

Official Transcript: Linda Bianchi (Full Interview)



Role:	Appeals Counsel
Country of Origin:	Canada
Interview Date:	5 November 2008
Location:	Arusha, Tanzania
Interviewer:	Lisa P. Nathan
Videographer:	Max Andrews
Interpreter:	None

Interview Summary

Linda Bianchi explains her work with the Office of Appeals and draws attention to the challenges of remaining objective when working with issues of rape and genocide. Bianchi asserts the need for investigators and prosecutors to receive specialized training to deal with gender-based crimes and in order to avoid the re-traumatization of witnesses during the trial process. She recounts her own visits to Rwanda and stresses the importance of visiting the country for ICTR personnel.

The transcript of the interview begins on the following page.

Part 1

- 00:00** Lisa P. Nathan: Thank you very much for coming in this afternoon. My name is Lisa Nathan and I'm with the Information School at the University of Washington and I would like to begin by asking you quite simply just to state your name, your home country and your title here at the ICTR.
- 00:16 Okay, my name is Linda Bianchi and I'm originally from Ontario, Canada and I am an Appeals Counsel for the Office of the Prosecutor here.
- 00:28** LPN: Thank you. Could you walk me through your timeline here, the year you came and over the years, if you have had different roles, the titles of those . . .
- 00:38 Mm-hmm.
- 00:39** LPN: . . . different roles? And then if you have something . . .
- 00:41 Mm-hmm.
- 00:41** LPN: . . . you know if I give you a blank stare because I don't know what that is, maybe . . .
- 00:44 Okay.
- 00:44** LPN: . . . you could say a bit more about that role.
- 00:45 Yeah, sure. Well, it's, I've just recently had my five year anniversary here. I arrived in October, on October 24th, 2003. I immediately came into the Appeals section for the Office of the Prosecutor, which at that time was just starting its standalone division here at the ICTR. Prior to September 2003, the Appeals section at the ICTY, the sister tribunal for the former Yugoslavian conflict, handled all appeals for all cases for both tribunals.
- 01:21 At that time there was a split in the tribunals, the ICTR obtained its own Prosecutor, Prosecutor Jallow, and so the Prosecutor was tasked with building his own appeals section. So I came on immediately into this section and so I've been working with the Appeals section ever since.
- 01:42 We have since morphed into the Appeals and Legal Advisory Division but essentially, the mandate is still handling all appeals post judgment; that's our core mandate and we have many other functions that we do for the Office of the Prosecutor. But I started with them and I have continued essentially the same type of work. I've had promotions along the way, which has changed the nature of my work somewhat, but essentially still working as an Appeals Counsel. Yeah.
- 02:12** LPN: Thank you. So, I'm going to ask you to go a bit further back in time actually to 1994. Can you tell me where you were at that time in your life and how you – if you remember when you first heard about the events in Rwanda, the spring of '94?

02:28 Yeah, I was in my third year of undergraduate work and I remember hearing about Rwanda and it was only after I became more familiar with the events and certainly after coming here, and becoming much more familiar with everything that happened, I was struck with how little I had heard about it.

02:56 And I've never been sure if it was because the media didn't pay that close attention to the events as they were occurring or if it was because of the time in my life that I was in university. I think sometimes when you're a, in a, you know, a sort of removed society, a closed sort of community and network, things filter in but you're in your own little world and university.

03:23 And so I sort of remember being struck with how little I actually knew about it before I came here and purposely began to learn more about all of the events. Yeah.

03:36 LPN: So, how did you come to work here?

03:39 I was at the time working for a private law firm in Toronto after I graduated law school and I was dissatisfied, personally and professionally, with what I was doing. It was a great firm, it was a great job, but I just wanted something different and I had always been more interested in criminal law.

04:02 And at the time for personal reasons, my then partner, now husband and I decided we wanted to live overseas and we started looking around. And as I started looking around at the different options for lawyers overseas, international work, I became more and more interested in the Rwandan conflict.

