



Voices from the Rwanda Tribunal

Official Transcript: Everard O'Donnell (Part 2 of 14)



Role:	Deputy Registrar
Country of Origin:	England
Interview Date:	15 October 2008
Location:	Arusha, Tanzania
Interviewer:	Donald J Horowitz
Videographers:	Max Andrews Nell Carden Grey
Interpreter:	None

Interview Summary

Everard O'Donnell discusses the unique characteristics of ad hoc tribunals and the challenges of coordinating multinational ad litem judges. He notes that the ICTR has been effective at tracking and capturing international fugitives such as Jean-Paul Akayesu. Although the ICTR has been criticized for providing 'victor's justice,' O'Donnell stresses its efforts to deliver justice impartially. He reflects on the case of Mika Muhimana who was convicted of genocide, but later had his conviction overturned by the Court of Appeal.

The transcript of Part 2 begins on the following page.

Part 2

- 00:00** Donald J Horowitz: Let me go back six years, if I may, to 1994. That's a year that has taken on some significance for you, I'm sure. Do you remember, or can you try to remember, what you were doing in 1994, particularly in April when things got particularly difficult? And when you first heard about it – tell us a bit about that experience.
- 00:29 Well, I don't know whether you've ever been to western North Carolina, but it's a pla-, a place in which not only is it extremely mountainous, but culturally, it's extremely remote from the rest of America.
- 00:43 And apart from Asheville itself, which is a fairly cosmopolitan town, all the area around Asheville – and I was in, may I say, a, a Fundamentalist Baptist county, a dry county, a county that probably wouldn't have really been able to know in which direction Europe was.
- 01:07 And so, there was remarkably little reporting of what happened in the Third World, and in particular, Africa. And the first I heard of what was going on in Rwanda was, interestingly enough, at a poetry slam in Asheville, when someone proceeded to read a poem about the events that had been unfolding in April. This was early May that I was at this poetry slam.
- 01:41 And I was really astonished that anything like this was going on. The guy, the poet, did an introduction and then read a poem, and so I went up to talk to him afterwards and asked him what was all this about. And that was – I heard it word of mouth. Then, of course, I found out all about it thereafter.
- 02:00 But it had remarkably little impact upon most Americans. And I don't think, for example, my wife and her friends in western North Carolina knew anything about it until months after, abo-, when I, when I started talking to them about it.
- 02:20 DJH: And that would have still been in '94, or '95?**
- 02:22 Yeah.
- 02:24 DJH: And in the interim years before you left western North Carolina, did you have any special interest or involvement with, with the subject?**
- 02:36 Well, as a senior crime prosecutor, one of my areas of interest had been international criminal law. I'd been concerned with international environmental law. That was one of my particular professional responsibilities in the United Kingdom. But very little. Most of our work was really national – of national concern.
- 02:59 DJH: Okay. So now you had this opportunity in, in 2000 to come to the ICTR. What did you know then about what was going on here – that is, what were you told before you got here?**

- 03:17 Well, that's an interesting question, because naively – I mean, I read of course, everything that I could in the short space of time that I had. And it looked to me as if it was, you know, remarkably interesting and a unique organization, and one that my background gave me no particular lead in as to how to approach it.
- 03:39 And my request via email to the then Registrar for details of my job description and what I would be doing didn't meet with any reply. Telephone calls here didn't meet with any particular information. So I was in a state of somewhat – well, a certain penumbral awareness, as I set out.
- 04:04 But I, I dropped in on my government in England to meet my previous colleagues in the crime prosecution service, and I met also the people in the foreign office, who had been part of the process by which I had learned about this job. And I was told then, I was given a sort of particular perspective upon the tribunal.
- 04:29 And there was a cer-, I was led to believe that there was a certain amount of concern about the lack of progress made by the tribunal at that particular time. The lack of casework, the fact that only by, by that time, only one full trial had taken place. The fact that the other trials, the pre-, the pretrial process had, had not really got off the ground. The fact that, of those arrested, they, it looked as if they were going to be a long time awaiting trial.
- 05:02 And a general lack of, I would say, lack of certainty on the part of the United Kingdom government about the future of the direction of the tribunal. And indeed, one of the comments made to me as I was leaving was something to the effect of – I'm not going to give you a quotation, but – that they hoped that the efforts could be directed towards bringing the tribunal to a close.
- 05:36 DJH: All right. And, and so – had you been to Africa before?**
- 05:41 Never.
- 05:43 DJH: Okay.**
- 05:42 I was, I have a, a Middle Eastern background as a child, but not . . .
- 05:47 DJH: Where in the Middle East?**
- 05:48 Oh, everywhere. Aden, Iraq, Beirut, everywhere. My father was a Middle Eastern civil engineer.
- 05:56 DJH: Ah. Okay. So you came to Arusha?**
- 06:00 Yeah.
- 06:01 DJH: Okay. Did you also – well, let me – when you got to Arusha, did you know what your job was going to be?**

- 06:09 No. I presented myself – well, it's always a very alarming experience, particularly in those days, to arrive at Arusha airport, and you get driven through the darkness, all alone in a bus and you know, there are road blocks and lights dimly seen, and then you get thrown out in a hotel. All alone, you have absolutely no clue about where you are or what's, what's happening.
- 06:33 And the next day, I presented myself at the tribunal to be greeted with astonishment as to, “Who on earth are you?” There was no office for me. I presented myself in due course, I think on the second day, to the President, President Pillay, and I said, “I'm a new senior legal advisor in chambers.” And she said, “Oh, are you? Who sent you?” So, it was that kind of experience.