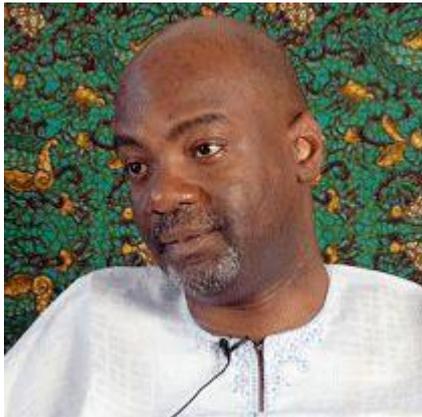




Voices from the Rwanda Tribunal

Official Transcript: Charles Adeogun-Phillips (Part 1 of 9)



Role:	Prosecutor
Country of Origin:	Nigeria/Great Britain
Interview Date:	6 November 2008
Location:	Arusha, Tanzania
Interviewers:	Lisa P. Nathan Robert Utter
Videographer:	Max Andrews
Interpreter:	None

Interview Summary

Charles Adeogun-Phillips discusses the impact of the UN's requirement for broad regional, linguistic and racial representation at the Tribunal, which influences recruitment policies. He further emphasizes the need for practitioners, and especially judges, to understand the cultural context of Rwanda when considering evidence. Adeogun-Phillips reflects on the treatment of victims and witnesses in Court, on the merits and shortcomings of adversarial and inquisitorial legal approaches, and the need to involve Rwandans in the justice process.

The transcript of Part 1 begins on the following page.

Part 1

- 00:00** Lisa P. Nathan: My name is Lisa Nathan. I'm with The Information School at the University of Washington. I would like to thank you so much for your time today.
- 00:06 You're welcome.
- 00:07** LPN: To begin with, I would like you to state your name, the, your home country, and your title here at the ICTR.
- 00:15 My name is Charles Adeogun-Phillips. I'm a Nigerian by parentage and British by birth and I'm a senior trial attorney in the Office of the Prosecutor of the International Criminal Tribunal for Rwanda.
- 00:27** LPN: Thank you. Can you walk me through your timeline at the ICTR and if you've had different roles, what they have been?
- 00:36 Indeed. I, I joined the, the ICTR, having had a few years of private practice in the United Kingdom, in January, 1998. I have since been in the Kigali office of the tribunal and the Arusha office. I spent one year in Kigali, investigating the crimes that were committed following the genocide, actually field, active field work. Following which in January, 1999, I came over to Arusha to prosecute the third trial or the fourth trial actually, pardon me, which was the Musema trial, as co-counsel or co-prosecution counsel.
- 01:16 Since the Musema trial, I have prosecuted nine other cases, eight of them as lead prosecution counsel, including the infamous case against Pastor Ntakirutimana alongside Ramsey Clarke who is the former Attorney-General of the United States. And as you know, Pastor Ntakirutimana was the president of the Seventh Day Adventist Church and he was extradited, and the only genocide suspect to be extradited from the United States of America today. So, that's the story.
- 01:44** LPN: Thank you. I'd like to go back in time, approximately four years before you began working for the ICTR. Can you tell me where you were in the spring of 1994, when the events in Rwanda were unfolding?
- 01:57 I was in London, England in the spring of 1994. I had, I had a very interesting romance with the United Kingdom. I was bundled off to boarding school by my parents in Nigeria when I was 13 or 14 and having been to Repton School in England, I then studied law at Warwick University, went back to Nigeria to qualify as a barrister, and then returned to the UK to qualify as a solicitor. I did a Master's in International Arbitration and started practicing in the City of London.
- 02:31 And so in 1994, I was in some practice in London when, when this happened. I have very vivid memories of actually watching this on TV as it unfolded and I had no idea that i-, in four years later, or five, three years later, I would be involved and be in the forefront of the development of what has become the fastest growing area of public international law today.