04:24 And one of the things that brought us here was that we wanted to be in Africa. Tanzania was a very safe country. We'd talked to people who had been here, so my focus came down on to this tribunal, both because of the, wanting to work in that conflict, on that conflict, but also wanting to be here, physically here. So that's where my interest brought me, how my interest brought me here.

04:52 LPN: So when you – in your time here at the ICTR for the past five years, can you tell me a bit more about your responsibilities in your role . . .

05:06 Mm-hmm.

05:06 LPN: . . . working in the appeals for Office of the Prosecutor's office?

05:09 Well, we have as our core mandate has always been handling the cases that come on appeal after final resolution by the trial chamber. And so we have dealt with cases where there's been acquittals, and there are cases where there have been convictions, and under our statute, both the prosecution and the accused or convicted or acquitted person have rights to appeal.

05:40 So that's our core mandate is dealing with those and in every ca-, almost every case has resulted in one sort of appeal or another. In addition to that core work that we do, we also offer different forms of advice to trial teams as they work on their own trials either

from, either on points of law substantive or procedural. We do sort of a continuing education program for the Office of the Prosecutor as well.

06:14 In a way we've been tasked, and tasked ourselves with following the jurisprudence, trying to develop the jurisprudence, and keeping the office abreast of all of the developments in the law so that they can apply it, and helping them apply the law to their own factual scenarios in each of the cases that the trial teams work on.

06:37 And so because I think I've had a really, I, because I've had involvement in many cases both at the appeal level and assisting different trials, I have, I think, benefited from having more of a general overview of the cases and of what's been going in the Office of the Prosecutor in general.

06:57 A lot of lawyers who come are tasked with a particular case and once that case is done, they may be tasked with a second case. And so the work that we do actually gets us involved in almost all of the cases of the Office of the Prosecutor in one way or another. Yeah.

07:15 **LPN: Thank you.**

Part 2

00:00 **LPN: Since you've been here and been working in that role, can you reflect on some of the specific challenges that you have faced working in the appeals?**

00:13 Yeah; they've been many. You know, in, in terms of overall work and the work is incredibly fascinating but it d-, it does come with a lot of challenges. You know even though I'd say on the one hand, as an appeals counsel, you're dealing mainly with the record from the trial, so you're not often dealing with witnesses firsthand.

00:45 You're not dealing with the evidence coming fresh, but you are dealing with the record as it is and it offers its own challenges in terms of the difficulties of dealing with the factual scenarios that come in each case. And you know it's, it – one challenge has been dealing with the facts and because we deal with so many cases, you're dealing with a different set of facts but similar factual scenarios over and over and over again.

01:18 And I think that has always presented for me personally great difficulties of, of processing the information, of trying not to become too emotionally involved. You know, y-, I've always found it difficult in terms of maintaining a sense of objectivity and a sense of, of distance, so that I can have the proper objectivity to do my work properly. But it's hard; it's really hard when you deal with these kinds of facts and these kinds of situations.

01:54 On the other side as a lawyer, you know we're dealing with case law and jurisprudence that's developing, so a lot of times it's, that's what makes it so exciting, that you don't get a chance as a lawyer when you come from a common law system very often to be contributing to the development of an area of law and making new law and that's exciting.

