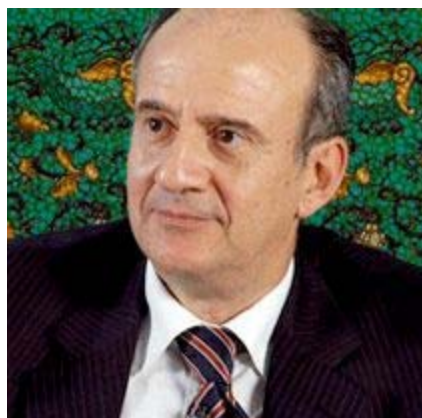




Voices from the Rwanda Tribunal

Official Transcript: Alessandro Caldarone (6 of 12)



Role:	Senior Officer of External Relations
Country of Origin:	Italy
Interview Date:	3 November 2008
Location:	Arusha, Tanzania
Interviewers:	Lisa P. Nathan Donald J Horowitz
Videographer:	Nell Carden Grey
Interpreter:	None

Interview Summary

Alessandro Caldarone compares his experiences at the ICTR with his time at the EU-Human Rights Mission in Rwanda providing technical assistance. Caldarone reflects on a personal eye-opening moment during the defense of accused genocidaires when he realized that the perpetrators were not monsters but human beings. He questions the concept of 'victim' in the Rwandan context where everybody is, in some sense, victimized. He also suggests that the ICTR should be considered an extension of Rwandan justice.

The transcript of Part 6 begins on the following page.

Part 6

- 00:00** Donald J Horowitz: Mr. Caldarone, I'm Judge Donald Horowitz of Washington State and part of the ICTR Information Heritage Team. I'll be asking you some further questions.
- 00:11** DJH: My first question to you is what did you do with the cow that was given to you? No that's a . . .
- 00:18 Hello judge.
- 00:18** DJH: . . . it's a seri-, it's a serious question because, you know, like many lawyers I know the answer to the question but I think it's important that the public know the answer to that question.
- 00:29 First of all, very pleased to meet you Judge. And thank you for the question. But what I asked for the cow is to not, to use the cow to give milk to one of the orph-, orphanages where Kamaliza was going. So, the, the milk for the kids.
- 00:51** DJH: So . . .
- 00:51 That is the only, but I asked just to keep the, the cow alive as much as she would be alive.
- 01:00** DJH: So if I understand, you did not keep the cow for yourself even though it was a wonderful gift. You gave it to, the use of the cow to the orphanage for the children.
- 01:08 Yes, but first I've, I've never really seen the cow as such. I was told that one of the person who is – it happens to be now one of the top ten in the government of Rwanda, he's the one who gave me the cow. At that time he was not so high. He was just a person. I mean, not so high.
- 01:30** DJH: Okay . . .
- 01:30 And, but, he gave me the cow when he was high. And I asked just to give the milk for the kids, but you know, but it's nice; after so many years, somebody who can remember me, yeah.
- 01:48** DJH: Okay, well thank you. Alright, so now my, my job is to talk about some of the operations and, at ICTR. ICTR, you have indicated, accomplished, has accomplished a, a great deal.
- 02:04** DJH: And if, if I, I'd like to ask you just quickly to summarize what you feel are some of the important accomplishments of ICTR, the International Criminal Tribunal for Rwanda, of which you have been a part for many years now.

- 02:20 **DJH: Okay. As you see it, as a, not, as a professional and also as a person with experience in Rwanda, personal experience in Rwanda, experience as an attorney, experience as an official in the UN and in the European Union, et cetera, et cetera. So your, I guess I'd say, informed opinion on, on what has been accomplished that's positive.**
- 02:44 **DJH: And then I'm going to ask you what shortcomings you believe there have been and what you think can be done to improve those should we need a, both in this tribunal to the extent that we are – it's going along and it's going to close perhaps in the next year or so, and in the future, okay. (___), I'm sorry I've given you all a whole bunch of long questions but I want you to think about it as you're . . .**
- 03:08 Yeah.
- 03:08 **DJH: . . . you're talking, the progress of the interview.**
- 03:11 No, thank you. Of course, you know 12 years in the tribunal, I will try to be really short; what is, are the main issue . . .
- 03:18 **DJH: Yes. Yes. Yes.**
- 03:19 First of all, we forgot about the accused persons. I don't like the title of, of this tribunal because it is a presumption of culpability instead of a presumption of innocence. So, already in the title, I mean in the statutes, people presume – you know, there is a presumption.
- 03:46 So that is something that I don't, I don't like it but maybe the formulation was difficult to find. By I-, in ICTY, International Criminal Tribunal for the ex-Yugoslavia, is, the wording is different. So I don't know why we use that wording there.
- 04:02 But we forgot here two categories of, of people are the victims. We have an article saying that restitution of goods and so on but, you know, I, I, I think I, I, intern-, the International Criminal Court with the program for victims and so on is, is, is much better.
- 04:24 If we really, we want to contribute to the national reconciliation, we need money and we need to look also the global picture because the human being is, is everything; it's not just justice or tech-, technical justice – is justice in, in the global sense, you have to touch different aspect of the, of the reality.
- 04:45 The victims has been forgotten (___), for sure. And, also, for the detainees, accused people. If they're acquitted, we don't have any agreement – where do they go? Or when they're finished to, to purge. To purge? The, the sentence . . .
- 05:03 **DJH: When they're finished serving their sentence.**

