



Voices from the Rwanda Tribunal

Official Transcript: Alex Obote Odora (Part 7 of 9)



Role:	Chief of Appeals
Country of Origin:	Uganda
Interview Date:	22 October 2008
Location:	Arusha, Tanzania
Interviewers:	Lisa P. Nathan John McKay
Videographer:	Nell Carden Grey
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 7 begins on the following page.

Part 7

- 00:00 **John McKay:** We were just talking about an issue that I wanted to, to ask you about which is the various levels, if you will, of the perpetrators of the genocide. We've seen them characterized as planners, as aiders and abettors, and then as, as sort of so called lower-level génocidaires – those tend to be people who have been handled in different ways by the Rwandan government.
- 00:30 **JM:** There have been through the Rwandan courts and through the traditional Rwandan courts, and many, many through the local process which they call the Gacaca Courts.
- 00:42 **JM:** How do you distinguish, if you, if you could tell us, and what do you think the significance is between, you know, the so-called planners and perpetrators, the, and those who might be seen as the smaller participants? What do you think the important differences would be, if any?
- 00:59 I think my starting point is to look at the structure in Rwanda and the institutions in Rwanda. If you take the church, for example, which enjoyed a lot of respect among the Rwandan community. So, any member of the clergy who even aids and abets only, to me it is – he is much as responsible as the planners themselves because he is in a position of responsibilities.
- 01:30 That is why within the courts here, part of my argument has been that whereas good conduct is a mitigating circumstances, I treat it as aggravating circumstance in the case of Rwanda because if you are a good person, you're a highly respected person, then people will listen to you.
- 01:54 And these good people, those respected people, were the people who issued orders or directs were aided and abetted. If they were not respected people, no one would've listen to them. That is my line of argument, so I treat it as, you know, (____) circumstances.
- 02:12 And then you have got the ministers, the government officials, the, the army commanders. Those, they are fairly obvious, you can see them. But then, you have got the conseillers, the, the, (____) lower people who actually go from village to vi-, village mobilizing the local people and tell them that, "So and so lives there, so and so goes there, or go and put the roadblock there." Okay?
- 02:41 The-, these people, in my view, are as responsible as the planners themselves. That's why here, you see that those who have been prosecuted actually range from the prime minister to a, a conseiller.
- 02:56 And the policy of the Prosecutor has also been to try and not stigmatize only one area of Rwanda. As a result, there has been some geographical spread, so you try and ensure that in the prosecution of these persons, almost every area is represented.

- 03:18 The difficulty there is that in some area where there are a lot more persons, you may decide to, to drop one or two so that you get somebody from the other area. And those who are dropped, you are not leaving them. You then line them up for Rule 11bis, so that they are transferred and they are prosecuted somewhere.
- 03:39 **JM: If you had a wish for how many individuals could have been prosecuted through ICTR, would you have wished for more? Would you have wished for less? Who, would you think that it is just about the right number when you consider the thousands and thousands of persons who participated in the genocide and the relative few numbers who've been prosecuted here?**
- 04:05 I don't think I would have wished for more. I think the number we have, my personal view, is that it's sufficient because I see the role of the tribunal as setting standards, as developing jurisprudence and then allowing the other member states to follow it up.
- 04:24 That is why if I can digress a little bit, what I see as the, the, the success of the tribunal, for example – in Africa now, even leaders who violate human rights, they talk in the language of human rights. So, they are beginning to realize that if you violate human rights, you are in trouble. So, as a result, even President Bashir talks in the context of hu-, respecting human rights.
- 04:53 I think that's a significant change in that some of the impact that, that we have here and I don't think prosecuting more people would have made any difference. The moment a clear standard and guideline is set, we hope that this will not only provide good precedence, but will also make those in position of leadership begin to recognize that crime or committing genocide doesn't pay. Wherever they go, they will be found. And that in a way could help create a new culture of, of, of fighting impunity.