



# Voices from the Rwanda Tribunal

## Official Transcript: Ayodeji Fadugba (Full Interview)



<b>Role:</b>	Chief of Information and Evidence
<b>Country of Origin:</b>	Nigeria
<b>Interview Date:</b>	23 October 2008
<b>Location:</b>	Arusha, Tanzania
<b>Interviewers:</b>	Lisa P. Nathan John McKay
<b>Videographer:</b>	Max Andrews
<b>Interpreter:</b>	None

### Interview Summary

Ayodeji Fadugba discusses her role overseeing the management and security of evidence. She describes the ways in which information security has evolved at the Tribunal and differentiates between processes of collecting and storing evidence. She reflects on the ICTR as a method of 'crisis management' immediately following the events in Rwanda, but states that as details of particular cases unfolded, the ICTR's role in documenting events shifted. She reflects on her personal emotional response following the release of a judgment.

*The transcript of the interview begins on the following page.*

## Part 1

- 00:00** Lisa P. Nathan: So my name is Lisa Nathan, and I'm from the Information School at the University of Washington and thank you very much for your time this morning. I would like to begin by having you say your name, your country, your home country, your country of origin and your title here at the ICTR.
- 00:20 Okay, you're welcome. My, my name is Ayodeji Fadugba, I am from Nigeria. I am the Chief of the Information and Evidence Section at the Office of the Prosecutor.
- 00:32** LPN: Thank you. Can you walk me through your timeline with the ICTR; the year you first came here and the different roles that you've had since you've been here.
- 00:45 I joined the Office of the Prosecutor in 1999 as Case Manager and in 19 – in, and in 2004 I was promoted to the post of Documents Control Officer at the Information and Evidence section. And then, I was promoted again in 2007 to the post of the Chief of Information and Evidence, which is the post I currently occupy.
- 01:12** LPN: Thank you. So I'm going to have you go back in time for just a few minutes to think about 1994. And do you remember where you were in the spring of 1994?
- 01:25 Yes, I was in the United States, in Delaware to be precise, yeah.
- 01:31** LPN: Can you, do you remember first hearing of the events in Rwanda? Did you know of them at that time? Do you remember how you heard about them?
- 01:40 Yes, on TV; on CNN, just watching the news. And at that time also, I believe there were events unfolding in the former Yugoslavia as well, so it was just like two horrors, you know, stories that you heard. Yes.
- 01:58** LPN: Can you describe to me how you first learned about the ICTR and first came to work here?
- 02:05 Actually it was my husband who first got recruited to work for the ICTR. He was at the conference in Addis Ababa, Ethiopia when they came to recruit for – he, he works for the United Nations Economic Commission for Africa as a consultant. And so they came trying to recruit from the staffing of the ECA, the Economic Commission for, for Africa, for this tribunal and so he had just nonchalantly filled the, the, the application.
- 02:36 And it's very interesting because, at the time the decision of the family was that we were all moving to join him in Addis Ababa, Ethiopia. And so he, he was in Delaware on, during the summer and – I think the summer of 1996 and the fax machine ca-, you know, the fax came through that he was recruited to go and work in Rwanda.
- 03:02 And I think I was so stunned, I didn't speak to him for a while because this was not at all in the plan, and nothing you heard about Rwanda prepared you to even consider it as a place you could live in. So that was my initial reaction; not to talk to him for a while, until I overcame my anger enough to ask him "But how did this come into the plan?" So I do remember.

## Part 2

**00:00 LPN: So, what did you first hear about the ICTR, what was your perception of it before you came to work here?**

00:09 Yes, so basically my perception was that it was a very dangerous place to go to and, but finally my husband convinced me. He went to Kigali and, you know, occasionally would call back to say – he had also been in Zagreb in Croatia so he occasionally would call back to say, “It’s not so bad, it’s not what you see on CNN. It’s not as terrible as what you see – what, what’s happened here is terrible but it’s not as terrible as what you see on CNN.”

00:39 And so we decided at some point that we were going to leave the US and then come to live in Rwanda with him because Rwanda was declared a family duty station, I think in 1996, and so we decided we will all come. But we also decided that it wasn’t safe for the children to come along and so the children went to, to, to boarding school while I went to, to Rwanda. And it wasn’t until 1998 that I applied for a job myself with, with the IC-, ICTR.

**01:15 LPN: Thank you. So can you tell me about your current role here and the responsibilities that you have? What does the role of Chief of Information and Evidence entail?**

01:29 Basically this section is responsible for all information that comes into the, that comes into the Office of the Prosecutor from investigations mostly. Any, any information from the field is submitted directly by the investigator to the Information and Evidence section’s office. We have a sub office in Kigali manned by two people and so they are the first person, the first people to receive the evidence coming from the field and they register the evidence in Kigali, then they are pouched and sent to us in, in Arusha.

