



# Voices from the Rwanda Tribunal

## Official Transcript: Mohammed Ayat (Part 7 of 7)



<b>Role:</b>	Senior Legal Advisor
<b>Country of Origin:</b>	Morocco
<b>Interview Date:</b>	15 October 2008
<b>Location:</b>	Kigali, Rwanda
<b>Interviewers:</b>	Batya Friedman John McKay
<b>Videographer:</b>	Patricia Boiko
<b>Interpreters:</b>	Richard Kayung Vinta Saal

### Interview Summary

Mohammed Ayat characterizes his role as an 'ambassador' fostering cooperation among the ICTR, Rwandan authorities, and other countries. He comments on the ICTR's importance as the 'African Nuremberg.' Looking to the future of international justice, Ayat emphasizes the International Criminal Court's principle of complementarity: that the international community should only intervene when domestic courts prove unwilling or unable to prosecute international crimes. Ayat discusses the complexities of encouraging victims to testify at the ICTR without making them feel pressured.

*The transcript of Part 7 begins on the following page.*

## Part 7

- 00:00 **John McKay: I'll just, because I know your time is short, first I want to thank you for doing this, but, but also as a, as a final question to you. Because many will, will look at this many years from now, you had a pivotal role here in Kigali, and so is there anything about your experience that you would want someone in your position to know if they were in your shoes in another case of genocide or another ad hoc tribunal? What would you tell them about the challenges that they might face? Can you give them advice?**
- 00:39 Bon, moi je dirais qu'il ne faut jamais oublier pourquoi on est ici, tout simplement, il ne faut jamais oublier pourquoi on est ici. Parce que les années passent et on finit quelque fois par oublier pourquoi on est ici, parce que le Rwanda c'est un pays qui est très beau, les gens sont formidables, et on risque de devenir touriste.
- 01:09 Il ne faut pas être touriste au TPIR, on ne-, il ne faut jamais oublier pourquoi on est venu ici. On est venu ici parce qu'il y a eu un génocide, il y a eu des victimes de génocides et on ne doit jamais devenir des corbeaux, c'est-à-dire on mange les cadavres des, des, on doit rester très imprégnés par l'importance de la mission pour laquelle on est ici. Si on a ça, le reste, c'est des détails. Voilà.
- 01:41 **JM: Thank you, could you, could you please? Thank you. I got some of it, so . . .**
- 01:44 *Interpreter 2: Yes, he's saying, we should never forget . . .*
- 01:47 **JM: Never forget.**
- 01:48 *Interpreter 2: . . . the reason why we are here. Never forget that we are here because of the genocide and there have been victims of genocide. Because if we are not very attentive, we forget, we tend to forget, because Rwanda is a nice country, people are nice and we'll end up being tourists, which is not the reason why we are here in Rwanda. We never, should never forget why we are here.*
- 02:15 And please, I want you to, to, to translate what I said before, because it's important.
- 02:24 *Interpreter 2: What did you say?*
- 02:26 **JM: Oh, before, when we skipped, I'm sorry. Okay.**
- 02:27 Yes, (\_\_\_\_\_), it's very important.
- 02:30 *Interpreter 2: He said that the example he has given is very important and a very sensitive case. Because it is not . . .*
- 02:40 You are not filming?
- 02:41 **Patricia Boiko: I'm filming.**
- 02:42 *Interpreter 2: . . . it is not because that he was with an authority that the person accepted to come forward and testify.*
- 02:50 **JM: I'm sorry, it was because he was a, he was not . . . ?**

02:52 Let me say it. Can I, can I, just what I wanted to say. I gave an example, a reluctant victim was fearing to testify. We tried our best internally, then I s-, I have sought the cooperation of Rwandan authorities to help us convince this person. And we went together, and it worked. And then after, the person, you know, she was grateful, to, to, to me, to all us, to all of us, because it was a relief for her.

03:36 But I don't want you to think that because the authorities went to me, she was co-, compelled to do it, because I have also several examples of witnesses who were reluctant to testify. We tried our best, then we tried also to, to, to seek the assistance of the Rwandan authorities – and sometimes with very high Rwandan authorities, and it didn't work.

04:10 And the High Authority told me, look, we can't, and it's true, we, we are all convinced that we should not compel a witness to, to – you know, I know that there are even some legal systems that sometimes can compel, but it's not the case here. Just, just to . . .

**04:33 JM: I got that.**

04:34 . . . yes, to, to got it right, yes.

**04:33 JM: Thank you. Batya, is there anything else that we would need to ask?**

**04:43 BF: I think this is very fine, (\_\_\_\_\_).**

**04:44 JM: Well, I would thank you very much on behalf of the project.**