- 02:15 And at the same time, it comes with a lot of challenges. A lot of challenges of, of, of you know, coming up with you know – I guess advice in policy of how to take a certain branch of the law or how to suggest a certain area of the law should develop. You're trying to bring in common law and civil law and it's melding into something called international criminal law.
- 02:39 And so that has its challenges dealing with all the different systems of, of legal systems in the world. But yeah, I think in those terms, the p-, this particular work has presented some very particular challenges in that way. Yeah.
- 02:57 LPN: So, when you reflect on your time here, are there any surprises? Things that you look back on that perhaps you had a certain image in mind or the way things were going to work before you came; now you've been here for five years?**
- 03:14 It's hard to look back and remember what I expected coming in five years ago. Surprises – good surprises, negative surprises? I guess in one way, the one, the g-, well, I can say things I have been happy to find was how great it has been and how easy it's been to work with so many different lawyers from all over the world, different cultures coming together.
- 03:48 I think I expected at the beginning that might be difficult. We all come from our own cultural – in our own legal cultures and are used to a certain way of working, a certain way of interacting with colleagues, and so it is a challenge to work in such a diverse working environment.
- 04:07 But that came as a nice surprise to me, that our group in particular started off very small – our appeals section – and it's grown and it's growing as we speak now. But I have found it really a nice thing that people – that we have all been able to work so well together centering around this issue and it's, it, that also was a nice surprise of how dedicated people are to working on this issue and how that does bring people and that's been my experience.
- 04:38 It does bring people working together on this issue. They, it brings us – I mean I guess it makes us work more easily together maybe because we are so focused on a particular issue and believe in what we're doing and hope that we're making a difference and making, having an impact.
- 05:00 Negative surprises – working in the international world does have challenges in the sense of you know, working with the UN, I didn't know what to expect. It's the first time I've worked with the UN. Everyone warned me it's a very big bureaucracy; if you think working with government is difficult, wait until you work with the UN.
- 05:22 So I, I did find it surprising how difficult that was. I didn't realize how bureaucratic and how much red tape can be involved in getting simple things done. And when you're living internationally, I, I thought there would be s-, support granted more easily in terms of you know, just simple things that you need, you know, your simple, you know, living needs here.

05:46 But that also goes away with time. You learn to adapt, you learn to get adjusted to what you can expect from, you know, the institution and how to work within the institution and all of that. So with time, that sort of has gone away. You can sort of smile and laugh about it as opposed to getting frustrated which would have happened four years ago, so.

06:09 **LPN: Some adaptation . . .**

06:12 Yeah, yeah.

06:12 **LPN: So . . .**

Part 3

00:00 **LPN: I would like to focus in on a specific issue that I believe you are familiar with. The, when you talk about, you know, establishing international law jurisprudence . . .**

00:10 Mm-hmm.

00:12 **LPN: . . . something that the ICTR is known for, often when people speak about the ICTR, they speak of the landmark decision within the Akayesu case or concerning rape as genocide.**

00:28 Yeah.

00:29 **LPN: And since that time, there have – the criticism has been mounting as far as there's, appears to some to be less instances of particularly rape as genocide, that particular in-, being within indictments, coming forward . . .**

00:48 Mm-hmm.

00:48 **LPN: . . . from the Office of the Prosecutor and then also what happens during the appeals stage . . .**

00:53 Mm-hmm.

00:54 **LPN: . . . and I was wondering if you could sp-, speak to that issue?**

00:58 Sure. Actually, I've done a lot of work on this issue. I don't think it's confidential for me to say, I've been the chairperson of a committee that was struck by the Prosecutor to deal with this very issue, that what's happened to the sexual violence crimes, where are they.

01:17 We looked into the first, we, we, our committee – if I step back a second – our committee was tasked with looking into what went right in the cases where sexual violence crimes were charged and where convictions were, were obtained and what, what happened in those cases where sexual violence crimes were charged and convictions were not obtained.