02:09 And in Arusha we go through a process of registering the material. We have something we call the Truth Book. We would re-register this in the Truth Book so that we have the Truth Book in, in Arusha that is the reflection of the Truth Book in Kigali. We would assign evidence registration numbers to the original material, digitize, and then we take the originals to the vault, while the copies are made available to the attorneys on their desktop.

02:42 And we don’t normally refer to the original unless the court has asked to see it or the defense has asked to see it so, even the attorneys want to be sure of something before they use the material. That was the traditional role of the evidence section but as time went on, I think there was this recognition that informa-, storing information was okay but you needed to add some value to the information that you were getting.

03:09 And so we, the role of the section expanded somewhat because at present, you know, from the original evidence reception section, now we have a Research Unit within the section. So, the, the section, the, the, the part of the section that receives the evidence is now just the unit and we call that the Documents Control Unit. And now we have the

Research Unit. The Research Unit basically takes care of research requests from attorneys and we also provide services to foreign investigations.

03:48 Who, we have different jurisdictions around the world where some of the participants or some of the authors of the 1994 genocide have sought refuge. There they're asking for asylum and sometimes – or they're resident and they've been identified and they want to – the states where they are resident might want to initiate proceedings against them, or might want just to be sure that they're not involved in the genocide before making decisions on their asylum status. So we've, we service foreign investigations as well.

04:23 Then we have a, we have also the Technology Unit. The Technology Unit basically supports all of the Office of the Prosecutor in, in terms of, you know, you know, whether it is just for end user requests or for something more systematic. To service a particular line of research, we have a technology unit that takes care of that.

04:52 We, we used to have the Research Analy-, Analysis on Special Projects Unit. That we have now changed because the mandate of the institution has changed somewhat so what we've done is to merge the Research Unit and the Analysis Unit, you know, because that's, there's that unit that used to take care of trial support work. We, we call it the Trial Support Unit.

05:16 They supported attorneys in court. You know they are wired to – you know the attorneys might ask, "Can you start to prepare the originals of this document?" and they would make sure that they do that.

05:25 And then they have language assistants at their disposal. In other words in court, if somebody was going to testify in Kinyarwanda and they wanted someone there to be sure that the translation is – that the nuance in the translation is, is what is intended by the witness, we would send people to court to, to assist the process. But whether they need a search made of a particular thing in court they would refer to this unit.

05:52 So what we've done is to put the trial support unit together with the research unit so that they – since we couldn't expand as we would like to expand, but we needed to create an archiving unit that would be responsible for, for you know . . .

06:08 Because now at this time of the mandate we needed to find a balance between long term objectives and the short term imperatives of running around supporting trials, supporting foreign jurisdictions. So we created a more stable unit just to take care of questions related to archiving. So we still have technically four units but mandate has been changed slightly, yes.

**06:34 LPN: And that, that mandate change came from whom?**

06:38 Internally.

**06:39 LPN: Okay.**

06:40 It's purely internally.

### Part 3

**00:00 LPN: So, I have a question about the request from foreign countries for information about, h-, do those requests come directly to you? Can you give, provide an example of how that works? How you decide...?**

00:15 Typically that would be addressed to the prosecutor and it comes to us from the prosecutor. And normally it, it will go to the prosecutor who will request for information which should be then passed on to the Chief of Prosecutions and the Chief of Prosecutions will have us do the necessary.

00:31 And we would package the material and the Chief of Prosecutions – we, what normally, what that entails is we would look through to see confidential information and all that, and then tag the material according to the levels of confidentiality. It might be there are materials covered by a court order, we can't even release that unless the authority is willing to go before the chamber to ask for a, a waiver.

00:54 And so, what we would do is then classify according to the levels of confidentiality and the conditions a-, applied and return to the Chief of Prosecutions and the Chief of Prosecutions makes the final decision and the material is, you know, then forwarded to the authorities.

01:12 And sometimes they come here. They bring in their investigators. They come here. We've received people from, from many jurisdictions from across the world especially Europe, fr-, from Belgium, from the Netherlands, Finland, and so we've, we've had a few people . . .

**01:33 LPN: Do you . . .**

01:34 . . . investigators here.

**01:35 LPN: I'm sorry. Do you receive other requests from other types of people in different roles for information, requests for information, say the public? Would they come to – ?**

01:48 That's been few and far between actually, because we've had re-, requests for tapes of Radio Rwanda and RTLM. I think that's because the more public materials are available even in Rwanda and in Umuzanzu, in Umuzanzu, but the most, you know, we've been approached for the tapes of Radio Rwanda RTLM by students who are doing, a student who was doing research and now I, I still have, I, I just received another request on Radio Rwanda RTLM, yes. That's the – but it's very, very, very small, yes.

