



Voices from the Rwanda Tribunal

Official Transcript: Alex Obote Odora (Part 1 of 9)



Role:	Chief of Appeals
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Interviewers:	Lisa P. Nathan John McKay
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Interpreter:	None

Interview Summary

Alex Obote Odora speaks about the responsibilities of African states in creating peace and stability in the Great Lakes region and across Africa. He talks about the importance of education in upholding human rights and the necessity for justice capacity building. Odora also offers his opinion on the quality of defense counsel, the implications of maintaining the highest international standards, and the need to delink criminal prosecutions from the broader goals of reconciliation.

The transcript of Part 1 begins on the following page.

Part 1

00:00 Lisa P. Nathan: Okay, my name is Lisa Nathan and I'm with the Information School at the University of Washington. And thank you very much for your time Mr. Obote Odora and I would like to begin by having you say your name and the country you are from, your home country. And your, the title that you have here at the ICTR. So your name, the country and your title.

00:25 My name is Alex Obote Odora. I was born in Uganda but I'm now a citizen of Sweden and I'm the Chief of Appeals in Legal Advisory Division in the Office of the Prosecutor at the ICTR.

00:42 LPN: Thank you. I'm – could you walk me through your timeline at the ICTR; the year you first came and the different roles you have had here, if you have had different roles, walk through the timeline?

00:58 I joined the ICTR in July of 2000 as a Legal Advisor and I spent most of the time drafting indictments and reviewing the jurisprudence of the tribunal trying to work and get out the jurisprudence of the ICTR and ICTY within the Office of the Prosecutor.

01:24 In 2004 I was ap-, appointed Senior Legal Advisor and Special Assistant to the Prosecutor and at, at that level I spent most of the time working with the Prosecutor. And in February of 2008 I was appointed the Chief of Appeals in Legal Advisory Division. That's the post I hold today.

01:51 LPN: Okay, thank you. For a moment I would like to go back in time a little bit. And do you recall, can you describe to me where you were in the spring of 1994?

02:04 In the spring of 1994 I was at Stockholm University where I was doing my Doctorate and at the same time teaching International Humanitarian Law to graduate students; what is normally referred to as Erasmus students.

02:23 LPN: Do you recall when you first heard about the events in Rwanda?

02:28 I started following the events in Rwanda way back in 1990 when the RPF invaded Rwanda. That was a, a topic of common discussions among East Africans in particular and Africans generally who were living in Stockholm at the time. So we followed the process fairly closely.

02:54 LPN: And then in the spring of that year when things came to a head, do you remember hearing about that, those events?

03:05 It, we, we followed very closely both on the, on the news (___) and on local stories newspapers, that in particular the stories that came from Uganda and Kenya where we regularly got the newspapers and at the beginning it was extremely difficult to, to believe and put it in context.

03:26 But when I as an individual began to read about the history of Rwanda then somehow the genocide should have been expected. When one goes through the history of

Rwanda from 1959 and then one sees the killings that took place in-, intermittently over the years then probably it wasn't surprising; by hindsight it wasn't surprising.

03:59 LPN: When did you first become aware or what were some of the first things that you heard about the ICTR's development and when it first came into being, the ICTR?

04:12 Actually in 1993, '94, I was in New York when the discussions was taking place. I forget the name of this lady now from New Zealand. She was a member of the, the New Zealand delegation, which was participating in the discussions leading to the adoption of this document.

04:37 But separately for us who were dealing with international humanitarian law at the time and looking at international criminal law and the only precedent we really had was Nuremberg, we had a completely different approach to the issues.

04:53 Maybe we, we were too legalistic, maybe we did not think so much about the victims as such; we tried to look at, okay, how are these issues going to be handled? But the interests were there and there was a lot of discussions over it.

05:09 LPN: Can you tell me the story of how you came to work here?

05:16 Yes, it is interesting actually. I was in New York and Hans Corell was the Legal Counsel – he is Swedish – and my supervisor at the doctoral level ha-, had known Hans Corell fairly well. So they'd asked me, she had asked me to go and do some research in New York for the paper that I was, I was writing.

05:51 Now when I was in New York then I met the Deputy Prosecutor of the ICTR, Mr. Bernard Muna. And then we were having a general discussions and then he told me, said, "You specialize in international humanitarian law, why don't you come to the, to the ICTR?" Then I, I casually said, "Well, let me think about it."

06:13 Then after two months I think I, I got an offer but it took me some time. I think I hovered over the situation for about a year before I came here.

06:27 LPN: Can you share with me some of the things you were thinking about during that year before you said yes?

06:36 The difficulty was really, really this – trying to think of the aftermath of the genocide in Rwanda itself and coming to work in that environment and trying to relate with the victims and the survivors and all these, how it would mentally impact on an individual.

07:06 One had to reflect very carefully before you decide whether or not to take this particular responsibility. It was not just a job one was going to do; it would leave some impact on you so one had to reflect on it.

07:19 So during that period I'd gone to the University of Swaziland where I, I taught criminal law there. I went there in 1999, okay. So it was from there that I came here because I had quite a number of individuals at the University of Swaziland who thought, said, "Look here, maybe you could, you could go and, could do and, do something helpful;

you could assist there.” So my colleagues from the University of Swaziland actually were responsible for persuading me to, to, to come here.

07:55 LPN: I see, because they felt that you might do some good here.

07:58 That, that was the view.

08:01 LPN: So when you did come to work, did you, here at the ICTR, did you have some goals in mind of what you wanted to accomplish here?

08:12 You know, one can only probably address that issue by hindsight, because when you arrive in the tribunal here, the sheer volume of work, and the documents that you go through and the discussions that you have, that’s the last thing that comes on your mind.

08:33 Because, for example, we have lawyers from civil law countries, from common law countries and we have got lawyers from Islamic countries where the, the, the concepts are a little bit different. So you find sometimes you spend a lot more time on understanding these different legal concepts, okay?

08:54 And then of course the way witnesses themselves are treated, are interviewed and how the evidence are collected, analyzed and then used for drafting indictment. So it is difficult to say, “I want to achieve this immediately,” okay?

09:11 But you know, like what we are doing, you know that you need to draft a good indictment because with a good indictment you are able to present a good case. And if you are going to lose a case it should not be that you didn’t do your best – otherwise you let down the victims.

09:34 If you have done your best and you still do not win a case, that is different because while winning a case is important, that is not the ultimate goal. One has got to present a clear reasonable case and then let the judges decide.

09:53 And that is to me – later on, as I stayed longer with the tribunal, I began to realize that maybe the most important thing I should participate in is to develop the jurisprudence of the tribunal.

10:09 Because at the time we started, there was very little to go on and when we see progressively the work we have done, sometimes you see that the early judgments are not as good as they should be and I think people recognize that.

10:26 And increasingly with each judgment, with each trial, the standards has gone higher and higher. I think now we have reached a much better threshold where one now has some jurisprudence and you can say, “Well, I contributed in this area.”

10:43 LPN: Thank you.