- 01:43 So, that was the first leg of our work because as an office, it, you know the criticism is, is fair in the sense that when you look at the cases and when you put it in the context of Rwanda where it's very clear, rape and sexual violence was used as a form of, as a means of committing genocide.
- 02:03 It was used as a, as a, a crime – I mean it was committed as a crime against humanity. It was committed as a war crime. It was committed as a, as a form of humiliation, degradation and it was widespread, and it was systematic, and it was all over Rwanda. And so when you think, if that's your starting point and then you look at what's happened at our jurisprudence, we started at this huge highpoint with Akayesu and then you're really left with a sense of "What happened?"
- 02:33 And there were several cases that came after that where rape was charged and there were convictions, but there were several cases where there were not convictions and even more cases not even charged. So, our second phase of our work on the committee was to look at, well why wasn't rape charged in these cases when you have as your starting point that rape was committed in a widespread and systematic way.
- 02:59 Why wasn't more evidence brought up in each case? Presumably each case could have a charge of rape or sexual violence. So our second phase was looking at what happened there. And, and our third phase, the current phase that we're in, we're, we're trying to make recommendations.
- 03:20 We're trying to – our committee now, after having looked at the history, is trying to make a difference going forward, getting involved actively in the current and upcoming cases to sort of help, or extend a helping hand to trial teams that are, you know, over-tasked, resources are thin, resources are limited and, you know, where we can assist in either terms of obtaining evidence.
- 03:48 Or from a legal side, you know – drafting briefs, drafting the pre-trial briefs, drafting the, helping draft the indictments, helping with closing briefs; all of that geared towards trying to make the entire record of the jurisprudence that we'll be left with of the ICTR reflect more properly what actually happened in terms of rape and sexual violence in Rwanda.
- 04:15 I think part of the problem has been that Akayesu was ground-breaking and we've, you know, constantly we're, we're focused on "We did great in Akayesu," and we did; it was a great case. But then after Akayesu, some of it is just that there was a time when, you know, the ICTR staff was limited and the resources devoted to the cases was limited.
- 04:50 And so trial attorneys had to make choices and prosecuting genocide is a very complex and complicated matter and garnering the kind of evidence is a monumental task. And so I don't think that rape and sexual violence was given a sort of secondary category, but where they had to make a choice, the choice to prosecute genocide as, you know, genocide was always taken and if something was dropped, the rape and sexual violence was also often the one charge dropped or not pursued.

- 05:32 And it's that that we're trying to make a difference in now; to say, you know, you can do it, you can. And the case that followed, the one case that followed Akayesu was Gacumbitsi where rape was – he was convicted for genocide with rape as one of the means by which he committed genocide and he was also convicted for rape as a crime against humanity in that case.
- 05:57 And so we're hoping to build on that, and there are several indictments now that do incorporate rape and sexual violence charges as part of the genocide charge, but also as part of the crime against huma-, crime against humanity charge. And so I mean from my own personal take on it, I hope that at the end of the day, the record will reflect differently than it does right now.
- 06:25 Because it is, you know, from a personal standpoint, I've invested a lot in this issue and I think it's so important for Rwandans, the victims, but also for the ongoing issues of prosecuting international crimes for the ICTR to have a stronger legacy on this point and so I hope that the Office of the Prosecutor in its continuing work will be able to change that. I really hope that it will happen.

Part 4

- 00:00 **LPN: Can you share with, with us any of the committee's recommendations or if you were talking to somebody working in a similar Office of the Prosecutor . . .**
- 00:11 Mm-hmm.
- 00:12 **LPN: . . . role in the future, unfortunately it looks likely that there will be . . .**
- 00:16 Yeah. Yeah. Yeah. Yeah.
- 00:16 **LPN: . . . future tribunals either ad hoc or in some manifestation, what would you recommend?**
- 00:25 Well, it's, it's multifold. From the word go, it ha-, it, it needs very special training on the part of investigators and prosecutors to deal with victims of rape and sexual violence. What we've learned from the Rwandan context is that the topic is so taboo, that to elicit the evidence in the first place was very difficult.
- 00:55 And you know in those cases, what we found was in those cases where there were successful prosecutions, there was always a prosecutor involved who was completely dedicated to the cause, treated the victims in a certain way, you know, trying to elicit the evidence in a way that gave the victim a lot of support and encouragement, while not invading her privacy or you know, not being too bully-ish about it.
- 01:34 But, you know, there, we have found that there was a certain way, and, you know, there is a certain way that the victims needed to be approached and treated in order to be able for the witnesses to feel and the victims to feel open, and secure, and safe to share that kind of information. And that's true for I would say most rape and sexual violence wi-, crim-, victims no matter what the context.

