



Voices from the Rwanda Tribunal

Official Transcript: Everard O'Donnell (Part 10 of 14)



Role:	Deputy Registrar
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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.

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Part 10

- 00:00** Donald J Horowitz: And that brings me to another question that you had talked earlier about the Prosecutor and that she or the office itself served both the ICTY, the Yugoslav, former Yugoslavia and the Rwanda tribunal. Did that change at any time?
- 00:24 Yes. Excuse me. There was a conflict with Rwanda over the RPF cases. The prosecution of individuals, Tutsi individuals who've been part of the invading army that stopped the genocide, and were essentially run by General Kagame as he then was, who is now President. (____) . . .
- 00:50** DJH: RPF, RPF stands for what? Sorry.
- 00:55 Po-, basically the popular front, Rwandan Popular Front.
- 00:58** DJH: Okay. Okay.
- 01:00 They'd invaded from Uganda . . .
- 01:02** DJH: Right.
- 01:02 . . . and were officered to a large extent by English-speaking Tutsis under English-speaking General Kagame as (____) part of the general cultural issues that overplay the tribal situation in Rwanda.
- 01:19 And they – it is alleged that during the course of the invasion and during the course of the pacification process, the RPF engaged in killings, mass killings of Hutus. And therefore the question has always been raised by those we have in the UNDF, by their defense counsel and by the Hutu diaspora, “Why haven't we prosecuted the RPF people who committed massacres of thousands of, of Hutus?”
- 01:55 And this has been, you know, long been you know a bone of contentions; the Prosecutor hadn't done that. Prosecutor's position was always, “Well, I'm investigating. I'll, I'll, I'll look into it and I'll tell you later.” And Carla del Ponte in fact reinvigorated the investigation of the RPF cases and this definitely did upset certain individuals who might have had something to lose as a result of that.
- 02:32 And it caused political problems for Carla del Ponte and she has always said that the reason why she was removed as Prosecutor of this institution was because of her – the vigor with which she was pursuing the RPF cases. But in fact there'd been considerable dissatisfaction, and I can vouch for that, with her dual role as . . .
- 02:54 The question really was whether the prosecution was being given its full attention in this institution as it was being given in the ICTY. And certainly I think the completion strategy issue

was one of the issues where that came to the fore most. And so I think the issue was on the table whether, whatever the situation with Rwanda.

03:16 DJH: Mm-hmm. And when was – who decided and what (____) . . .

03:20 The Security Council decided to remove her.

03:24 DJH: And not just re-, remove her but actually set two offices, in other words. Am I correct in that?

03:29 Yes, they appointed a new Prosecutor, Hassan Bubacar Jallow.

03:35 DJH: And that person is the Prosecutor only for the Rwandan court.

03:39 Absolutely.

03:40 DJH: And then there was a separate one . . .

03:42 For Yugoslavia.

03:43 DJH: (____) that for, for the Yugoslavia.

03:44 Yeah.

03:44 DJH: And when did that, that happen? What year, approximately?

03:50 I've forgotten.

03:51 DJH: Okay. A-, was it after you took your current role?

03:56 No, no. I was still Chief of chambers. So it'd be about . . .

03:58 DJH: Okay, so sometime before 2005. Okay.

04:00 . . . 2004, '05 (____). I'm sorry. I (____).

04:02 DJH: All right.