**02:20 LPN: Okay. So you've been working here for a number of years and in your role for just over a year here as the, the Chief of Information and Evidence. Before I ask any more questions, is there anything that you would like to tell us, to tell the future about your job or about the tribunal?**

- 02:43 Not now.
- 02:44 LPN: Okay, so then in your role currently, can you reflect on some of the challenges of your role and describe some of those?**
- 02:57 The challenges of my role. I think the first challenge would just be the imperative of the moment, you know. The, the, the, that's, m-, m-, a, a lot of our work is directed by the tempo of the court. So, when we have something coming from the courts, it becomes imperative, everybody's direct focused. It makes long term planning almost impossible.
- 03:20 And it becomes something you have to do from time to time because you're busy on a daily basis; one day one crisis and so you're just driven by that. And sometimes you just have to force yourself to say, you know, there are other things that are, you know, more systematic, more long-term that you need, you need to be planning on, you know.
- 03:43 Plus we service over a hundred attorneys and when they want something each attorney wants what he wants now. So if you say, "Can that wait 10 minutes while I service B?" It's like "No, no, no I want it now." So, that's, that's, that's, that's a challenge because you, you still need as a section to have some type of focused systematic planning so that the, the tension is always difficult to, to manage, you know. That would be the big challenge that I find.
- 04:14 And the other challenge would also be the, the, the fact that just funding, the two year cycle of funding. You might have problems, you may have find a litigation support software that you want to be able to use now and the, the UN cycle is two years. So you plan two years ahead – and I don't know how many people plan two years ahead – you plan two years ahead and it's always difficult to predict with certainty what you needed.
- 04:46 But that, I think we've been lucky because we've had the EU supporting us in information management. So that has taken the stress off a lot of the inability to respond to our environment the way we would like to because we have to plan, you know, like a bu-, bureaucratic set up and at the same time you have in between time, you know, things that are, are, are more pressing and you want to do now. Then you ask and say, "Well you didn't put this in your budget."
- 05:19 LPN: Can you tell me more about the EU support?**
- 05:22 Yes, the EU supports the Office of the Prosecutor in, in two areas: they supported – well that I'm sure there are other areas across the tribunal but since I've been here we receive support in, we receive support in capacity building for the Pr-, Office of the Prosecutor, for the Investigations Division.
- 05:46 That was – the, the fund itself was during the time of my predecessor, Maria Warren. But after I came, during my time, we were able to re-write the fund, re-write the conditions to do capacity building not just for investigations division but for prosecutions and appeals. And that's also again that's as a result of the shift in instit-

institutional mandate because we went from full blown investigations to now prosecutions and appeals.

06:18 And we just thought then that the focus was going away from investigations; we weren't doing many investigations so it was more important that we equip the prosecutions and appeals division. So, we re-wrote the grant to, to focus on, on prosecutions and appeals and I got the approval. I mean, I think that was the first thing I did actually and I got the approval and so we were able to do capacity building for prosecutions and a-, appeals in addition to the invest-, to investigations.

06:54 The other way they support us, which I said I was grateful for, is information management, information security and management. And tha-, in that we've been able to purchase additional software, we've been able to have training. The training that we've had with the EU people has been from that fund so it's been very helpful that we, we, we had that. So it's allowed us to respond to our environment more, more quickly than the regular budget would have allowed us to.

## Part 4

00:00 **LPN: So I'm going to shift my questions a little bit a-, slightly away from your role here as a professional, but your role here as a human being. So, as the, the different documents that you have dealt with, and now in your role as Chief of Information and Evidence, you have been exposed to some pretty brutal facts basically.**

00:25 Yeah, yeah.

00:27 **LPN: And I'm wonderi-, I'm asking if you can reflect on how this experience has affected you as a human being. It's a difficult question so take your time. I think it's one you've thought about.**

00:40 Yeah, from time to time you do think about that from time to time. I think when you first come, I came in as a case manager so I was first-line in contact with the documents, preparing the documents. So you, you get to know the facts. They are gruesome and your first reaction, your first reaction is actual-, actually some degree of anger, some degree of fear, especially at the time we were in Kigali. And so you have this fear – "What, what kind of people would do this?"

01:10 But I think, because you have so much work to do also, I think you, you snap out of it and then you get on with the business. And I also personally – the way it has affected me professionally is that if I'm having challenges, if I'm having problems whether with colleagues, whether with management, I can be angry for a day or two, but I always I'm able to then think about the fact that it's not about me, you know.

