



# Voices from the Rwanda Tribunal

## Official Transcript: Roland Adjovi (Part 2 of 10)



<b>Role:</b>	Senior Legal Advisor
<b>Country of Origin:</b>	Benin
<b>Interview Date:</b>	13 October 2008
<b>Location:</b>	Arusha, Tanzania
<b>Interviewers:</b>	Donald J Horowitz Lisa P. Nathan
<b>Videographer:</b>	Max Andrews
<b>Interpreter:</b>	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.

*The transcript of Part 2 begins on the following page.*

## Part 2

- 00:00** Donald J Horowitz: And when you came to the tribunal, did you come first to Arusha or did you go to Kigali, or elsewhere?
- 00:06 I was recruited for the Appeals Chamber . . .
- 00:09** DJH: Okay.
- 00:10 . . . but somehow, I could not join the duty station in The Hague for some internal reason. They prefer someone else; the judge prefer working with someone else so I was transferred to Arusha. I was asked to come to Arusha. I hesitate a lot because at that time, I, I didn't have any plan to return to Africa so quickly.
- 00:37 So I hesitate. Someone I met few years ago in New York, in the co-, corridor we talked, we did discuss for 15 minutes. He called me and say, "Look, I know that you have been offered the job and I know that you are hesitating but I can tell you that if you come in to Arusha, you will not regret so please come." And we are still very good friends today.
- 01:03** DJH: Does he work here at the tribunal?
- 01:04 Yes, he work here.
- 01:05** DJH: Can you tell us his name?
- 01:06 Jean-Pele Fomete, Chief of CMS.
- 01:09** DJH: Oh, okay. Well, he's a persuasive man, yes.
- 01:14 And he has always been persuading me for a lot of things.
- 01:17** DJH: Okay. And what job did you – when did you come at first, where did you go?
- 01:22 I came in Arusha on 19 February 2003.
- 01:27** DJH: Okay, and what was your job then?
- 01:32 The first week I didn't have any job. I didn't have any assignment. Then the Registrar assigned me to the Deputy Registrar as his special assistant. In that position, I was not very happy because my legal education was not very used. I was doing most of the time translation and when I translate things and I try to make suggestion as to the legal solution they were not really accepted.

- 02:02 So I start looking for somewhere else to move. And fortunately, we organized the Plenary Session. I was a focal point for the Registry and the Chief of Chamber, I work with him to prepare the plenary and he looked at me. He say, "Did you apply in Chambers?" I say, "Of course but you are not interested so why are you asking?" He said, "Now I'm interested." And two months later I was recruited to join chambers.
- 02:33 DJH: Okay. Who was the Deputy Registrar?**
- 02:38 Lovemore Green Munlo. He's from Malawi.
- 02:42 DJH: Okay. And was, was he followed later by Mr. O'Donnell, or wa-?**
- 02:50 Later he went to s-, the Special Court in Sierra Leone.
- 02:55 DJH: Ah.**
- 02:55 Everard O'Donnell who was Chief of Chamber when I was recruited had been Officer-in-Charge for the Deputy Registrar's Office until he was confirmed in the position.
- 03:06 DJH: Okay, so you, you knew him.**
- 03:09 I know him very well.
- 03:10 DJH: Yes, okay. And what were your duties when you were assigned to Chambers? And wh-, which chambers were you assigned?**
- 03:17 I was assigned to Trial Chamber Three as trial chamber coordinator. At that time we have two type of c-, coordinator – the coordinator and legal officers and they run a team assisting the judge, a team of legal staff. You have the trial chamber coordinator who is in charge of all pending cases before the trial chamber so most of the time working on pre-trial matters and that's it.
- 03:48 And you have a judgment coordinator who's duty is to run the team in view of the judgment to be draft.
- 03:57 DJH: Okay.**
- 03:57 So he usually run the team during the trial and working after the trial during the deliberation to get the judgment done. So I was trial chamber coordinator but I was still involved in judgment drafting team.

- 04:15 And in 2004, if I recollect well, early 2004 the President set up the coordination council, set up what we call a trial committee and I was appointed to that committee which is inter-organ committee, one representative from chamber, one representative from OTP, another one from the Registry and from time to time depending on the needs, we call upon the defense counsel in the case on which we are going to discuss.
- 04:51 And Everard was representing chambers and they appoint me with the agreement of the President as the secretary, the executive of the committee. And in that capacity, I assist the committee and the tribunal to prepare all the cases. We call it "trial readiness." So the committee coordinates the work, preparing the trial, advising the President on when th-, the different case will be ready for trial, and then I have more impact on more cases than I used to have as trial chamber coordinator.
- 05:29 DJH: I have to go back and that's ve-, very interesting and explain a few terms. You said OTP. Tell us what OTP stands for.**
- 05:38 OTP is the Office of the Prosecutor.
- 05:40 DJH: Okay.**
- 05:41 They are in charge of prosecuting the case but in international criminal justice, there is something more. I don't think it's very specific to international criminal justice. Prosecution has an obligation to investigate for each case, but whenever he came across exculpatory information, he has an obligation to disclose it to the defense, to the accused person.
- 06:10 I don't think it's specific to international criminal justice because I think a domestic prosecutor also has a moral ethical obligation whenever he come across anything exculpatory to say "Look, my case, I cannot make it because of this exculpatory evidence." And he will stop. He will tell the decision to stop his case by himself but he doesn't have the obligation to disclose it to the defense in some systems.
- 06:39 So I don't think it's really something specific to our system.
- 06:45 DJH: That's my understanding as well. Okay.**
- 06:49 I'm happy.

- 06:50**      **DJH:** Well, I certainly know that the – in the, in the United States, the prosecutor has a duty to disclose exculpatory evidence to the defense.
- 07:00      I'm happy to hear it. It's confirmed by . . .
- 07:04**      **DJH:** Okay.