



Voices from the Rwanda Tribunal

Official Transcript: Alex Obote Odora (Part 3 of 9)



Role:	Chief of Appeals
Country of Origin:	Uganda
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Location:	Arusha, Tanzania
Interviewers:	Lisa P. Nathan John McKay
Videographer:	Nell Carden Grey
Interpreter:	None

Interview Summary

Alex Obote Odora speaks about the responsibilities of African states in creating peace and stability in the Great Lakes region and across Africa. He talks about the importance of education in upholding human rights and the necessity for justice capacity building. Odora also offers his opinion on the quality of defense counsel, the implications of maintaining the highest international standards, and the need to delink criminal prosecutions from the broader goals of reconciliation.

The transcript of Part 3 begins on the following page.

Part 3

- 00:00** Lisa P. Nathan: So one thing that I would like to return to is – at the beginning you were talking about in hindsight the, the events in 1994 in Rwanda should not have been a surprise if you look at the full history starting in 1959, perhaps even earlier to the events leading up to that.
- 00:24** LPN: They might not have been a surprise. And I noticed a book on your bookshelf as well talking about the genocide and is there a way that it might have been prevented.
- 00:35** LPN: You are now sitting here to help in the prosecution of the perpetrators and the planners of the crimes committed in 1994, but as a human being, do you see any steps that may have been taken before that actually happened that might have prevented the genocide in hindsight?
- 00:58** Probably yes and no. One thing is, the people and governments of this region should have done something instead of waiting for the international community.
- 01:15** People from Uganda, Kenya and Tanzania know the history of Rwanda very well. And in Uganda the Rwandan nationals had lived there for a very long time and the same in Tanzania and the same in Kenya. So the normal discourse were there and the tensions that were building were there.
- 01:39** The fact that at intervals mass killings had been taking, had been taking place in both Rwanda and Burundi, okay, that should have, you know, alerted people to note something serious happening again.
- 01:57** But again, because there's been a series of impunity in this re-, region; in Uganda, for example, we have got this very bad period under Idi Amin where so many people were killed and not a single person was ever prosecuted for it. Even Idi Amin, after the change of government, he was, he was never extradited to be, be prosecuted.
- 02:20** In Kenya there was this what they call the, the tribal clashes, okay? Even be-, even before the, the, the genocide in 1991, '92, '93, okay, a lot of killing took place there and there were no serious prosecution that took place. Tanzania has been the only safe area in this re-, this region, okay?
- 02:43** So, unfortunately some of this violence was probably wrongly treated as part of the political process. If it wasn't treated like that something ought to have been done.
- 02:57** Now the, the genocide having been committed, I think the people in this region should try to address two things really urgently. One is to try and include in their syllabuses for educational program at a very early age, okay, teaching that allow individuals to value human lives and to respect human lives and to have () people recognize that you can get lots of disagreements, but you should solve that not by killing one another but by talking and trying to resolve these issues.