01:41 It's about people who can't do anything about what's happened to them and this is a little contribution that I can, you know, make and so really whoever the, whoever the object is of this, of this – my recent feeling. It's not about the person, it's something bigger than that and then, you know, it allows you to put things in perspective.

- 02:08 LPN: Do, does the investigation team in Kigali – are they working under you?**
- 02:13 No.
- 02:14 LPN: N-, not the investigators in the field but the information officer there.**
- 02:18 Yes, yes, i-, it's, it's, it's a, it's just a, a branch of this section in Kigali.
- 02:23 LPN: And do you visit Kigali sometimes?**
- 02:27 Oh yes, ideally I should go four, five times a year, but I'm, I'm lucky if I get three times a year. But I also have, you know like I said, we have four, four units. So, each unit is headed by a team leader. There's a supervisor within each unit so even if I don't visit, they visit for one thing or the other.
- 02:49 So there is contact frequently with Kigali. Not as much as we would have liked because like I said one of the challenges of being here is the fact that, you know, imperatives of the moment take over long term planning. So it's sometimes y-, I have to stop myself and say "You know what? We need to do this in Kigali, we need to do that in Kigali." And so Kigali feels neglected.
- 03:12 I mean, I wouldn't lie to you, that is an issue, that the people in Kigali office if you raise some issues they'll say, "Oh but we didn't see anyone, we've been, not been getting feedback," you know. So, so that is, that is, th-, that is, one of the, that would be one of the challenges that I see with the way the s-, the s-, the, the, the offices are set up.

## Part 5

- 00:00 LPN: So to think about your role in the future. Unfortunately it is likely that there will be other tribunals, maybe not ad hoc, there's the ICC, but other tribunals that will have an office section very much like yours and people working in your role. What would you recommend for those people in their preparation or in the, the building of that section?**
- 00:29 Well, I don't know, I think sometimes 20/20 visions is so clear that you, it, it will be unfair to say that there's something that should have been done that wasn't done. And I think even the v-, the organization has evolved. It's gone through a lot of stages. I mean now we have a vault where we secure documents.
- 00:47 We have put in place procedures to safeguard as a security of, of, of information. It wasn't always like that at the beginning. I mean, if you think about it this way, when you come to a situation of crisis what do you do? What you're doing is crisis management and so you're not necessarily thinking in terms of what has to be done.
- 01:07 I mean if I'm sitting today here and I, I come in as Chief of Evidence at the time when there's a vault, there are you know facilities – I, I was also lucky that I came in here when there was really nothing. And when there was no vault and documents came from the field, they were registered, there was one of the rooms in, in the Hotel Amahoro, you've been there.

- 01:31 So it used to be a hotel so they have bathrooms attached to each of the offices. And so, that was the most secure place to put the material while it is on transit to The Hague, you know. So there was one room that had, s-, what do you call it, these steel windows in which case, you know, it was a little bit secure.
- 01:57 So what you would do really, you know, there was a bathtub in there that was cleaned and so that you could put packages there for documents you know, because it was the only secure place you could find. So I would say if you have to do this again, think about how you're going to store your information.
- 02:15 But, you know, I couldn't have said that in 1995 or 1996. People were reacting to a crisis, they had to put together a bunch of investigators, send them out into the field. You know, the crime scene (\_\_\_), even wasn't the same any more, you know, it was just – it's crisis thinking. And so the documents left – at that point in time the ICTR shared a prosecutor with ICTY.
- 02:40 So the ICTY had a vault so our documents went from Kigali to The Hague and if we had to use them they came back from The Hague. So that, for instance, I don't think should happen if there's another tribunal. But I couldn't begin to condemn those who started a tribunal for not thinking about it because I think now I have the, I have a vantage viewpoint that just makes it unfair to do that.
- 03:04 LPN: Yes, and I'm not asking you to – to look to the future . . .**
- 03:07 Yeah.
- 03:08 LPN: . . . and things that you would recommend that they think about . . .**
- 03:11 Yeah.
- 03:12 LPN: . . . early on. And as far as the training and the background for someone in your role, or even just words of wisdom; you're talking about a very crisis oriented even today in a way.**
- 03:24 Yeah, yeah. Yeah, I think for anyone in my role, I would say that first, well, it doesn't always happen that you learn from other people's experience. People prefer to make their own mistakes but I think, I should think that if there was going to be this kind of institution in the future, that there is a template.
- 03:49 You shouldn't have to start from the, from the very beginning. You should be able to (\_\_\_) – I'm not saying take what ICTR does and conform to it. I'm saying look at what ICTR has done, look at how they got there and see what you can do, what you can adopt and what you really don't want to implement. But nobody should be starting from zero point of view because I think that we've, we have done it.
- 04:18 The ICT( ), Y has done it. So you can begin to have a template from which you can operate, even if the, it is the UN who's starting their, their institution or let's say it's a, a country who wants to start a prosecutions of this type. There is a template that can

serve as, as a starting point. And for anyone in my role I'll, I'll say that the first thing is: I think that I have a unique advantage because I worked as a case manager.

