



Voices from the Rwanda Tribunal

Official Transcript: Suzanne Chenault (Part 5 of 9)



Role:	Legal Officer and Juris-Linguist
Country of Origin:	United States
Interview Date:	4 November 2008
Location:	Arusha, Tanzania
Interviewers:	Lisa P. Nathan Donald J Horowitz
Videographer:	Max Andrews
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 5

- 00:02** Lisa P. Nathan: Because of your awareness of the issues around rape and proving rape is genocide and the, the cultural barriers, the legal challenges there, what would you like to see in the future for future tribunals – whether they be ad hoc or like the ICC a standing tribunal – to handle this issue of rape which is not going away as we know of the events in the Congo now and other places in the world?
- 00:35 Well, given the acknowledgment that rape has been used as a tool of, of genocide, is perpetrated against women because they belong to a particular tribe or a particular religion and also just as, just a, a, a general means that is used or a fruit of the, of the, of the perpetration of the, of, of, of coming in and, and decimating a community.
- 01:16 What we, what we, given that acknowledgment, what we, I think, need, is to understand the vulnerability of the survivors and what that would mean I believe if you're going to prosecute this crime in the hopes then that you're going to deter is continued commission of the crime, you're going to need much greater sensitivity and that would mean that the investigators not be these hulking policemen who don't speak either English or French, as even a second language.
- 02:09 Because if you're going to get a testimony, you need to talk to the victim and usually you need to, to, to have somebody who can speak in the language of the victim. What we had initially as I understand, we had people who were brought in as investigators and very often they weren't hired necessarily by the UN.
- 02:30 They might have been a gift from one of the nations that wanted to help and so there was no way of, of monitoring, if you will, or giving a program to or giving information to those who went out and investigated.
- 02:48 And I'm not saying a great deal of harm was done but I would say a great deal of evidence that could have been preserved was not because of the way the investigations were conducted. You need to, the – so great deal of sensitivity to, of the investigators, language skills of the investigators.
- 03:16 Under-, when I say awareness and sensitivity it wouldn't be only of what it is to be raped or of the problems that potentially the victim would, would encounter in having the community at large know, but also knowledge, greater, greater knowledge of the, of the dimensions, the anthropological dimensions of, of this community.
- 03:46 And I think that we've gone in almost like bears in a china closet without understanding Rwanda extremely well and that would be very, very important particularly in regard to rape but also in regard to other, other ways of, of, of approaching those who have survived and those people who witness the, the events.
- 04:18** LPN: Thank you.