



Voices from the Rwanda Tribunal

Official Transcript: Everard O'Donnell (Part 4 of 14)



Role:	Deputy Registrar
Country of Origin:	England
Interview Date:	15 October 2008
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 4 begins on the following page.

Part 4

- 00:00** Donald J Horowitz: So, but, but I'm still I guess a bit confused, and maybe because it was confusing, about what you did those first months? Were you acting without – forget the title for a minute – were you acting as the Chief of chambers, or would, what . . .
- 00:15 As far as the staff were concerned, yes. The staff of chambers, the legal officers in chambers had actually wanted a Chief of chambers. They had been very much looking for someone to give them direction, give them some kind of management.
- 00:27** DJH: Had there not been one before?
- 00:30 There had been some time before, but there'd been a long hiatus, a long gap. And that had, that had caused a certain amount of dissatisfaction, and directionlessness amongst the legal staff.
- 00:45 So, you know, getting people, going around, talking to them, getting them back together. Devising a c-, a continuing legal education program, having meetings, giving them a sense of corporate identity. By this process, I was able to start to function as a Chief of chambers.
- 01:03** DJH: And tell me what the functions of the Chief of chambers are.
- 01:07 Well, the Chief of chambers basically operates as the immediate manager of all the, all the legal staff who work directly for the judges. And then he also acts as the interface between the judge's chambers and the rest of the tribunal in the sense of making demands upon the resources of the tribunal and then also bringing back, information back into – and feeding it into the judiciary and the immediate legal staff.
- 01:38 That's officially it. In fact, what you found was that the, the most intimate relationship that exists is between a judge – we had nine judges at that time. Well, nine here and then two in The Hague as part of the appeals chamber.
- 01:56 And each judge has an associate legal officer, usually a very young lawyer, fresh out of law school or with only a couple of years of working experience. Usually very highly qualified, academically, who work on drafting the decisions, advising the judge, legal research, and so on and then finally drafting the judgments.
- 02:18 Now that, when I came here, that was a very personal relationship between each judge and the associate legal officer – actually, the judges had been selecting directly their own associate legal officers.
- 02:29 This had been a cause of conflict in itself with the Secretariat and with the Registry, because of course, that's not how one recruits inside the United Nations. One recruits by some general, transparent procedure. And it was quite funny, if I can just give you an anecdote to illustrate the kind of thing that was going on.

- 02:49 One judge called me in. This judge is no longer here, (___). Called me in, and said, "I want this person," and handed me a CV. And I looked at it, and this particular person came from a country with which I am familiar, and didn't appear to have a very high level of legal qualifications. And I inquired as to why this particular person was wanted by this particular judge.
- 03:15 The judge said, "Oh, he, because he comes from that particular country." And it wasn't the judge's country; it was a completely – a far away, different continent. And I said, "Oh, I see. Why, and why in particular that, that country, judge?" And he said, "I spent some of the best years of my life in that country."
- 03:34 And so, that was the kind of way in which recruitment was done. And in fact, that, as it happened, that particular person was recruited and did very well here. In due course, he got legally qualified under our aegis and has now left.
- 03:50 But I mean, that's an indication of, of the kind of ways in which judicial recruitment t-, recruitment of judicial assistants tended to be done. And it's, it was not effective, because it produced results that were sometimes bizarre and sometimes not entirely transparent. Well, never transparent.
- 04:09 So I tried to introduce transparent systems. Also, giving the judges their desire, because it's a very intimate relationship between a judge and what, in America, you would call their legal clerk. And therefore the judge must have a major say in it.
- 04:26 But you also have to ensure certain other characteristics of recruitment, such as geographical-cultural balance, excellence, minimum qualifications, all those things are adhered to. So that was something I was able to do, slowly, slowly, slowly.
- 04:42 DJH: Okay.**
- 04:46 Oh, can I mention one other thing?
- 04:47 DJH: Of course.**
- 04:48 Although I'm technically, was, as Chief of chambers, meant to be directly supervising all these staff, what you found was that the legal officer was supervised directly by the judge and you had very little role. Insofar as we had other legal staff working in chambers, that, that relationship was a lot easier.
- 05:08 But any time you felt that there was a non-functioning member of the legal assistants staff, somebody working directly for a judge and you wanted to do something about it, what you immediately found was that the legal assistant was able to handle the situation (___) through the judge.

05:26 And so you were unable to touch the situation at all. In other words, you had, what you had was a series of little no-go areas. You, you couldn't touch (), the, the protected person working with the judge.

05:38 So in fact, there are a lot of informal networks which you, which you cannot tell by looking at an organogram of the organization. And that, that situation is relayed right away throughout the organization.

05:50 So I just thought I'd throw that in, to say that sometimes calling yourself Chief of chambers was often, one felt, an honorary position rather than a very effective position.

06:00 DJH: How long were you Chief of chambers?

06:02 Until 2005.

06:06 DJH: So, five years? Okay.

06:07 Yeah. October 2005.

06:09 DJH: Or four and a half, something. Yeah.

06:10 No, it was – it was full five years.

06:12 DJH: Okay.