- 02:53** LPN: Can you tell me the story of how you then, y-, 1994 you had no idea.
- 02:58 Absolutely not.
- 03:00** LPN: So then, how did you come to work here at the ICTR?
- 03:03 Well I was a criminal defense lawyer in London for the most part. I, I worked in a, in a Greek firm in London doing essentially it was a general practice but I was, I was particularly interested in criminal defense work. And having done that for a couple of years, I then met a Nigerian judge who was then sitting at the I-, on the, on the ICTY bench, the, the former Yugoslav tribunal, just by chance.
- 03:28 And he told me that he was a judge in, in an international criminal tribunal and he asked if I would be interested i-, in applying to the sister tribunal, which was then just getting off the ground in Rwanda. I made my application and it was successful.
- 03:43** LPN: Can you tell me about when you first arrived in Kigali?
- 03:47 Well, what I had thought would be essentially a sabbatical from, from private legal practice in, in, in London eventually has lasted well over a decade. The early days in Kigali involved what was the formative years of, of, of an international prosecutorial office. The challenges were, were immense and one of the major challenges of our early years in Rwanda was, was essentially formulating its strategy, an investigative strategy as to how to investigate this, this, this heinous crimes . . .
- 04:26 . . . what strategies to use, how to investigate sexual assault and sexual crimes, what sorts of strategies, what our priorities are. Because you have to bear in mind that we had a set mandate from the Security Council to prosecute those who bear the ultimate and the greatest responsibility for genocide.
- 04:43 Well, how do you determine who, who bears the ultimate responsibility for genocide? What, what, what matrix and what benchmarks do you apply in reaching, in reaching that, that conclusion and the formative years of the office involved exploring various ideas as to how we would determine that. Would we go on the basis of thematic groups, government ministers, military officials, or regional or geographical groups?
- 05:13 It also involved the indifference, the, the, the po-, political indifference to the apprehension of suspects. How do we, how do we apprehend the suspect, because one of the most unique things about international criminal law is that the fugitives are everywhere but in your jurisdiction, and what is so unique is that you lack a police force and any law enforcement power, so you e-, essentially have to rely on the cooperation of member states of the United Nations, and those were very novel issues that we had to tackle.
- 05:44 Other issues, basic and very practical issues such as the composition of staff members. I, being on a team with a common law background, working with a lawyer from France who doesn't understand the common law approach to this and he, he, he has a, a civil

law approach to it. Communication was a problem. I speak only English; many of my colleagues only spoke French, very few of us were multi-li-, multi-lingual.

- 06:12 And apart from that, we, we, in the initial days of our operations, we didn't have actually fully fledged staff members. We had volunteers, we had secondees from various governments who had seconded people to the tribunal to help out in the investigative process.
- 06:28 With, with the benefit of hindsight, one of the things that strikes me now and i-, if I had to do this again, would be that we lacked the involvement of national staff in the investigative process. We didn't have any Rwandan help. What is the essential drawback of not having a Rwandan on your investigative team? Well, we're foreigners.
- 06:50 We're, we're not native to the locality and there were so many diverse issues and intricacies about the whole genocide in itself that you, you are unable to understand or grasp at a very early stage if you don't have that local context. Is that a criticism of, of, of the organization in itself? No; in the sense that it was difficult in the, in the context of Rwanda to involve nationals of Rwanda because you were not sure who was who. It's a, it's a conflict of two sides.
- 07:22 So how do you go about recruiting Rwandese staff when you're not ac-, actually allowed to discriminate between one or the other, so the, the, the most practical thing was just to keep them out until we settled in. Therefore as foreigners, we then had to grapple with understanding the poli-, political and cultural context of the crimes which we investigate.
- 07:47 So there, there were immense issues which are absolutely unique to this area of specialization, the same issues that the ICC would confront in Uganda, in, in the Central African Republic, in the Congo, the same issues that the Yugoslav tribunal may have confronted in the Bosnia. They're unique to the prosecution of international crimes.