

Official Transcript: Hassan Jallow (Part 6 of 15)



Role:	Chief Prosecutor
Country of Origin:	The Gambia
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Location:	Arusha, Tanzania
Interviewers:	Lisa P. Nathan Donald J Horowitz Batya Friedman
Videographer:	Nell Carden Grey
Interpreter:	None

Interview Summary

Hassan Jallow emphasizes the need for extra-legal responses to post-conflict reconciliation and calls for the involvement of local communities in the justice process. He discusses the challenges of prosecuting gender violence and its role as an act of genocide. Jallow refutes the notion that the Court has delivered 'victor's justice', drawing attention to an investigation into war crimes committed by RPF forces. He suggests that the process of holding leaders accountable is feasible at the international level.

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Part 6

- 00:00** Donald J Horowitz: Is there an in-, is there or has there been a program of training or orientation for the, for the prosecutors? Obviously you want the best prosecutions and, and, and having the best prosecutions and frankly the best defense makes whatever judgment there is much more credible.
- 00:19 Much, yes, and much, much easier too, much easier.
- 00:21** DJH: Yes, yes.
- 00:22 There has to be a process of adjustment for anybody who comes into the tribunal. The UN is a very unique creature.
- 00:30** DJH: Of course.
- 00:31 And not very easy to, to understand internally. It takes you time once you get recruited into it.
- 00:35** DJH: Sure.
- 00:37 And apart from that, of course the-, these courts are also unique. So if you come in as a lawyer you find you may have to – there, there is first a tendency that when people come in, you come in with what you know from your national system.
- 00:49** DJH: Of course.
- 00:50 And you come in thinking that that is the best. It's better than anything else. So you have to change that attitude once you come in here and be prepared to, to take, to change that attitude and taking other things from other, other systems.
- 01:03 For instance, if you come from a common law country and, and, and you're familiar with the rule against hearsay, and you come into this court here and you find hearsay evidence is just admitted readily, it – you, you get shocked.
- 01:17 But the principle here is, is that there is – we don't have strict rules of admissibility of evidence like the common law does. The basic principle is that everything that is relevant is admitted and it is a matter now for the judges the way it's, it's, given its, its weight so they take in, take in an hearsay evidence.
- 01:39 Or if you are from the civil law system, you come in here and you've, then you're asked, you are thrown into court and asked to cross-examine a witness. That's absolutely strange to them and so, so you find many of them at the beginning may not actually be familiar with the principles and the methods of cross-examining witness and so they have to adjust to lea-, to learn, to learn those things.
- 02:01 In the OTP, the Office of the Prosecutor, we run an induction program for all new staff as soon as they come in. We try to, we, we have a manual actually and we organize induction courses to, to teach them about the organization of the court, where you can

get what done. On the legal side, we have a database, which is developed by the appeals section on the jurisprudence of the court, which they're free, free to access as well.

02:31 We send them to Rwanda to, to visit some of the massacre sites because basically, I, I say to myself, I, we don't want prosecutors who will simply sit in Arusha and look at files and go to court on the basis of files. We want you to go to Rwanda, to go and see the massacre sites.

02:54 Then when you prosecute, you prosecute with your heart and with your head. I, I want them to be angry enough to see the massacre sites and be angry enough to wish to use their heads very well in order to promote the cause of justice. So we, we, we make sure that all of them go to Rwanda and visit some of these sites as well.

03:14 DJH: To understand the context.

03:15 Exactly.

03:16 DJH: And internalize that. Yes.

03:17 Internalize it and then be able to do the, do the job well.