- 02:04 But in this particular context, there was the added layer of complexity in that the Rwandan society just wouldn't talk about it, and though even though everyone knew it had happened and it was happening – and you know in prosecuting sexual violence and rape, it is such a sensitive issue.
- 02:29 And again in the Rwandan situation, we have situations where, you know, there's a terrible story where you may have already heard where a woman came to testify and didn't realize that the evidence would be in open court and her soon-to-be husband found out that she was about to testify – or that she had been raped during the genocide and then refused to marry her.
- 02:54 So you know that just shows the level of, of difficulty and the challenges that exist in eliciting the evidence. So you know for me, the very first advice would be to have a really sensitized, well-trained team of professionals who seek the evidence in way that is particularly designed to deal specifically with vi-, rape victims.
- 03:29 All victims of these mass crimes are going to be traumatized and they're going to find it very difficult in any event, so the training of investigators and prosecutors, interpreters, language assistants, everyone, is crucial for all of these types of crimes. But from our experience, there's an extra level when it comes to rape victims and sexual violence victims, in order just to get the, elicit the evidence in the first place, then taking it forward trying to get the evidence into court.
- 04:01 And you know, it's very difficult often times for all these, all victims and witnesses to understand the complexities of the court room, the challenges of bringing forward evidence in a way that meets the standards of a court of law and that's really outside the reality and a lot of times understanding of, of, you know, citizens who have nothing to do with the law.
- 04:25 And so for Rwandans sometimes to come and r-, victims to come and have to tell their story in a court of law, it's all about how you prepare the witnesses for what they're about to encounter, making the victims comfortable with the court room, and, and making the courtroom an e-, an, an enabling environment.
- 04:43 Because we have had issues with the way witnesses and victims have been treated in court which was horrific and hopefully would never happen again, but that would be another thing that would be really important for prosecutors and investigators to be aware of. To that end, our committee has developed a best practices manual.
- 05:08 And as far as I know, it's a manual that's going to be shared with the upcoming National Prosecutors Conference that's being held here. And so hopefully in that way, it won't be a confidential document but it can be shared with the national prosecuting authorities who hopefully will be taking on transferred cases or be otherwise engaged in prosecuting génocidaires who are either on their territory or in some other way the national prosecuting attorney would obtain jurisdiction over them.

- 05:42 So hopefully they'll be able to use – and other international courts, hopefully will be able to take our best practices manual and learn from our experiences and hopefully we'll take our best practices manual and learn from our experiences going forward as well.
- 06:00 LPN: So I'm going to ask you – no . . .**
- 06:00 Sorry, that felt like a long way to say all about our manual.
- 06:06 LPN: Well I have a, a question which I'm not quite sure how to word but, it has been described to me that for some witnesses, when they go through the process and, and are in court testifying, for them it's like being raped all over again . . .**
- 06:24 Yeah.
- 06:25 LPN: . . . with an audience.**
- 06:26 Yeah.
- 06:26 LPN: And why do you think it's – why do that? Why prosecute these people for this particular crime?**
- 06:33 Yeah.
- 06:34 LPN: Why do you think that's so important, so important that it can have people relive this experience that they're trying to forget . . .**
- 06:40 Yeah.
- 06:40 LPN: . . . and move on with their life?**
- 06:41 Yeah. You know, that's true. The re-traumatization of the victim and the witnesses is a real issue to be dealt with. I think one of the things that we recommended is that prosecutors before subjecting anyone to this, that sort of re-traumatization, really needs to assess their evidence and be sure they have a strong case.
- 07:09 That's the one thing we've already recommended, to say be very careful before you're re-, putting anyone through this, this trauma again. On the other hand, I think, and myself personally, I believe that the prosecution of sexual violence and rape is so important in an international, for the international community because it's a way that, you know, perpetrators humiliate and degrade.
- 07:37 There are all, there, you know, men and children are victims but it's also a way of targeting women. It's way of, of – for example in, in the Rwandan society, the use of rape against women, and men, and children, was a way of destroying the group because it's, you know, demoralized, dehumanized women. And I think in the broader sense of human rights and trying to ensure a safe place for women, that there has to be a way to make perpetrators realize that they're not going to act with impunity.

