



Voices from the Rwanda Tribunal

Official Transcript: Suzanne Chenault (Part 3 of 9)



Role:	Legal Officer and Juris-Linguist
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Interviewers:	Lisa P. Nathan Donald J Horowitz
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Interpreter:	None

Interview Summary

Suzanne Chenault discusses the importance of establishing jurisprudence that will pave the way for future international tribunals, and offers some reflections on the Akayesu case which was the first case to address rape as genocide. Chenault stresses the need for investigators to have deep contextual and linguistic knowledge of the communities they are working with, especially when collecting evidence around sensitive topics such as rape. She stresses the lack of communication among different trial chambers within ICTR as a core challenge.

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Part 3

- 00:00 But then we have more, don't we? How do we get us on the same page? And how many of the judges had actually even sat down to read the earlier judgments? So at this point, if we're in 2000, how many judgments have we issued at that point? We have, we have Akayesu, we have Musema. No. We have Akayesu, Kayishema-Ruzindana. Then we have Serushago. We have Kambanda.
- 00:37 Those are guilty pleas and then we have Musema. Then we have, my goodness, the, the, the Interahamwe. His name starts with an R. He's . . .
- 01:02 Lisa P. Nathan: (____) . . .**
- 01:03 R-, I'll think of it in a moment. But that's our fifth. And then we have Ruggiu. So by 2000, we have seven judgments. That's all we have – seven judgments.
- 01:13 But, we still needed to start talking about the jurisprudence and where we were going to go with the jurisprudence and how the jurisprudence from the ICTY was influencing us. We still did not have at that point any appeals chamber judgment issued on any of the trial chamber judgments at the ICTR.
- 01:38 So then I organized the chambers' continuing legal education committee and I submitted a grant and we received \$84,000. Oh, what a wild amount of money. And that money lasted until last year. Oh, I was so parsimonious. Oh, I wish I could do the same with my own budget.
- 02:02 But, we've had probably 12 different seminars where we've brought in legal experts, scholars and practitioners and, and judges who have spoken of our jurisprudence and we have at that point had a forum to also talk about our evolving jurisprudence. So the, the focus has been the different, the different crimes over which we have jurisprudence, so genocide.
- 02:34 And William Schabas has come twice. He's considered the father of, of some of the original, the, the original writings on genocide. He has the Irish Centre for Human Rights in Galway, Ireland and of course, crimes against humanity and the various, the (____), the various crimes within crimes against humanity, and then war crimes.
- 03:06 Rutaganda. I was thinking of it and Rutaganda is interesting because on appeal, when finally the appeal came down we did then have, we did have a judgment that where it was determined by the appeals chamber that in fact there was a commission of war crimes. So, that was really the attempt of this, of this committee, to foster an understanding of our own evolving jurisprudence and to promote discussion and communication among the judges of the different trial chambers.
- 03:46 Because there is a tendency here to remain quite closed within one's own chamber and to not see that there's a great overlap and that some of the issues that we're dealing with perhaps in Trial Chamber One are also issues that are being addressed not only in

the judgment phase but in the deficient – but in the pre-trial phase or in the ongoing trials with the – that the challenge is by the, by the parties.

- 04:17 **LPN: However, you see that because you float between, I mean you are someone who is in a unique position where you see quite clearly what the different chambers are working on.**
- 04:27 I usually keep abreast although when I find myself just involved in the judgment coordinating for example, which I can be judgment in a case. Then for a bit of time I too am in solitary confinement. Unfortunately, but I tend to keep abreast. I think that I shall be more abreast.
- 04:53 Having organized a, a legacy symposium with the help of many, many bright, talented, generous, idealistic people last year, I think I'm significantly abreast but will, after this next two and a half months when we have three more judgments issued, need to be even more abreast because my goodness, oh, we're going to have – we're going to have three more judgments within the next two, within the next two months. That's very exciting.
- 05:32 But it does then require that one sit down and looks at, at the issues that were grappled with and the holdings by the trial chamber and then to make bets on what will be appealed and what just might be refined on appeal.