



Voices from the Rwanda Tribunal

Official Transcript: Hassan Jallow (Part 13 of 15)



Role:	Chief Prosecutor
Country of Origin:	The Gambia
Interview Date:	5 November 2008, 6 November 2008
Location:	Arusha, Tanzania
Interviewers:	Lisa P. Nathan Donald J Horowitz Batya Friedman
Videographer:	Nell Carden Grey
Interpreter:	None

Interview Summary

Hassan Jallow emphasizes the need for extra-legal responses to post-conflict reconciliation and calls for the involvement of local communities in the justice process. He discusses the challenges of prosecuting gender violence and its role as an act of genocide. Jallow refutes the notion that the Court has delivered 'victor's justice', drawing attention to an investigation into war crimes committed by RPF forces. He suggests that the process of holding leaders accountable is feasible at the international level.

The transcript of Part 13 begins on the following page.

Part 13

- 00:00 **Batya Friedman: Something else that you have talked about a little bit and I think some others, is talking a little bit about what goes on here at the tribunal as being symbolic in terms of addressing the genocide. It's an interesting word to use. I'm wondering when you use that word, in what way is, is the work of the tribunal symbolic?**
- 00:28 It's symbolic well, it's . . . I think it's, it's important for the, for the people of Rwanda out there. I mean it, it's, to them it shows that the international community is, is interested in what happened to them, is interested in, in their welfare.
- 00:48 It's symbolic in another sense that, the, the international system because of its nature can't really prosecute everybody, so you have to concentrate on a few symbols of those offenses, the senior people who, who, who committed these offenses. Pick them out, make sure they are prosecuted.
- 01:08 And in that way, you can then send the message to people like them, to people of the same status who are in other jurisdictions, a message of deterrence that accountability even at that level is, is, is possible. I think in, in those two senses it (_____).
- 01:28 **BF: And then in the mandate there's also this notion of reconciliation along with justice. And I'm wondering – just from your own personal experiences as the Prosecutor, and as you've made decisions – are there ways in which having reconciliation also as, as part of the mandate has influenced some of your decision-making or thoughts or feelings?**
- 01:57 Well, as, as I said the – when we are prosecuting our immediate concern is legal justice, not reconciliation. That's the objective. Secure a conviction of the accused person and on the other side is secure an acquittal. But we, we hope that through the way we work we can have an effect, a reconciliatory effect on Rwanda.
- 02:17 And, and one of the ways we've tried to do this is, for instance, through the guilty plea negotiation process. One of the strategies, by the way, we, we, we put in place, also midterm, was to sort of give emphasis to the guilty plea process. The tribunal had heard a guilty plea from the former Prime Minister Jean Kambanda several years ago.
- 02:42 But, even though he was convicted on his guilty plea he continued to claim that he had been misled. I don't think there is any merit in his claim but the, the, the effect of it was to deter other persons from entering into guilty plea negotiations until about 2004.
- 03:01 So, we, we, our policy then became that we should encourage accused persons to plead guilty so that we can finish our cases, and in consideration of their pleas they could have reduced sentences and, and location to, let's say, less harsh, harsh prison conditions in, in, in other countries.
- 03:23 But one of the ways in which a guilty plea has worked, for instance, in relation to reconciliation has been for instance, in two cases.

- 03:33 We've had two cases where the accused pleads guilty and we encourage them to make a statement from the dock – which, which one of them did and it went down very well – statement acknowledging that a genocide had occurred in Rwanda, apologizing to the people of Rwanda and offering to help in any way towards reconciliation.
- 03:54 There was another accused also who stood in the dock. He, he did not deny – he, he denied his culpability but he admitted that a genocide had taken place in Rwanda and he apologized to the, to the country and to the people for that sort of thing.
- 04:10 Those, those, those actions can, can assist with, with the reconciliation process. Unfortunately, most of the accused just continue to deny that a genocide ever took place and, and that doesn't help. That doesn't help.
- 04:24 I think it is better if a position was taken, as the appeals chamber has now decided, that the occurrence of the genocide is beyond dispute. It would be more helpful if the defense teams took the same position but even if they continued to deny the culpability of their clients, can say, "Of course, a genocide did take place. For which we are sorry, but I had nothing to do with it."
- 04:49 It's a different, different tack from saying, "There was no genocide. If there was one, I was not part of it. If I was part of it, I was forced." You know, it, it doesn't help reconciliation. The victims, the survivors, survivors and the people in Rwanda feel much more offended naturally by that sort of strategy.
- 05:12 BF: Then . . .**
- 05:13 I mean the, the appeals chamber has said, "The occurrence of genocide is indisputable as is, 'tis indisputable that the sun rises in the east and sets in the west." So, what can they gain from continue, continue to deny the genocide except to offend the, the (), the people of Rwanda and to offend the survivors.