



Voices from the Rwanda Tribunal

Official Transcript: Roland Adjovi (Part 5 of 10)



Role:	Senior Legal Advisor
Country of Origin:	Benin
Interview Date:	13 October 2008
Location:	Arusha, Tanzania
Interviewers:	Donald J Horowitz Lisa P. Nathan
Videographer:	Max Andrews
Interpreter:	None

Interview Summary

Roland Adjovi compares the structure of the ICTR to other international tribunals and describes the ICTR's broad mandate for establishing peace and reconciliation. Adjovi discusses his early aspirations to improve the ICTR. He reflects on a proud moment in the case of Michel Bagaragaza, a case expected to be transferred to Norway but held back because Norway had failed to implement the Genocide Convention into domestic law. This decision prompted Norway to enact new laws, thus improving its legal system.

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Part 5

- 00:02** Donald J Horowitz: You've been here now for five years.
- 00:07 Less. Because . . .
- 00:08** DJH: You said you came in 2003.
- 00:10 I came in 2003 but I left in 2006 . . .
- 00:14** DJH: Ah.
- 00:14 . . . spend one year and half at the International Criminal Court.
- 00:19** DJH: In the, in The Hague.
- 00:20 In The Hague and I came back end of December 2007.
- 00:25** DJH: Okay.
- 00:26 So I'm here for almost five years.
- 00:28** DJH: Okay. You are I'm sure very familiar with the statute which created the ICTR, the International Criminal Tribunal for Rwanda.
- 00:37 I hope so.
- 00:39** DJH: Okay. What is your understanding of what that statute tells the court to do?
- 00:50 The statute creates a tribunal to decide upon case brought by the prosecution after confirmation by the judges. It's a tribunal, a criminal tribunal. Simple.
- 01:04** DJH: Mm-hmm.
- 01:05 But there was something additional which everyone could not see the impact on the mandate of the tribunal. There was a provision about reconciliation in Rwanda, peace and security.
- 01:24 The Security Council, when they create the tribunal it was on the basis of Chapter 7 of the United Nation Charter. That chapter can be used if there is a threat to the peace and the security – so the objective, the political objective was that this tribunal will assist in achieving peace and security in Rwanda and in the region.

- 01:52 Now the major question is how a criminal tribunal can achieve it. There are various way. One in my view could be in sentencing and this is only my personal opinion. If you sentence someone for a time of imprisonment which allows him to think about what he did, (), the consequence for the society and the day he's out of the jail he could behave differently.
- 02:32 While he's in jail, his sons, his grandsons come to him and he could tell them, "(), at our time we did it wrong." He would have contributed to the reconciliation to some extent. If he's in jail for the remainder of his life, he will – he probably will be bitter, bitter everyday a little more. He has no expectation to get out.
- 03:04 So that may be a way of achieving the mandate of the tribunal as to the reconciliation but this is just a thought in my mind. It has never been expressed as such in the jurisprudence.
- 03:21 DJH: What has been expressed as such in the jurisprudence about that particular mandate?**
- 03:29 I don't recall of anything being expressed . . .
- 03:32 DJH: Mm-hmm.**
- 03:32 . . . about that particular aspect of the mandate. You may have at least one case where a reference could have been made to it; Rutaganera. He pleaded guilty and was sentenced to six year but it will be difficult and to my recollection, even if a reference was made to reconciliation in Rwanda, no serious argument was made to show how this aspect of the mandate has affect the sentence.
- 04:09 So it's a mere statement than a consequence from the mandate to say, "Because of the reconciliation, he's sentenced to six year and the Chamber expect that blah blah blah." I can't recollect any such detail analysis in that judgment.
- 04:37 DJH: And I think you said there has been no other analysis in any judgment to your knowledge.**
- 04:43 To my knowledge, no other. So this is only personal opinion.
- 04:47 DJH: Okay, well, you're an advisor and it comes from the person to a certain extent. I had a question and i-, and – oh, yes. What do you think reconciliation meant in that statute? And, and maybe not just your own opinion but if you've, if, if there's been some expression by the court or by any of the courts . . .**

- 05:19 I, I, I don't recollect any expression by the court at all on that aspect but if you look at the story of Rwanda, how they came to the establishment of the tribunal – there was a political crisis and what's happened concretely is that a group of politician used part of the society against another part. The part discriminate is mainly the Tutsi but you have also the moderate Tut-, the moderate Hutu who were exterminate and killed.
- 05:57 So you have a part of this society used to kill the other parts. Reconciliation has an obvious meaning— making sure that these people can still live together tomorrow and forgive to each other. What's happened in Rwanda, you have neighbors who kill their neighbors with whom they have been in harmony or in s-, a sort of harmony before.
- 06:30 You have family member killing other family member. You have something completely – a destroyed so-, society when one man turn against the other. Reconciliation in such society is making sure that they can still live together and forgive to each other. So to my understanding, that was what reconciliation would have meant for the case of Rwanda; making sure that Rwandan can still live together even if they are Tutsi, Hutu or Twa.
- 07:06 But this is not only a story about Rwanda. This affect everyone not only Rwanda. There are at the heart of the crisis but it affect all human being. When you talk about crime against hu-, humanity, it's something which affect the human being in its dignity, so all of us are affected and if the tribunal could assist all of us to reconcil-, r-, to reconcile with each other, why not? It will be a good achievement but that's still part of the ideal of our society.