



# Voices from the Rwanda Tribunal

## Official Transcript: Roland Adjovi (Part 4 of 10)



<b>Role:</b>	Senior Legal Advisor
<b>Country of Origin:</b>	Benin
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<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 4 begins on the following page.*

## Part 4

**00:00 Donald J Horowitz: What is your job now?**

00:02 My job now, I'm the Senior Legal Officer in Trial Chamber Three. In each trial chamber you have a team of associate legal officer assigned to the judge individually.

**00:16 DJH: Mm-hmm.**

00:17 Each bench has therefore three associate legal officers. They work with a coordinator, a legal officer who supervise them for their work on a case by case basis.

**00:29 DJH: Mm-hmm.**

00:30 Each trial chamber has a senior legal officer supervising all the cases before the trial chamber whatever section it is. So I'm the Senior Legal Officer in Trial Chamber Three.

**00:44 DJH: Okay, and how many judges are assigned to Trial Chamber Three?**

00:48 Each trial chamber have three permanent judges . . .

**00:52 DJH: Okay.**

00:52 . . . then the number of ad litem judges vary depending on the assignment because contrary to the International Criminal Tribunal for the former Yugoslavia, we don't have fixed assignment to the trial chamber here for the ad litem. Depending on the case they are assigned to, they will be allowed to sit on pre-trial matters in the trial chamber in which they are sitting.

01:20 Concretely, in Trial Chamber Three we have three permanent judges.

**01:25 DJH: Who are they?**

01:27 Judge Byron, the president of the tribunal, Judge Khan who is the Vice President of the tribunal and the Presiding Judge of the Trial Chamber Three, and Judge Inés de Roca, Weinberg de Roca from Argentina who is the third permanent judge. And we have six to eight ad litem judge, depending on the case.

- 01:48 DJH: Tell us what an ad li-, (\_\_\_), let me interrupt you for a minute. What – because people who are going to be watching this may not know what an ad litem judge is. Tell us what that is.**
- 01:57 Initially, when the tribunal was created, all the judge were permanent. They were elected for four years renewable. In early 2000, 2002, the judge, the President requests additional judge saying, “I need more judge on a case by case basis. Instead of electing judges for four years, you could elect people who you’ll appoint for specific case and as soon as the case end, they will go back home.”
- 02:32 So that’s the idea of ad litem judges. They are appointed on a case by case basis for specific cases. But in practice, the way they have been working at this tribunal, it’s my personal view that there is less difference between permanent judge and ad litem, in practice, in the way in which the tribunal function.
- 02:54 You have ad litem judges who have been appointed here since 2003 and who are still here more than four years after, they are still here and their case has not ended yet. The most important difference will be about benefits. They don’t have the same retirement benefits as the permanent judges.
- 03:21 So it has an i-, a financial impact whether you are a permanent judge or an ad litem.
- 03:29 DJH: Okay, but in terms of authority, same.**
- 03:33 Same – there is one exception. An ad litem judge cannot preside over a case. Only a permanent judge can preside over.
- 03:42 DJH: Okay.**
- 03:43 An ad litem judge cannot be elected President of the tribunal, cannot be appointed to the Appeals Chamber.
- 03:49 DJH: Okay.**
- 03:49 Only a permanent judge could.
- 03:51 DJH: Okay. And how many permanent judges are there in the total tribunal?**
- 03:56 We have . . .
- 03:58 DJH: Now.**
- 03:59 . . . 11 who are elected for this tribunal.

**04:03 DJH: Mm-hmm.**

04:03 Two of them are sitting in the Appeals Chamber with judges from the tribunal for the former Yugoslavia. Ad litem judges, I don't want to mislead you. I think we have between ten to f-, to 18 but I'm not sure.

**04:18 DJH: Okay.**

04:19 I have to check my figures.

**04:20 DJH: Okay. So what are your duties now? What do you do, what do you do?**

04:26 I advise the judges with the team of the legal officers.

**04:30 DJH: Okay.**

04:31 Concretely, the way the chamber is organized, we don't have enough legal officers so I have been assigned to a specific case which I'm running with the Associate Legal Officer without any trial chamber coordinator or judgment coordinator in the middle.

**04:52 DJH: Okay.**

04:52 There are other cases where there is a legal officer so I'm – within the team, supervising what everyone is doing and I'm expect to have a better knowledge of the jurisprudence and be able to quickly give indication to the judges as to what are the precedent and how the case has been decide over in the past and have also a, a comparative approach because this work a lot in this new area of law; international criminal law is new.

05:30 So we don't have international instrument on all aspect of our proceedings. So sometimes you have to compare various legal system and tell the judge, "This what I found in Germany, in Benin, in South Africa, in Morocco." So you compare different system and you tell them okay, this is what exists. You have a choice. If I w-, I have to choose, this will be my preference but it's always up to the judge to made up their mind.

**06:02 DJH: Okay, so you're, it sounds like you're both i-, in your particular case both administrative as well as providing legal advice to a judge or some judges.**

06:17 Yes, that's correct. I manage this legal staff . . .

**06:22 DJH: Mm-hmm.**

06:22 . . . in my chamber. I'm the first reported officer meaning that to evaluate their performance, the professional performance. I'm the one to evaluate it in consultation with the judges and of course I advise the judges most of the time.

**06:40 DJH: Okay, so and d-, do you, dr-, do drafts of opinions or drafts of judgments, ( )?**

06:47 Yes, we draft everything. We draft decision . . .

**06:50 DJH: Okay.**

06:51 . . . under the supervision of the judges. In some instances, they will ask us to draft just a legal research memorandum . . .

**06:59 DJH: Yes.**

06:59 . . . or giving them an opinion on a legal issue and they will consider the opinion, the argument put forward and made up their mind. And we draft also the judgment for them.

**07:11 DJH: Okay.**