a little too specialist in prosecution, so finally I joined a new professional prosecution service in England and became a, a crime prosecutor, then a senior crime prosecutor, before I finally made the fundamental mistake of taking an apple from an American lady in my orchard in Devon, and was subsequently seduced and went to America.
- 04:17 DJH: And where – and, and where, where did you go in, to in America?**
- 04:23 I went to a place that very few peo-, it's sort of a cultural black hole called western North Carolina in the Appalachian Mountains, where I soon discovered that my curriculum vitae as a senior crime prosecutor of the west of England did not exactly translate into any known function.
- 04:45 And so, I – after a time, after a time which I devoted to breeding, which I don't think you probably want to hear a great deal about, I had two children and then we – I joined Legal Services of North Carolina. And . . .
- 05:03 DJH: That's civil legal services?**
- 05:04 Civil legal services.
- 05:05 DJH: Yes.**
- 05:05 Purely civil. And I proceeded to act as pro bono coordinator, and then I worked on HIV/AIDS projects in Asheville, and in, in due course was recruited in 2000 to come here.
- 05:22 DJH: Okay. Just to be clear, because there are a lot of people who are going to be viewing this years from now, and, and from different legal systems – when we talk about civil versus criminal, in the United States, everything that's not criminal is civil. Is that kind of your understanding? How would you define, you did civil legal aid, which was different from the prosecutions you'd been doing?**

- 05:48 Yeah. I mean, it involved, essentially, I mean, poverty law. It's a special branch of civil leg-, law, as you have defined it. And it essentially involves landlord and tenant issues, any issues involving entitlements and so on.
- 06:07 A program, actually, a wonderful program, set up by President Johnson in the war on poverty, originally, and then rejuvenated by that great liberal, Richard Nixon, and then I think sort of facing considerable degree of difficulty during the time I was there, of funding.
- 06:27 But it was a very, very interesting and mind-expanding experience, because I was able to see the underbelly of American capitalism, which is an experience that I think everyone should have, particularly those in America who are in leadership positions.
- 06:46 DJH: Okay. And so, in this you are representing f-, may I say the interests of essentially poor people.**
- 06:59 Yeah.
- 06:59 DJH: Pe-, the underserved, the vulnerable, and so forth. Now, you were not a member of the – were you a member of the Bar?**
- 07:07 No.
- 07:08 DJH: Did you become a member of the Bar?**
- 07:09 No, no.
- 07:09 DJH: So were you allowed to do some actual court practice?**
- 07:13 No. What we did was basically everything but.
- 07:16 DJH: Okay. (___).**
- 07:16 So case preparation, case screening, interviewing, going out, field work. And as far as the HIV/AIDS project was concerned, that again, organizing. And in due course, I became President of the Western North Carolina AIDS Consortium, which was a sort of – essentially a consortium of funders for you know, targeting the HIV/AIDS population of North Carolina. At that time, a very diverse population.
- 07:51 DJH: Mm-hmm. And how many years were you, then, in that area, or in (____) . . . ?**
- 07:56 Seven years.
- 07:57 DJH: Okay. And then you say you were recruited for the UN?**
- 08:02 Yeah.

08:03 DJH: How did that come about?

08:06 Well, a certain amount of dissatisfaction on my part with being in western North Carolina and not really practicing an area of law that I was very interested in, although the experience itself was very valuable, led to my communication with a number of my ex-colleagues in England.

08:27 And in, in due course an opportunity came up, a particular request had been made by one of the judges here, a commonwealth judge, that he wanted an English barrister to assist with the work of the chambers here. And so I was invited to apply, which I then duly did, and was duly taken on, in, I think, the space of about eight weeks.

08:49 DJH: Okay. And that was in the year 2000, was it?

08:52 Yeah.

08:53 DJH: Okay.