- 08:17 That rape will be treated as a serious crime that will be prosecuted by the international community because time and again, it's used. It's not just Rwanda; it's all conflicts. Rape is a form of warfare and, and the, you know, in the bigger scheme of what are we doing here at the International Criminal Tribunal, if we have anything to add to the culture of impunity, to deterrence, to stopping this sort of thing from happening, then rape has to be seen as a really serious crime that the community, international community will not tolerate.
- 08:55 So, it definitely is a balancing of interests and it's a case by case analysis of whether you should bring rape charges, and the thing to keep in mind is, from a, a legal standpoint, we're trying as an office to find other ways to bring the rape charges. So for example in the Military One case, there was only one live witness and she did not give evidence in direct examination but was cross-examined only.
- 09:26 So her, there's a mechanism in our rules of procedure and evidence by which her statement was entered and so she came just to, to be cross-examined on this statement, but that minimized – the office believed, her re-traumatiz-, traumatization and hopefully lessened the impact of giving that sort of evidence again.
- 09:48 What the Military One team did I thought really well was bring in evidence from witnesses who just witnessed the rapes occurring, so we've given that advice to all our trial teams of, you know, don't just focus on the victims here. Also bring in evidence, you can bring in evidence through a myriad of different ways.
- 10:09 One of them being, persons who witnessed rape and sexual violence crimes. And the, you know, we've been trying to start using different judicial mechanisms, legal mechanisms such as judicial notice at this stage in the tribunal's life. We have such a rich body of jurisprudence to draw on. So if we can look back and pull out those cases where – excuse me.
- 10:38 Note: Gap in interview (Approx. 14 seconds in duration) Gaps occurred due to interruptions during the interview, technical issues, or corrupted data files.**
- 10:52 Yes, so if we can look back and pull out facts that have been found in previous cases where they found rape to have occurred, then, you know, if we're dealing with the same general area, so for example in Kibuye where we've prosecuted eight or nine accused persons from that particular area, you could try to use the facts as found in previous cases where they're relevant to this case and ask the courts to, you know, find as a – make judicial notice as a, on the basis of that fact as an adjudicated fact that would be relevant to this accused in lieu of calling the witness again.
- 11:32 So, you know those are sort of ways that we're advising the office to look at, instead of calling victims themselves. Yeah.

Part 5

00:00 LPN: Have you been to Rwanda?

- 00:02 Yes, yeah.
- 00:04 LPN: Can you tell me about your – have you been there multiple times? Can you describe one visit there, or?**
- 00:09 Yeah. We have a policy in our appeals section that when we're working on a case, that it's really important to go to Rwanda. Even though we're not dealing with bringing in new facts or evidence, we're dealing primarily with the record, we've all agreed and it's a, a policy that it's important to go and see the sites and understand what happened on the ground.
- 00:36 You know, to see how, what the lay of the land is, understand what happened in the case if you can, being there. And, and I find in the cases I've done this, it's been incredibly useful. The first time I went to Rwanda, I was struck with so many different impressions. You know, it's the most beautiful country. One of the most beautiful countries I've ever seen.
- 01:02 But the first time I went, after having read numerous judgments, trying to understand the way things worked, the different massacre sites, how accused could move from one site to the other and trying to put everything in perspective, it wasn't until I went there that I actually started to understand the way things could have happened, how close massacre sites were, one to the other in a, any particular region.
- 01:28 How accused persons would have been able to garner so much authority and respect in these small communities, how they could have used that, how they could have travelled easily. I'm just thinking about the early cases that I worked on. One of the first cases I worked on was the Cyangugu case, which involved two acquittals.
- 01:50 One of the accused was convicted but the genocide conviction was overturned on appeal. But yeah, going to Cyangugu was incredible in the sense of just understanding the way in which the accused could have worked together in that region. Seeing how all the different sites, how close they were to each other.
- 02:20 You know you would read about someone standing on a hill and being able to see someone's house and you think, "How can that . . ." but then you go and you see that it's very clear. So in that sense, it lent a further understanding to the cases and it also lent a further understanding to the whole issue.
- 02:42 You know, y-, you, when I went I was like I said, overwhelmed with the beauty of the country but also overwhelmed with a sense of sadness in the country. The first time I went was 2004 and so, you know, there was a lot going on in Rwanda at the time. It was the ten-year Anniversary. There were a lot of memorials.
- 03:03 And we went to the memorials, we went to the sites. We s-, we, we did a, a, a tour of the, as much as the country as we could at that time. I think we were there for ten days, the first time I went, and so you got a good sense of what was happening. But I remember clearly coming away with a real sense of sadness; the country being in a – you know, very different for example than living in Arusha and in Tanzania.