- 03:35 Secondly they should ad-, address these cultural differences if any because in Rwanda in particular, while they talk of Hutu and Tutsis, the mixed marriages that followed, there were basically very few Hutus or Tutsis left so this tribal distinction by and large became artificial and historical.
- 04:00 And I think people should be encouraged to gradually move out of a tribe as a means of identifying an individual and this may take some time but the process should begin and should be encouraged.
- 04:15 Otherwise with the tensions that continue in this region, one cannot be very happy if one recognize-, sees the, the tension that is still in the Democratic Republic of the Congo. It is still there, okay?
- 04:29 So – we also see the recent tension in Kenya that (_____) in a lot of killing and Kenya had, and Tanzania had been considered the two most stable countries in, in, in East Africa. And that is not so now.
- 04:45 So one has got to address some of these issues. So that I think that the crisis in, in Rwanda should also be used as a basis to discuss the political context of the entire region and to see how they can use that discussions to address the problems in the DRC, to address the tensions in Kenya, to address the tensions in Northern Uganda and to ad-, to address the tension in Tanzania where there is a, a, a political problem between Zanzibar and th-, and the Tanzania Mainland.
- 05:23 All these are potential areas of conflict and should be addressed. Of course they are not at the magnitude of, of the Rwandan crisis, they are not at that level, but all big crises start in a very small way and if they are allowed to fester it can create problems.
- 05:40 LPN: And you see education as being a way to begin addressing?**
- 05:44 Education is really the key and not just education, we should be very clear of the type of syllabuses that we put forward for teaching the young generation to recognize, th-, and (___), to recognize that there are ways of solving problems other than conflict.
- 06:02 LPN: So you were talking about the responsibility of the countries in the Great Lakes Region and, and placing some responsibility on them for addressing what was going on in Rwanda before the genocide happened. Can you speak to the decision to place the ICTR here in Tanzania?**
- 06:22 LPN: There's been critique on, from the Rwandan government who thinks the ICTR should have been located there; others may think that it might have saved more money if it was located in The Hague. Can you speak to that decision? And would you think that in the future, if there is another tribunal such as this, where would you suggest it be held?**
- 06:48 You see, when people are getting out of extreme tensions like in Rwanda, one cannot simply assume that overnight people will begin to see themselves as being colleagues

and members of the same community, of the same country. So putting the tribunal in Rwanda at that time would have I think exacerbated the tensions.

07:22 I don't think the management of the court process would have been easy. I do not even know whether the anger of the general public could have been contained if soon after the genocide some of these key individuals were now being flown into Rwanda and being put in jail. I don't know whether the government would have provided enough security to stop the general public from actually storming the place and lynching these people.

07:57 That's a real possibility because when you get to know Rwanda very well you find that there are individuals who did not only lose the entire members of their family, but a whole community, a whole village is destroyed. And you cannot imagine the anger of these individuals, how they would react. I think they needed a cooling down period, okay?

08:23 Now after 14 years I believe trial can be held in Rwanda now; pe-, they are fairly calm, they have, they have been able to address this, to reflect on this and also they have read what outsiders say about the conflict in Rwanda. There is now a basis upon which they can objectively try and look at those issues. But to have put the tribunal there in 1994 – my personal view is that would have been a great mistake.

08:50 Secondly, people have talked about saving the costs of the tribunal or that the tribunal is very expensive. What they've not told me is which genocide prosecutions are they comparing the ICTR with? If there was a tribunal that was engaged in prosecuting genocide and they found that that tribunal was cheaper compared to the ICTR, I would understand.

09:22 Why I'm saying this is simply – look at the complexities of investigating genocide. Look at the involvement of the different persons in the prosecution of genocide, the defense of genocide, and the judges, and then look at the witnesses, the factual witnesses, the expert witnesses, they come from all over the world, okay?

09:52 And this cannot be cheap, they cannot be easy. If you have got lawyers in private practice who charge two, 300 dollars per hour, okay? And then you find that these lawyers are coming here as defense counsel or in the prosecution division and they are not charging that per hour or they are not being paid per hour, then you recognize that maybe the rate is not as high as people are trying to believe.

10:21 And of course in private practice or at the national level, governments do not spend a lot of money on transportation of witnesses, on protection of witnesses, on relocation of witnesses, okay? Here, it's almost the norm.

10:37 So there's a lot of money that are spent in these areas that at the national level, governments don't generally spend a lot of money on it. And that becomes accumulative.

- 10:50 And then again the level of the judges at the national level, they are not paid at the level of the Undersecretary General of the United Nations. And all the judges are at the level of the Undersecretary General of the United Nations. So one cannot say that okay, they should be paid less to serve the cause of the tribunal.
- 11:12 So there are a lot of other factors and, and, and variables that are really not con-, not considered. I would love if some people should be asked which institutions they use to compare the tribunal. I would be very interested to know.