- 05:05 Serving, serving their sentences, yeah. Also, we don't have any, any agreement for, for them. So it's, it's something that I, for the next generation to look at it.
- 05:16 And the, the custody, the prevention, I mean before the trial is a rule here in this tribunal while in national jurisdiction is the exception so you can have a trial lasting for ten years and the person is in detention for ten years. And this is a detention center so we are not organized to keep people for long period.
- 05:41 We don't have the infrastructure in term of, for the people to study, to work to, as we have in a prison. It's not a prison. It's a detention center. So, all these I think have not been look at it. But also is normal because we are the pioneer so we don't know exactly how to do at the beginning.
- 06:02 I remember myself when we put in places the, the legal aid system, I consulted with my, the counterpart, my, I mean, the, the, the lawyers.
- 06:12 DJH: Let me stop you, let me stop you for a minute.**
- 06:14 Yes.
- 06:14 DJH: You were in char-, I think you were put in charge . . .**
- 06:17 Yes.
- 06:17 DJH: . . . if I'm not mistaken . . .**
- 06:19 Yes.
- 06:19 DJH: . . . of developing and instituting the legal aid system . . .**
- 06:23 Yes.
- 06:24 DJH: . . . for the people who were accused of, of the crimes.**
- 06:27 Yes.
- 06:28 DJH: Okay. Why don't you tell us then about, about that and – the, the bad and the good if you will.**
- 06:34 (___), we have a program for the indigent detainee. All of them declare themselves indigent. We did the investigation, or somebody did the investigation. So we have this program for indigent.
- 06:47 But at the beginning it was, it was extremely difficult because Kinyarwanda is a language unknown to the majority of the world because you know, it's a small country, little people.

- 06:59 And so even to make their own research for, for the lawyers, it was extremely difficult. It was extremely difficult to have lawyers coming in Arusha from the States, from the UK, from Cameroon, Nigeria or any country. It was very difficult to get those lawyer coming on, on board.
- 07:24 Me, I made a proposal but it was rejected, is to recruit lawyers from Africa because I believe at that time really, it was important for African people to, to take the lead in that – to get money because it's quite a lot of money also. And to promote justice in Africa itself. I thought it was very important but finally, that recommendation was rejected and the program has been opened to everybody, which is excellent also.
- 07:52 But it was just, you know, a position that they had o-, on, on that particular point. And, but, the difficulties were, I was alone, the only French-speaking person with 95% of people speak-, speaking French. My secretary was only English-speaking and, and I had to do everything. During the first two years, I was completely alone.
- 08:18 After I had a deputy who came on board who is now Deputy Registrar in the International Criminal Court, a very good friend of mine, very nice person; we were working together. We, I build the system because since '97, '98, nothing has been changed. Even up to now, I don't think that there are any changes in that system. So . . .
- 08:40 DJH: And what is the system?**
- 08:42 The system is how we assist a defense team. So we have a lead counsel, we have a co-counsel and we have investigator and assistants, so in order for them to, to give an effective defense to, to the accused person.
- 09:01 And, and also, at the beginning we were receiving people and the initial appearance was taking two, three, four, five months. So we have somebody arrested, brought hi-, him here, and he was there without any assistance, nothing. And I had to do, you know it was really a lot, a lot of work. It was really tiring.
- 09:22 So finally, we came out with a solution which is the Duty Counsel. So it's a lawyer within this area; can be Arusha, Moshi and so on, but in the area; just for a short period at least to finalize the first formalities. I mean, "My passport is lost. The prosecutor took my passport;" and, you know, all these kinds of complaints, some that I was dealing myself at the beginning.
- 09:46 So finally, we had somebody who – so it was. And also I was supervising the detention center because it was at that time, we didn't, we have a vacuum where nobody was there. So finally, I was the judge of surveillance. So I was receiving the complaints, I have to respond to the complaints and I didn't have any experience. So is, i-, i-, is, it was really challenging. It was really challenging.

- 10:10 But thanks to the lawyers – because I’ve always, I always con-, consulted with them – we put in place this program of legal aid where all costs and expenses mu-, must be necessary and reasonable and we discussed together what does it mean, necessary and reasonable? And after I present a matrix system with activities to be done in certain amount of time and so on.
- 10:38 And after, I was, I had a, a sort of burn out. I was so tired. I was working like 12 hours per day, Saturday and Sunday. And one day I just fell down in the office. I, I just fell down in the office. I thought it was a heart attack. It was just stress. And I asked the Registrar to change, to, to transfer me somewhere else because otherwise I was going to die in that section.
- 11:05 And we had a transition from the former Registrar to the new Registrar. Finally, the new Registrar granted my request and I (_), I was moved because it was really, really tiring. And now I think there are seven, eight professional. Before, I was alone. We were two, so, if you s-, and the quantity of work is more or less the same.
- 11:27 So I was really, I’ve been really utilized. And I did everything I could.