04:45 So I was in contact with the first level material. So by the time I became the Docs Control Officer I knew the material. And now as the Chief of Evidence I, you know, I have carried on, you know. So I think that from that perspective I, I am in tune with what is going on.

05:03 I mean if you brought somebody for instance who is just joining the inst-, institution from an information perspective, they probably would do the information perspective better than I would. But in terms of servicing I think that I had an advantage because I was very familiar with what I was working, w-, what I had to do. I knew the process I had to support, if you know what I mean, yes.

05:28 **LPN: Thank you.**

## Part 6

00:00 **John McKay: Good morning, I'm, I'm John McKay. I'm a professor at Seattle University Law School and I am a former federal prosecutor in the United States and so I'm very interested in a lot of what you had to say. And I, I wanted to start by asking you about the nature of the evidence that has come in to you over time.**

00:19 **JM: You know I'm sure the investigators will provide statements; witness statements, their own statements of investigation. Can you talk about those and, and what types of evidence you have seen coming in over your time here?**

00:33 We've had witness statements like you said. We, we've had materials given to us by other authorities in terms of investigations; their own investigations into the events in Rwanda. We have reports, we have for instance we'll have investigators' notes which are not necessarily part of the evidence but which by and large over the years have actually become disclosable even though they are covered by the rules against disclosure.

01:09 But we've had a lot of decisions that mandate us to disclose it in terms of investigators notes to the defense. We have – like I said we have reports. Then we've had ( ), seizures, things that were seized from the accused, artefacts, for instance, audi-, videos, audios and videos. The video collection is mostly of witness interviews or sometime-, sometimes things we seized from the accused at the time of arrest.

01:43 Then we have all the tapes from Radio Rwa-, a lot of tapes from Radio Rwanda and RTLM during the s-, from the time of the genocide. Yeah, basically that's, those are the types of information that we have.

01:57 **JM: I want to go back to what you indicated in getting evidence from other organizations, would, would one of those be the Rwandan government?**

02:06 Sure, yeah.

**02:07 JM: And could you tell me about the others? Are, are . . . I'm I-, particularly interested in NGOs and others who might be on the ground in, in, in Rwanda. Can you tell me a little bit about that?**

02:17 We have – yes we have information for instance for the initial investigations were done by the UNHCR right after the genocide, so we received their material. We receive from UNAMIR that is the United Nations Mission in Rwanda.

02:37 We receive materials from UNAMIR and then we receive materials from the Belgian, the Belgians as part of their own investigations and sometimes trial of, of some of the, those responsible for the genocide. And then sometimes we ask, we ask for information from any foreign authority and the, under the, the, the terms of the rules of co-, for cooperation. We get materials from other foreign authorities as well.

**03:06 JM: And among the, the documents I'm assuming that you saw many photographs.**

03:13 Yes, we saw some photographs, yes.

**03:15 JM: Were there less photographs than you would have liked to have seen?**

03:19 Th-, not a lot of, of photographs. We have for instance aerial photograph of Kigali, the Spanish – there was a Spanish investigation that came up with, I think, exhumation report. There were photographs. But of the events themselves they are mostly from the press. We got, we have footage from different journalists concerning the period of the gen-, of the genocide. Those are public for instance, yeah.

**03:50 JM: Can you – without going into too much detail about the evidentiary rules because our, people who will view this, some will be lawyers who will be interested but many will be teachers and people many years from now who might be interested in how the prosecution handled the disclosure of evidence to the defense.**

**04:11 JM: Can you talk generally about that and, and, and what, you know, having been a prosecutor I know that many times there are close calls.**

04:18 Yeah.

**04:18 JM: Should this go to the defense, should it not? Can you talk a little bit about that and, and how from your st-, your standpoint these decisions have been made?**

04:27 Well you know we are, we, we, we're just custodians really. We don't make the decisions. But I know that generally we disclose materials under Rule 66 and that's usually done by the attorneys themselves. That is the materials they intend to use for the trial. That's usually packaged by the attorneys.

04:47 We support that in the sense that they might come to us and say, "Can you do this search for us?" We will do the search and give them the results, and they make the call on whether they want to, whether the ma-, they want to use the material in which case the case manager does the disclosure, you know, of the material.