- 03:31 And that sense has always stayed with me about the country and it's something that always informs the way I think about Rwanda's path towards reconciliation and moving on and getting past what's happened if that's possible. But, yeah.
- 03:52 LPN: Can you speak to how this experience has affected you as a human being? You, you mentioned it earlier when you were talking about how difficult it is to deal with this material . . .**
- 04:02 Mm-hmm, mm-hmm.
- 04:02 LPN: . . . objectively because you become – the human nature . . .**
- 04:07 Yeah.
- 04:07 LPN: . . . I think is to become involved in these things that you have read about, you've seen the country, you've met the people. How do you feel about this experience? How has it changed you?**
- 04:18 Oh, yeah . . . It's changed me in a way I think that's so fundamental that it's hard to even pinpoint. But I think when you live in the West, you are aware of what's happening. At least I can speak from my own personal – I was aware of tragedies happening in the world and problems faced by so many countries.
- 04:51 Having come here and since reading the first trial transcripts in the first case I worked on, it's never, I've never been able to see anything in the same way again. Everything has a little bit more of a heaviness for me. Everything – I think in a way, you do become a bit more cynical, a bit more jaded. It's very hard to understand how people could do that to each other.
- 05:26 The fact of the genocide is one thing. When you s-, for me, when you started reading the brutality and what seemed like unnecessary use of torture and cruel treatment, it just made you start seeing things in a different way. And I don't want to be overly pessimistic and cynical; it's just that it suddenly makes you think very differently about human contact and what is important in life and how you, how you deal with conflict.
- 06:08 It's, you know, soon after I arrived here, Sudan became very big, very – the international community started talking about Darfur. And so, you know, my approach to those situations is very informed by now what I've learned here. I need to have water again, excuse me.
- 06:47 Yeah, in a personal sense, I mean it strikes me over and over again when I drive anywhere in Tanzania and you go cross a banana plantation. I always come back to certain evidence given by a particular rape witness in the Kajelijeli case, where the trial chamber didn't believe that she was able to see or hear the accused, Kajelijeli, give certain orders to the Interahamwe, with respect to the rape that subsequently ensued against both her and her daughter.

- 07:27 And that particular testimony has haunted me for the last four or five years. And so, she was hiding in a banana plantation. I think I should have said that, I'm not sure if I made that clear, so every single time I pass a banana plantation, I think about her and I think about the trial chamber making that decision, without ever having particularly been in that particular banana plantation and to say whether the woman could actually have heard and seen what she said she heard and saw.
- [7:57 So in that way, you know, the particular testimony, certain particular testimonies stay with me and it's very difficult, you know, certain times to – you don't want to forget about it but it is difficult to put it aside sometimes. It's very difficult to put it aside.
- [8:20 And I think that's one thing that maybe this tribunal could have done better was, the professionals working here who are traumatized by what they're dealing with every day because of course the situation is very difficult and it's challenging. And dealing in criminal law, generally you often are dealing with very difficult facts, gruesome details. It's never pleasant.
- 08:48 But when you're dealing with crimes committed on the scale they were committed and the brutality with which they were committed, I think a lot of times, secondary traumatization happens and that's something that going forward, the international community needs to take into account for their professionals working in the field.

