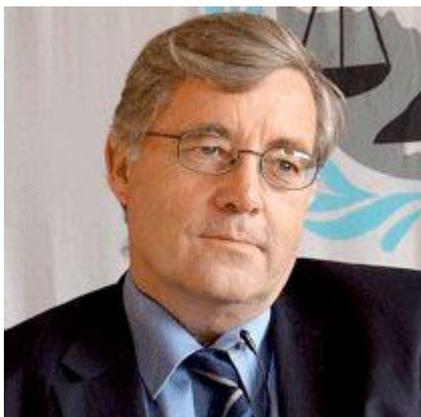


Voices from the Rwanda Tribunal

Official Transcript: Everard O'Donnell (Part 14 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 14 begins on the following page.

Part 14

- 00:00** Donald J Horowitz: **And what follows is the last question today and perhaps you've answered it at least in part already. What is your definition of justice, as to what this court ha-, has, should be doing?**
- 00:16 Oh, so easy a question.
- 00:17** **DJH: Yes.**
- 00:18 Thank you. I think here, I would like – I'm probably – you see, I come from a different time. I sometimes feel I'm a bit of a dinosaur. I come from a different generation. I was born just after the Second World War but I was, I was sentient during the Eichmann trial and during the subsequent trials.
- 00:46 My sense of justice with crimes like this requires more than the perceptions of kindness and, and enlightened penal provisions that we apply to these kind of crimes. I'm afraid I am one of the last, apparently one of the last capital punishment enthusiasts left on earth. Even Rwanda has now ba-, abolished the capital punishment provisions.
- 01:21 But I think you want a justice system – when you look at the actual crime in all its horror – I think you want a result that is in some way commensurate, so that you don't feel when you watch it that the scales of justice are being unbalanced.
- 01:41 And to me, when you treat people like this who committed the most unspeakable crimes and inflicted the most horrible extended pain on my fellow human beings, then I want – I think there is, the justice has left the world if you don't treat them extremely harshly in turn.
- 02:03 But you do it dispassionately. And you invent a system that reflects in some way the cruelty. It may not mean just hanging people. And I, I confess this is very much – I'm out on a limb here. This is not U-, even United Nations. I would be high-, highly disapproved of by my masters and no doubt disapproved of and disciplined because I step totally out of place, but to me these crimes deserve unique punishments.
- 02:35 And if I, if I could think of a punishment that would work for somebody like this, I would think of a punishment that would leave them alive but with a continuing consciousness, a never, a never failing reminder every day and every second of their lives that remain, of what they did.
- 02:57 So they, they could sleep. One would never deprive people of sleep if their consciences allow them to sleep but their, all their daily waking should be a reminder in one form or another of what they did to who, whether it be on screen or whether even the remains of the people they inflicted their tortures and killings on be in some ways present and close to them for the rest of their lives. Something like that.
- 03:34** **DJH: Thank you for today. Thank you very much.**