



Voices from the Rwanda Tribunal

Official Transcript: Christine Graham (Part 8 of 13)



Role:	Senior Appeals Counsel
Country of Origin:	Sweden
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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 8

- 00:00 **Donald J Horowitz: I'm going to jump for a little bit to – you said the Military trial was big and bulky . . .**
- 00:08 Mm-hmm.
- 00:09 **DJH: . . . and had many, both legal, per-, personnel and administrative issues.**
- 00:13 Yes.
- 00:15 **DJH: And you talked about a few of them. I'd like to sort of – I'll leave the legal issues aside for a moment . . .**
- 00:20 Uh-huh
- 00:21 **DJH: . . . and I'd like to talk with you about personnel issues.**
- 00:23 Mm-hmm.
- 00:24 DJH: And then we'll talk about administrative issues as you see them.**
- 00:27 Yes. Well, on the personnel issue the initia-, initial one was that only a couple of, I can't even remember the exact, how it all went, but we started the 2nd of April, 2002 with Chile Eboe-Osuji heading the team. We went on mission in July, it was June or Ju-, July, almost the whole team in Kigali to meet with witnesses because we had been adjourned after the opening for various reasons.
- 01:00 Once we w-, the whole team returned from mission, we were told that we had a new team leader and that caused a lot of surprise and discontent . . .
- 01:18 **DJH: Okay.**
- 01:19 . . . by many. So it then – the, the (___), the new team leader was Barbara Mulvaney. She came, eventually she ca-, came in and took the role and did a very enthusiastic job over all these years and we all, you know, we all became close friends so it wasn't a personal issue.
- 01:41 It was, it, it was the fact how it was done on the part of management. And of course it's very disruptive. So that was a major personnel issue. Then we had smaller personnel issue where we would have people on contract that would help us out on various things. For instance, we wanted to use Case Map who is case management software tool; I think we were one of the first trial teams to, to use it, and (___) was actually, the idea initiative of Barbara Mulvaney, and it would turn out almost impossible to get someone to manage that tool for us.

- 02:23 And it was very helpful. Eventually, it was to the point where Barbara Mulvaney walked into HQ in New York and said, “Listen, we need this person. She has to be employed,” you know, to the – of course the dismay of OTP management, (___) “You can simply not do that,” but she, she sort of did that anyway.
- 02:42 And we managed to get someone, but it took, it took, it was, it was ridiculous. It took, you know, months and months and months for, to get someone to perform. You know, sm-, w-, it’s a small things but it shouldn’t be a major issue administratively. We had renewal of contracts where a Senior Attorney Drew White, I think he was in the middle of the cross examination of one of the accused, his contract expired.
- 03:11 They shut down his security badge so he couldn’t enter the building. So, you know, it’s like how is this possible? Meanwhile, you’re running like this because you know you’re in the middle of a trial and you think like, “Hey guys, you’re supposed to be with us, not shooting us in the back while, you know, we’re in the trenches here.”
- 03:33 And I don’t think it’s – we used to call it benign incompetence. I don’t think it’s malice. It’s just that this is difficult to deal with for some reason.
- 03:41 **DJH: Okay. No, I mean, you’re giving us some interesting examples.**
- 03:45 Yeah . . . I’ve almost forgotten about it and it’s better that way but . . .
- 03:50 **DJH: Yeah, at the, at the same time as I remember it, I mean I don’t remember when it exactly changed, as I understand it the Office of the Prosecutor was for both tribunals . . .**
- 04:03 Yes. Mm-hmm.
- 04:03 **DJH: . . . the ICTY and the ICTR. And at certain point, it changed and they were two separate offices.**
- 04:09 Yes.
- 04:10 **DJH: When was that change?**
- 04:12 I can’t remember the date but I remember the change and it’s definitely has been an improvement. And when we started the trial, we still had Carla del Ponte as the prosecutor over both tribunals.
- 04:25 **DJH: Okay. But it started in Military One.**
- 04:27 Well, we started in Military One. We didn’t have a deputy prosecutor. We – the Chief of Prosecution was acting. So the – you know, it was not in a good state and it has improved enormously over these years with, you know, having our own prosecutor, having a deputy

prosecutor here and present and having a, you know, chief of prosecution. Now we have an acting, but someone who's very experienced in the work of the tribunal.

04:51 **DJH: Has there been any training of the prosecutors' staff? I'm thinking the lawyers but perhaps others as well. I mean, you mentioned as an example . . .**

05:02 Mm-hmm.

05:02 **DJH: . . . that there are some people who are more con-, conversant with civil law, others more conversant with, with common law.**

05:10 Mm-hmm.

05:10 DJH: That's one area. There may be others depending on the level of experience and so forth. Has there, have there been training programs?

05:18 There have been several. There haven't been so much focused on, you know, subject matter as common law or, or civil law. It has more been advocacy training programs.

05:28 **DJH: Mm-hmm.**

05:28 We have had Sherman Sterling come in and do a lot of work with us on a pro bono basis putting – having their attorneys coming to do advocacy training.

05:39 We have had – we have a joint appeal advocacy training program with the ICTY. You, I actually went to an advocacy training program at, program in Canada paid by the ICTY which was an intense course for one week when you have all the Canadian judges and, you know, senior prosecutors and defense counsel criticizing every bone in your body.

06:06 **DJH: Mm-hmm.**

06:08 And, but it was great. At Osgoode Hall. And so there's been several but there's al-, also managerial training provided for, you know, the ones in, who manages people.

06:21 **DJH: Okay. You mentioned administrative issues too.**

06:25 Mm-hmm.

06:25 **DJH: You covered all the (_____) but would you like to raise that?**

06:30 No, I think, I, you know, I it's, it's, the tribunal has several arms. It's the Pros-, Office of the Prosecutor, it's Chambers and it's the Registry. The Registry does many things but it's basically facilitates the work of Chambers and the OTP, but it deals with a lot of administrative issues.

- 06:51 And it's probably a difficult task to perform. It's, you know, it's building a bureaucracy that is efficient and actually looks at the need of the people that they service. I think it has improved over the years but I think there's much to be decided.
- 07:09 **DJH: Yeah. I, the reason I ask is, is not to put blame on people.**
- 07:12 No.
- 07:13 **DJH: (___), it's really about how do we learn how to do it better.**
- 07:16 Yeah.
- 07:17 **DJH: Et cetera.**