



Voices from the Rwanda Tribunal

Official Transcript: Christine Graham (Part 4 of 13)



Role:	Senior Appeals Counsel
Country of Origin:	Sweden
Interview Date:	29 October 2008
Location:	Arusha, Tanzania
Interviewers:	Robert Utter Donald J Horowitz
Videographer:	Max Andrews
Interpreter:	None

Interview Summary

Christine Graham discusses the considerable length of ICTR cases, due in part to the unusual nature of the crimes and to an initial lack of infrastructure. She reflects that judicial systems usually are built over hundreds of years, yet the ICTR was tasked with building a justice system in roughly a decade. She observes that while the Tribunal contributes to reconciliation by providing a judicial response to the genocide, the mandate for reconciliation had little influence on the judicial procedures.

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Part 4

- 00:00 **Robert Utter: One of the common criticisms of the tribunal has been delay, the interview that we had last night with a defender highlighted that, he said that was his number one criticism of what had happened. He just said essentially justice delayed is justice denied. Given the complexity of the cases, what would you suggest that might perhaps bring them to conclusions sooner?**
- 00:30 It's, it's a ve-, it's a difficult question, it's a, and relevant question. And I can certainly understand the criticism. I think we do take too long. I don't think we take too long because – and when I say we, I mean the Office of the Prosecutor because many times we are the engine that drives the, the tribunal. I d-, don't think we do so because we don't want to work or because we-, we're lazy or because we don't know how to do it.
- 01:03 But – and it is very difficult to pinpoint what it is that is causes it given the complexity of the cases. I think there was an initial period of the life of this tribunal where people were more feeling their way and wasn't sure how to deal with this situation. Judicial systems are normally something that are built over many, at least hundreds of years, if not more.
- 01:29 **RU: Yes.**
- 01:30 It takes time. Here we were given a task to build a judicial system within a very short period of time, involving the lawyers from all the world and dealing with crimes that were unusual in and of themselves. I would say once the tribunal was up and running in the sense that we had the relevant number of courtrooms; initially there was just . . .
- 01:52 **RU: I see.**
- 01:53 . . . we didn't have courtrooms and even if the Office of the Prosecutor is extremely efficient, we ca-, we have to have a courtroom and we have to have judges. So once it was up and running, which I would say I, I certainly feel that that has been all the time that I have been here.
- 02:13 The delay, or that is, or the time that it has taken, for instance, like with the Military One, it can't really go any faster because, you know, if one look at the number of days we were sitting a year, the number of witnesses we would hear per year, the way the judges dealt with a case in pushing it forward, yet balancing the rights of the accused and listening to defense where they – what their feelings were, I, it, it has to take time.
- 02:46 I can't speak for the other cases to the same extent because I haven't been involved hands on . . .
- 02:50 **RU: Of course.**

- 02:52 . . . but I certainly don't feel that there has been any unjustified delays in the Military One case once that case got up and running from the open-, the day the opening statement were made. And at least for that case many times the delays were granted on the requests of the defense.
- 03:15 But of course the situation may be different but it's, it's a very difficult – it's a difficult problem and I'm not so sure how to solve it, but more judges, more courtrooms, maybe yeah, being stricter with the adjournments for whatever reason they are and just really pushing for just hearing the cases but . . .
- 03:43 **RU: The interviewee we had last night . . .**
- 03:45 Mm-hmm.
- 03:46 **RU: . . . suggested that perhaps by indicting a number of people at the same time . . .**
- 03:52 Mm-hmm.
- 03:52 RU: . . . in the same hearing, unduly complicated the case. Is there a merit to that suggestion?**
- 03:58 Could be, but you have to take into account that I think they arrested thirteen of the top people at the same time . . .
- 04:03 **RU: Mm-hmm.**
- 04:04 . . . so what would they do if they weren't to indict them?
- 04:06 RU: Mm-hmm.**
- 04:07 They couldn't just have them stand around and because there were some – there were several of the people, the suspects, in prominent positions. They were at the same place more or less and the intelligence that came out led to their arrest so there was a, you know, for instance Mil One and Butare, they, they, you know, their, their arrests weren't that far apart.
- 04:30 **RU: Yes. In the cases where an acquittal has been reached . . .**
- 04:35 Mm-hmm.
- 04:35 **RU: . . . has there been a common thread through those cases that resulted in acquittal?**
- 04:43 Well, I think it always goes back to the, the witnesses . . .
- 04:47 **RU: Credibility of the witnesses . . .**
- 04:48 . . . and the judges not believing them.

04:51 **RU: Mm-hmm.**

04:54 I can't – no-, not having dealt with those cases myself, I can't say for sure this is just a, you know, an assumption on my part based on what I know, what I know working in the office, but I haven't reviewed (___) specific- specifically for that reason but obviously, the one vulnerabl-, we, any prosecutor is vulnerable in terms of their evidence. I mean, you nev-, the case is never any better than the witnesses themselves.

05:25 **RU: I understand that.**

05:26 Yeah.