

Official Transcript: Charles Adeogun-Phillips (Part 4 of 9)



Role:	Prosecutor
Country of Origin:	Nigeria/Great Britain
Interview Date:	6 November 2008
Location:	Arusha, Tanzania
Interviewers:	Lisa P. Nathan Robert Utter
Videographer:	Max Andrews
Interpreter:	None

Interview Summary

Charles Adeogun-Phillips discusses the impact of the UN's requirement for broad regional, linguistic and racial representation at the Tribunal, which influences recruitment policies. He further emphasizes the need for practitioners, and especially judges, to understand the cultural context of Rwanda when considering evidence. Adeogun-Phillips reflects on the treatment of victims and witnesses in Court, on the merits and shortcomings of adversarial and inquisitorial legal approaches, and the need to involve Rwandans in the justice process.

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Part 4

- 00:00 Lisa P. Nathan: Through your work here – perhaps it was something you brought with you on the plane when you landed in Kigali – but do you have goals in your work here?**
- 00:11 I do and what I would say to anyone and if, if, if anyone was aspiring to be an international criminal lawyer or practitioner, there is no experience from any jurisdiction that prepares you for this sort of work. There isn't. It is totally different from anything you can ever imagine in this world.
- 00:35 In terms of the law, in terms of the procedure, in terms of the practical challenges, and even the terrain; there is nothing that prepares you for this sort of work. And it's just a very humbling and steep learning curve and that's why I've stayed in it for this long to just ensure that I have the, the, the total experience, rather than just coming in and doing one case 'cause it's just, it's just so varied.
- 01:04 The law is being developed as we speak. We are the ones who are developing the law. We create the jurisprudence. The crimes are unique, the terrain is unique, the personnel and the practical challenges that we, we, we encounter are, are, are completely unique to, to this area of specialization. Investigation of crimes that were committed several years before the investigations commence. Investigations being, being, being carried out by people who are not native to the territory or to the jurisdiction, who don't speak the language.
- 01:39 In my, in London for example, a witness statement will be taken by a law enforcement agent in English, sometimes written by the witness, him or herself. Here, we have to use interpreters. The interpreters are not necessarily certified interpreters. Now, if there is a discrepancy in that statement and the witness is being impeached on the stand by counsel, which is quite rightly his right . . .
- 02:09 . . . how much, to what extent can you hold that witness responsible for the discrepancies in her statement? But guess what, at the back of the statement, we made her sign a declaration saying, "I believe and I confirm that the contents of this statement are accurate and true," which you and I would do in our national jurisdictions because we speak the, the, English and we've probably written it ourselves.
- 02:35 In the context of an illiterate Rwandan witness, who's had to rely on third party for interpretation, and when the third party is not necessarily a certified interpreter, to what extent can you actually make her sign a declaration? There is no contemporaneous record of the interview. There is no tape recording of it.
- 02:54 It's, the-, they're basically notes that are taken and expanded upon after the interview, typed up on a computer and open to all sorts of discrepancy. Now, is it reasonable for anyone to impeach a witness on the basis of that statement? I would say not. These are things that are unique to this area of specialization; whether you are at the ICC, or the

International Criminal Tribunal for Yugoslavia, or the ICTR. It's just international criminal law, it's just the way it proceeds.

03:25 So nothing, no, no experience in this world would prepare you for this sort of work. It's just, just, you just have to be willing to be open-minded and just learn.

03:37 LPN: Thank you.