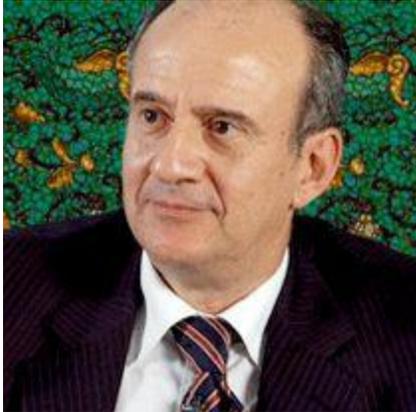




Voices from the Rwanda Tribunal

Official Transcript: Alessandro Caldarone (7 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 7 begins on the following page.

Part 7

- 00:00 Donald J Horowitz: What did you do to assure quality as well as quantity?**
- 00:03 Yes, for the quality we, we did a lot because what we tried to have, and this is a rule that we have in ICTR; we don't, they don't have in ICTY, the Tribunal for the ex-Yugoslavia. We request ten years of relevant experience.
- 00:20 This was done I think in '98, something like that, quite early. Because we had lawyers, very young people coming without experience fighting for nothing, aggressivity for nothing. No moderation in the request.
- 00:36 It was just, you know, it was not sane. It was not, it was not sane. It was no-, sano. It was not something acceptable. So in collaboration with the judges, and at that time my, my focal point in the chambers was Erik Møse, the Judge Erik Møse who was Vice President. And the President was Navi Pillay, or Navanethem Pillay who is now High Commissioner in, in . . .
- 01:05 DJH: High Commission of Human Rights for the entire UN. Okay.**
- 01:07 . . . of Human Rights yes, yes, yes, yes, (____), and show me two beautiful persons and, and Eric Møse, so with him and other judges, we, we, finally, the judges decided, accepted to change the rules and to put ten years of relevant experience.
- 01:26 So what I was doing, I was writing to all the bars asking, "Do they have experience?" I change the form. I mean, we tried to, really to, to have quality in the defense because I believe without quality, only the quantity is not, is not enough.
- 01:44 DJH: And did you also have occasional training programs for or, or sharing of experience among the defense bar which is what you were in charge, in charge of?**
- 01:54 Yeah, that is something – we, we tried to have some program for, for training for the lawyers and so on. But also there we were in an impasse in the meaning: You want to have people with ten years of relevant experience. Relevant. It means – and nobody had the relevant experience because who has been, been dealing genocide cases in anywhere in the world?
- 02:14 DJH: What you mean by relevant experience is criminal law defense.**
- 02:16 Criminal law, yes, criminal law. Yes.
- 02:17 DJH: Defense, yes, (____) defense experience, right . . . right.**

- 02:19 Criminal, m-, mainly defense but in criminal law so we tried to have some trainings for the lawyers and so on but we could not put any in place. We had some trainings with Judge Latansi, who after, Professor Latansi who after became also Judge here. She came to Arusha in '97, '98 with some training and she went also to Namibia for international justice and so on.
- 02:46 But the tribunal as such, we did not have any training for, for, for the lawyers. That is something that we could have done.
- 02:52 DJH: Okay. Now what other duties . . .**
- 02:58 I would like maybe, excuse me . . .
- 02:59 DJH: No, (_____) go on, please.**
- 02:59 . . . if you, if y-, if you, just a point that I think is, is, is historical speaking, is important. You see, when I was building with the Registrar of course, the, that section for the lawyers, I was consulting the lawyers all the time for anything. They were sending me documents and so on.
- 03:21 And the section of the lawyers in detention is the only section in the whole registry who never received assistance from external consultants. I want to say that because we have Court Management Section. They had very high people coming like for example, Vincent who is now, I don't know if he is, but I mean he was the Registrar in Sierra Leone, the Court of Sierra Leone. He's now the, the Registrar in, in the t-, Special Tribunal for Lebanon.
- 03:52 And, and, I mean, they have very high people there. Witness Protection from the States – we have very, very qualified people from the States. They came here. They were even recruited some of them.
- 04:07 So, you know, but – what I, I, I decided myself with the Registrar is we have to, to talk with the people. I mean, we have to discuss with the lawyers. We have people coming from everywhere in the world. We have so many different mentalities.
- 04:25 You know, the way of billing is different and so on. To call an expert, we are not going to impose one system, or a – so, but after I left the, the section, we call an, a, a, a consultant, Judge Poler, who made a report and so on on that, yes. But it's the only section in the whole registry without any external consultant because the way was – talk with people, consult with people before anything else.