



Voices from the Rwanda Tribunal

Official Transcript: Alex Obote Odora (Part 9 of 9)



Role:	Chief of Appeals
Country of Origin:	Uganda
Interview Date:	22 October 2008
Location:	Arusha, Tanzania
Interviewers:	Lisa P. Nathan John McKay
Videographer:	Nell Carden Grey
Interpreter:	None

Interview Summary

Alex Obote Odora speaks about the responsibilities of African states in creating peace and stability in the Great Lakes region and across Africa. He talks about the importance of education in upholding human rights and the necessity for justice capacity building. Odora also offers his opinion on the quality of defense counsel, the implications of maintaining the highest international standards, and the need to delink criminal prosecutions from the broader goals of reconciliation.

The transcript of Part 9 begins on the following page.

Part 9

00:00 **John McKay: Do you, do you have a desire for the impact of the ICTR for the Rwandan people? What you just described is almost an, seems like an unsolvable situation until we are two or three generations from now, but do you have a hope for how the ICTR would add to this elusive question of reconciliation, or, or help them in any way?**

00:24 You see, as a lawyer, I find understanding the concept of reconciliation very difficult. You p-, you as a prosecutor, you go and look what you call the best possible evidence. That's actually the worst thing that somebody did, okay. And you present that in the courtroom using these same witnesses to whom those all very bad things were done to them. They assist you through your trial and the fellow gets convicted.

01:01 Then you want to turn around and say, "Please go and reconcile with this guy," okay? I don't know whether one tries seriously to put themselves in the shoes of these individuals when one is preaching reconciliation.

01:16 I think reconciliation need, needs time and it needs to be delinked from criminal prosecution. The two cannot go together. Somehow, the statute tells us that they should go together and they've not told us practically, how can it be done? That's the difficulty.

01:36 That's why some people appreciate Gacaca because Gacaca is not a criminal prosecution process. It is a political process where somebody admits responsibility and then somebody is re-absorbed into the community. And they should not confuse that with criminal prosecution because it is not. It is a political process.

02:00 And I don't think the, the, the tribunals are institutions that are best suited for reconciliation because the nature of the work of a prosecutor is not reconciliation. I think that, that they demand too much from a prosecutor to collect all the worst evidence, get a conviction and then turn around and say, "Oh, let us forget the past." It's very difficult.

02:26 **JM: Well, thank you. I just want to ask you as, as a final question if there is anything else that you feel you want to communicate really to the world about your experience here, or any thoughts that you have? Is there anything we haven't asked you that you feel you should say?**

02:47 Well, the only thing I really try to emphasize is that there are these organizations in, in Rwanda called AVEGA and IBUKA, IBUKA. These are the organizations of survivors. I think that is a new phenomenon in the international legal justice system and at times have not been made to look at the issues from the position of the victims as a community – something I would compare with class action cases, okay?

03:28 And if some thought was made into that and then they got some proper legal advice and managerial capacities, okay, they would perform much better and a much more positive and proactive role.

- 03:49 But people have tried to see IBUKA as people who are survivors and they're trying to coach witnesses. They're trying to do this, okay. Maybe some of their members do. I don't know, but we should look at the concept where victims come together and said, "This is our position."
- 04:09 JM: Okay.**
- 04:09 And I think they should be heard.
- 04:10 JM: Thank you very much Dr. Alex Obote Odora. I'm John McKay, professor from Seattle, Seattle University Law School. Thank you.**
- 04:17 Thank you very much.