Part 6

- 00:00 **LPN: I'd like to ask you, before we began the interview, you mentioned that you have a, a young child . . .**
- 00:05 Yes.
- 00:05 **LPN: . . . at home and you were talking about the, the, the weight, just bef-, to the previous question about how it's affected you as a human being. You were talking about feeling more of a, a weight . . .**
- 00:16 Mm-hmm.
- 00:16 **LPN: . . . basically, in your life because of what you've been exposed to through your work at the tribunal, and yet you have a young child. My hunch is you may have some thoughts about hope for the future, hope for mankind . . .**
- 00:30 Mm-hmm.
- 00:31 **LPN: . . . those sort of ideas...**
- 00:32 Mm-hmm.
- 00:33 **LPN: . . . as you think about your child growing up in this world.**
- 00:36 Yeah, yeah. Yeah. I mean, w-, the work here, I think and I hope, is going to have an impact so that something like this isn't going to happen again or couldn't happen again.

You know, it's a way of s-, I hope, sending a message in that the in-, the work that we're doing, the, the international community is sending message to say this won't be tolerated.

- 01:09 It's a long way off and international criminal law has its place and there's a lot of different, I think, roles that international criminal law can play towards peace building and justice, particularly transitional justice, reconciliation, and hopefully it will, the work that we do will have a role to play in making life better for everyone.
- 01:41 You know since having a child, I've just become involved in another case and going back to looking at the evidence again and reading the transcripts, now as a mother, reading situations that involved children is so difficult and so traumatizing. And, you know, I just feel like we're so blessed in the West to never have to wonder, you know, will we survive, can I feed my child?
- 02:16 You know, all of those things that you see and perhaps people become desensitized to, for me now, it's sort of a reawakening of very basic fundamentals of protecting children and protecting humans and just making life fair and just across the world. And maybe that's idealistic in, you know, it's what we want, but is it what is possible?
- 02:44 And yeah, I mean I just hope that we are having some impact as we go forward in, you know, global responsibility and global accountability for these sorts of atrocities, that we will have an impact and things and atrocities like this will happen less and less frequently and people's basic fundamental human rights will become more and more safeguarded. And yeah, I just hope that we are having that effect here. Yeah.
- 03:25 **LPN: S-, so now I'd like you to take as many moments as you would like and think for yourself, reflect back on the interview and is there anything else that did not come out because I didn't ask the right question or something that perhaps you came in with or came up while we were talking that you would like to share with us?**
- 03:49 One thing I, I think I would like to say is you know from my experience from, coming from the West, coming to work in Africa on an African problem, even though it has obviously global ramification and it's an interest that the entire international community (__) should have, I have found working here, the thing that I've come away with is the importance of working with Africans and in particular Rwandans. Having Rwandans be involved in the process.
- 04:27 We work in our division with many Rwandans and I think it was something that this tribunal came to slowly and it's something that I think was very important for them to come to eventually. And, you know, I think our work has benefited tremendously by having Rwandans involved, you know, from the point of view of bringing justice and seeking justice for Rwandans.
- 04:59 And as a Westerner, to have the benefit of working with Rwandans in gaining their perspective and their insight into problems or into ways victims or witnesses may

approach a particular subject, where if you were from the West, you would have no idea of the cultural sensitivities involved.

05:18 And so one of the greatest things that I'll take away from here is having worked with Rwandan colleagues and, and making Rwandans friends and learning from them. And I think that's something that's really important for the international community to continue as it goes forward with different tribunals and different courts, national prosecutions, of involving the most important and primary stakeholders who are Rwandans and involving them in the process.

05:54 Because one fear that I've always had is that the ICTR is removed from Rwanda and from Rwandans and from their reality of what's going on. And that's one way of making sure that Rwandans do have a stake in a, the work of an international tribunal, particularly when that tribunal is not in the country where the conflict occurred, which is almost always going to be the case because often the country can't support such a tribunal in the wake of mass atrocities and war.

06:31 So it's one thing that I've come away with and at the beginning when you asked me what was I surprised about and what, you know, I've come away with and it's the one thing that I found was really important is to just have Rwandans involved here and be such an important part of the whole process. Yeah.