



Voices from the Rwanda Tribunal

Official Transcript: Everard O'Donnell (Part 12 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 12 begins on the following page.

Part 12

- 00:00** Donald J Horowitz: Well, I don't want to necessarily camp on failures but you used the word in plural. Is there something else you'd like to . . .
- 00:08 Oh lots, lots. I, I wish that we were cheaper and leaner. I would wish that we had not become so enormous and expensive. I think we could have had a structure that was totally different. We could have, instead of following this enormously bloated mission model which is what we have here where we have everything happening in-house, we could have just had a core of judges, a core of lawyers, basic administrators and then had everything else contracted out.
- 00:43 You know, it would have been half the price. I wish we could have done a lot of our work in Rwanda. I wish we were more victim-oriented in our punishment system. I wish we were more punitive.
- 01:06** DJH: How do you mean?
- 01:07 Well, we're talking about the gravest crimes that mankind can commit and human, the human race has known. We're talking about the, the murder of between 800,000 and 1,000,000 people who were murdered after horrendous torture. Torture was part of the process; it was never clean killing.
- 01:32 The Rwandan victims themselves wanted to use their last resources, their last shillings, their last goods to try and beg the Interahamwe to shoot them and their families rather than to start hacking away at them as they did.
- 01:49 But no, the Interahamwe burned them alive, used sharpened hoes and machetes to cut their Achilles' tendon and then left them w-, you know, crawling around so they could come back over at their leisure and slaughter them slowly by cutting off their limbs.
- 02:08 It was just absolutely horrendous. It was worse than any Hieronymus Bosch vision of hell. There's never been – I mean, you know, you and I know about Auschwitz and we know about Belsen and so on. We know about all the shootings in the Eastern Command and so on.
- 02:29 And nothing, even as horrifying as that, nothing prepares you for the ferocious bestiality of the way in which these slaughters took place in Rwanda. And by, by and large people don't dwell on it.
- 02:49 And it was (____), one of the greatest pieces of child slaughter in human history as well. I mean about 400,000 children were killed and when you find – you talk to the Interahamwe, you know, why were so many children killed. Because the whole point was they were killed easily, quickly.
- 03:06 They run around in circles screaming, so they just club them and no problem. Easy. And then the old people and – eventually in the Bisesero hills they had – the hills were just covered with

nothing but refugee Tutsis and so they went back day after day leisurely and they would just torture and torture.

03:22 They would – I mean, there's one woman who's, who, who was, Mika Muhimana, who's our Lecter Hannibal, was convicted of killing. Her name will live forever and she and her – she was pregnant. She was just an ordinary farmer, a poor farmer but a Hutu, or a Tutsi. And Mika gets – comes there for his daily blood and they've dragged her out of hiding out of the bushes and she's got (), pregnant.

03:59 He cuts her apron, pulls out the fetus to see whether the fetus will live, you know like that, then throws the fetus down, then they cut her arms and legs off and they put sticks in her so she's flopping around. You know, I mean it's just absolutely unbelievable.

04:14 And those individuals are sitting here in our prison getting luxury food and, you know, (), we're just giving them – we're about to inaugurate a new exercise ground for them this, this week. I'm going there to watch a volleyball game between the staff and no doubt Mika will be there.

04:35 And I find that very, very disturbing that – it does not accord with my perception of what justice is. My perception of justice may be out of date and very primitive but I don't believe that this process gives the world any more justice.