- 05:05 Then it might be also that the attorneys might ask us, give us some search parameters and say, "Look for this kind of information because we think it will be exculpatory for the defense.' So, we will do the research for them and they will make the decision whether to disclose or not.
- 05:22 Coming to Rule 68, we've tried not to get involved with Rule 68 as a section because we believe it is the attorneys who do the cases. They know the facts and they are able to speak to what is exculpatory or not.
- 05:35 JM: So Rule 68 is the rule requiring the prosecution to turn over anything that might prove the innocence . . . ?**
- 05:39 To disclose, innocence. Yes, the, the exculpat-, yes, prove the innocence of the accused. So by and large we do not get directly involved in disclosure. We help them to prepare the material, but they have to, to identify the material. In other words we don't do any searches with a view to disclosure. We have to be asked to assemble this type of evidence because it is going to be disclosed in which case we are in a support role; we're not making the decision as to disclosure.
- 06:08 The same thing for Rule 68 and for Rule 68 we support the appeals more than we support the prosecution division. We support the appeals more because it is easier for us to support them because you have a judgment from which to read from, you know.
- 06:23 Some facts are there, they assist you and so with the appeals we have a, a closer working relationship in terms of Rule 68, you know, assisting them to identify materials. But it's still under the supervision of the appeals because we believe that we're custodians. We can support but we don't – it is not for us to make the judgments but the tr-, the lawyers themselves. (\_\_\_\_).
- 06:48 JM: But I'm sure during your time here you must have come across, even at, at the request of the prosecutors, matters, material that was exculpatory that did tend to show the, the innocence of, of the accused. And I'm sure that was turned over but can you give me an example without naming any particular case of the kind of, of evidence that, that might be exculpatory that you can recall?**
- 07:11 From here, from the IESS point of view, none that I can think of because you see the, the request, the s-, the request for a search has to come from them, you see. So we don't systematically go and search. The debate was there. I have to say that there was a, a very, very, what do you call it, a very, very lively debate on what the role of the section, our section should be in terms of exculpatory material.
- 07:42 And I remember that our standpoint was that the attorneys are the most equipped to make a decision on what is exculpatory because they know the facts of the case. Because there are nuances you see. It may not say the accused is neces-, it may not be a clear cut case. You need to have the temperature of the trial, see what the defense is saying, to see whether this actually supports the theory of the defense, defense to make that determination that it is exculpatory.

08:08 So, my point was that where we are sitting, we are not equipped to make those judgments and it's a very important one. So that's, that is, you know – so we ended up saying yes, trial teams, they can solicit our systems but they have to tell us what they're looking for.

## Part 7

00:00 **JM: So as, as the Chief of, of Evidence, you've, you've probably been able to determine whether some investigators are better than others at their work. I know in my experience as a prosecutor we know who the good investigators are and, and over time you, you make those conclusions. Were you able to do that? Were you able to say, "Oh this comes from a certain person who is an investigator and their work is very good," or "their work is very bad?" Is that, does that kind of conversation happen here at all?**

00:29 Well it happens on more subjective, a more subjective level because I think – why it is difficult to actually say, say that one way or the other is even the structure. When this office started, I think – and it, it goes more (\_\_\_), to people who are new in the organization, who've just joined the ICTR, are the people who are likely to come in and make these kind of judgments you're talking about.

00:58 "Who the heck wrote this investigator's notes . . . who the heck took this statement, what were they thinking of?" But if you've been here for long and you know the conditions under which people operated at the time, they weren't looking for anything in particular. You see they came in to a place where there had been a lot of killings.

01:16 They weren't looking for anything in particu-, you see what I'm saying? Now if you go out into the field, you have a pretty, a pretty good idea. You know, the case, there's jurisprudence all over the place, for instance, for some crime scenes, for how the events unfolded so the way you investigate is different. For people who were just unleashed into Kigali and who went all over the place asking questions, the clarity that we have now is not there.

01:41 So that is – there used to – the, the, the judgment about this good investigator, bad investigator tends to come from people who've just joined the organization. And of course I think also the difference in the legal tradition from which the lawyers are coming from; the civil law, the common law, the tension even amongst the lawyers is also there amongst the investigators in the way they in-, they, they set out to investigate. So that's more like an institutional thing than a personal, than a personal thing.

02:18 Do you hear people say "Oh this investigator is lazy, I went out with him," and you, you, you hear that. It's an institution. And it's also a, it's also a, what do you call it, it's, it's, it's also a bureaucracy in itself. So we don't always operate at the same optimum level. So you hear those things, but since you don't supervise the person, I for one, I don't supervise the person, so it's a judgment I don't like to make.

02:47 Plus if it's an old investigator who was here in 1994, ninety, in 1996/1997 and somebody took the statement and said, "This is a very hopeless investigator, all his statements are useless." Even if I don't say anything, I can see where the investigator was sitting when he took those statements, you see. So I think – that's, that's generally been my experience of, of the investigative work here.

