



Voices from the Rwanda Tribunal

Official Transcript: Linda Bianchi (Part 1 of 6)



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 Part 1 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 on 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.**