**03:11 JM: Did you – over this time did you develop any heroes among investigators or prosecutors? I know that seems like a strange question but, but people who you said "I admire their work." And I'm not asking you to name them . . .**

03:24 Yeah.

**03:24 JM: . . . but were there people who you felt overcame great odds and, and produced great work that you admired?**

03:31 Definitely, you, you find out that even in terms of commitment, you know, that we're not all at the same level of commitment. I mean and then you, you tend to find out that some people put more into preparing their work than others. Sometimes it's just management skills that would affect, you know, the, your delivery.

03:52 So you tend to find out "Oh this person's team is very organized, they are very tight you know, they work together very well as a team." Or you tend to see "Oh this team, this person came here looking for this yesterday. Somebody else is here looking for the same thing, how do they operate?" Yeah.

**04:08 JM: When you look back on your time here at ICTR when it's all done and you're talking with your children and maybe your grandchildren, will you, will you think of anyone in particular as someone who overcame great odds; either an investigator or a prosecutor or someone that you've worked with and can you give us an example of that?**

04:27 Actually, I, that's (\_\_\_), that's the first time I've thought about that question at least in that detail. Yes I do know an attorney. I, I have an attorney in my mind who's done, who I think has done a lot of cases with a lot of commitment, and with a lot of flair. Yeah, I w-, yeah, definitely, yeah.

## Part 8

**00:01 JM: When you support an attorney who is in trial . . .**

00:04 Yeah.

**00:05 JM: . . . actually in one of the trial chambers in, in, in a case, it gets – I'm sure that it, that, that the activity here spikes up . . .**

00:13 Yeah.

**00:13 JM: . . . and there's a lot of work to be done to satisfy the judges and to support the attorney. You must become invested in the case. And as it comes time for a decision**

**there must be a feeling here. Can you describe that feeling and, and, and what, what the feeling is like right before a ruling is made?**

00:33 Trepidation. I think that's generally the feeling actually that everybody is so afraid and you've just got knots in your stomach. You, you, you're wondering how it will all come out. And sometimes if you've been privy to the debates of what to present, what not to present, you hope this is not the moment that will haunt you for the rest of your life.

00:59 Usually here we have a TV there. I have a TV in my room. We have a few TVs but we tend to huddle in there at the helpdesk room, you know. It's the bigger room and we all tend to huddle there to listen to the judgments and so peop-, people who have TVs in their office will usually leave their office to be with other people. I think there is an escape in being with other people when you hear it, yeah.

**01:22 JM: Can you describe a great satisfaction or happiness on a ruling? And can you describe one in which you were very upset?**

01:31 I'll start with the one in which I was very upset because I work on the, I worked on the case and that is the case of Cyangugu. Bagambiki and Ntagerura, they were acquitted as you would know, and that was very, very painful. That was very painful because that was based on some defects in the indictment, you see.

01:52 And this is, this is actually one of those – for me it's one of those things that you have to get p-, you, you have to get past it because in terms of talking about the fact that there was d-, there were defects in the indictment, we knew that and we attempted to correct the defects. We filed an amendment.

02:13 The amendment had been filed for over a month or two and we were told no trials have to start now because the trial chambers are not doing anything so they have to proceed to trial, you couldn't amend the indictment. So, that's, that's, we withdrew the indictment.

**02:33 JM: How did you – how did this make you feel when you heard the ruling?**

02:38 You just felt you wanted to kill somebody. But fortunately you didn't do it. You know you feel so – I mean it's just a way of saying that, you know, the time we would have wasted in amending the indictment and the outcome, you see, it, it, it's, it just leaves you for a few days asking, "What I'm I doing here, what is, what, what, why did it have to come to this? Was it that important that we couldn't have invested six months more? How much was it worth? How much was the six months worth?" Even if it was six months, because that would have been the maximum.

**03:17 JM: Did you ever feel that, that you were disappointed in, in, in the justice system in, in the approach to, to the genocide?**

03:29 Sometimes yes. (\_\_\_\_).

**03:30 JM: Can you tell me about that?**

- 03:32 Yes, sometimes you just think that there are all this mechanisms to uphold the right of the accused. And then you wonder who, you know, what about the right of those who, who were massacred? Like talking about the defects in the indictments you see is the, is the cure really an acquittal? You know especially for these big crimes? That there must be somehow a, there must be somehow a balance, you know, to be struck.
- 04:01 Okay the prosecutor's indictment was defective. Even if you said it was, is acquittal necessarily the remedy that would, you know, be appropriate? Well, if the courts have said that is the remedy, but as a person you ask yourself. Surely there must be something, you know, if you look at the nature of the crime. That there is something in between that, that could be done, you know.
- 04:27 Yes, you, you do ch-, you, you think about that sometimes and you think it's not, you know, and you, you say, "Is it worth it?" But I think also it's been worth it because there are so many things also on the record that would guide the future. Even if we had gotten five convictions, I think it's a statement. You can, I mean, I don't think we can, I've come to the conclusion that we can do it all and that we can do justice the way we wanted to. But if we can, you know, make some people responsible? I think that is part – that helps.

## Part 9

- 00:00 **JM: Tell me how you, how you felt on the biggest win, the, when you felt the best about a ruling from the court.**
- 00:09 That as well I don't think that I – I'm happy that our work has been done but it's, it's, it's, it's a very strange feeling actually because if I hear about a conviction and I'm very happy for the office that we got a conviction, it doesn't take a long time for my mind to switch to the family of the person who is convicted. Because you can see the other side; the, the, the person sitting there is not alone.
- 00:35 They're a father, you know, an uncle, you know, or a child. So I tend, you tend to be happy. There's this euphoric atmosphere that you enjoy with everybody, "Oh we did it, we got it, you (\_\_\_)." But I think also in a short time you start to think of the person and how they're feeling and how their families are feeling. Not so much for them, but just for them being human beings like us.
- 00:59 You see for their families also being human beings. So I think, so I think for me it's, it's, it's that mix – you, you are euphoric for a while, then the human element comes in and you ask yourself, "How does this help Rwanda?" Have you created bigger hardliners, you know, in their families or have you actually helped the process of reconciliation?
- 01:21 **JM: When I was going to ask you to put, put your, your, your wonderfully human person, put, put yourself as I know you have from time to time or I guess that you have in the, in the shoes of survivors, Rwandan surv-, survivors, and how they might view what's happening in ICTR. Do you think that they have the same feelings of**

**happiness when there is a conviction at ICTR? Do they care; is, is it important in their lives? Do you hope it might be important in their lives?**

- 01:50 I would hope it would be important in their lives. But I also, I would realize that for them everything is – some of them have tried to move on with their lives. And sometimes also you have this feeling that a lot of them might think it's too little too late. A lot of them also might think that the sentences here are so lenient, you know, like you have 25 years, you have 30 years, you have.
- 02:18 For somebody who has lost every member of their family that looks like no justice, you know. It looks like, "Oh this guy might actually come out alive," you know. And when you see the possibilities for the person to keep filing, you know, for review – I, I, I can see from the victim's point of view that they may not think that it helps, it helps them greatly. I mean I don't think they'd be celebrating except if the accused is the one directly connected to the events, you know, that happened to their families, maybe.
- 02:52 But on a general level they also want to move on with their lives and, and, and I think that it would be too much to expect to say that they'd be dancing or to be celebrating, jubilating. For them it's been how many years and you're just putting away somebody for the crime. It's, I, I don't know, if I was the victim I don't know that I will necessarily be, be, be feasting that conviction.
- 03:19 **Max Andrews: Three minutes, (\_\_\_\_).**
- 03:22 **JM: Okay. I wanted to ask you, and we don't have a lot of time so I apologize but, but you must have, as a woman here working at ICTR, seen evidence of rape as part of the genocide. Has that been difficult for you and for other women working here?**
- 03:38 Oh yes it's been difficult. It's been difficult and I, you know, there's one of our attorneys who has actually done a lot of ( ) interviews on rape and sexual assault. And I think when she, she speaks very passionately about, you know, investigating. One of the things you, you see, especially when you see a witness testifying to rape, you almost feel like you're violating her all over again.
- 04:04 Because they have to relive the events and some of them have moved beyond it. They've tried to erase it from their memories for 14 years and then you're asking them to relive it. So there's that – I mean, this friend of mine tells me that, you know there is also that, that sometimes, make you, it makes you not want to be too i-, invasive in your questioning.
- 04:24 Meanwhile you want the evidence to be out there, but you can see that it's almost you're, like you're torturing the witness. And so, and even the terms of investigations the victims sometimes they've moved on with their lives. They don't want to visit it. Some of them have not told their new husbands or spouses that they were violated in the genocide.

- 04:43 Is this the way they want it to come out? You see. So sometimes even we are helpless. We know it's there, but you have to be able to bring it to court because that's where the theatre is and if you can't, too bad. So that's painful. That's very, very painful.
- 05:01 We've had seminars, we've tried it as an office to have a policy, we've tried to even, you know, make sure that we have trainings on how do you get this evidence out. How do you – but there is really no decent way to do it. You're asking the person to, to tell you about something they would rather believe happened to someone else, not them. So.
- 05:24 **JM: Thank you Ayo, thank you very much.**