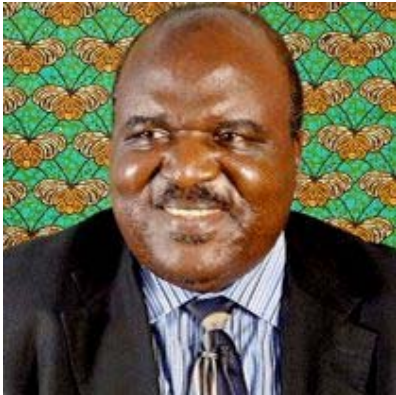


Official Transcript: Alfred Kwende (Full Interview)



Role:	Acting Chief of Investigations
Country of Origin:	Cameroon
Interview Date:	28 October 2008
Location:	Kigali, Rwanda
Interviewer:	Lisa P. Nathan
Videographer:	Nell Carden Grey
Interpreter:	None

Interview Summary

Alfred Kwende contrasts investigating small-scale crimes in domestic jurisdictions with the unique challenges of investigating crimes against humanity and acts of genocide in Rwanda. He explains the process of selecting ICTR cases and how the investigation process has evolved over time. Kwende discusses his frustrations at the lack of properly trained investigators selected by the ICTR at its inception. He also reviews the difficulties associated with capturing and arresting accused individuals and ensuring cooperation from other states.

The transcript of the interview begins on the following page.

Part 1

- 00:00** Lisa P. Nathan: Thank you so much for your time, very appreciative . . .
- 00:03 Thank you Lisa.
- 00:03** LPN: . . . and I would like to begin by having you say your name, your country of origin, your home country and your title here at the ICTR.
- 00:17 Okay, my name is Alfred Kwende. I come from Cameroon, embedded in the heart of central Africa (), of central Africa, and I am called Commander of Investigations, but at present I'm actually deputizing and acting as Chief of Investigations because the post was scrapped off as a result of the completion strategy. But I fulfill and have full responsibility and prerogatives of the Chief of Investigations.
- 01:04** LPN: Could you tell me your timeline here with the ICTR? What year you began, the different jobs you have held during your time here and how long you've had them?
- 01:18 I've been here since the 25th of October, 1998 and I was recruited as Commander of Investigations. At the time I came in, there were three commanders provided and I was Chief of Investigations, so the four of us made up the main core management staff of the Investigations Division. The – under each of the commanders were a number of teams, three at least.
- 01:58 Eventually later on there was the inclusion of a fourth commander who didn't exercise for too long and for the specialized activities of, of tracking. But in reality, the Commander position is almost that of a Deputy Chief of Investigations, because the workload was heavy and there was a specificity of the nature of activities were new to the United Nations, that structure was put in place. Yeah.
- 02:39** LPN: And you held that position and you became deputized when? For the two . . .
- 02:46 Well I acted in that position from 1998 to end of two, of 2005. It may be put in perspective that with the completion strategy of a tribunal, they had to start downsizing and trying to streamline. The post of a Chief of Investigations was either scrapped off – I wouldn't know how or what to say or scrapped (), or taken off the list in order to respond to the reduced structure of investigations at the end of 2005.
- 03:35 So from 6th January, 2006, I have been acting as Chief of Investigations and this was by decision of the Prosecutor and I received a letter to that effect and the content actually said, "You () have the full authority and prerogatives of a Chief of Investigations." So it was only for convenience that the post was taken off but the activities and the duties, the responsibilities remain the same.
- 04:12** LPN: Your shoulders are heavy.
- 04:15 Well I wouldn't say, but I try as much as possible to earn them.

04:21 LPN: Can you take me back a little bit further? Do you remember where you were in the spring of 1994?

04:30 Oh, spring of 1994, I was back in my home, in Cameroon and I was an Inspector General of Police, law enforcement. And little did I know that I would get involved in the activities here but I did follow from a distance. It was shocking, it was horrifying but it didn't strike me as an activity in which I would get involved at some stage.

05:00 LPN: How did you first hear about the ICTR?

05:05 Well, I know shortly after that recruitments were being done and the post of Commander was open on that advert which I saw in Cameroon. I postulated and sent in my credentials and was later interviewed and retained for the job.

Part 2

00:01 LPN: When you first began working here, can you tell me some of the, the responsibilities that you had when you first arrived?

00:14 Well by the time I came in, there was a structure in place, as I mentioned earlier. The structure had a Chief of Investigations. Unfortunately, by the time I came the post was vacant and one of, another colleague who was Commander of Investigations was deputizing as Chief of Investigations.

00:40 Then I came in with another young man, two of us, to make the third commander. These were the posts that were available at the time. There were three commanders and a Chief of Investigations. When I came in I was fit into the structure and a number of teams placed under my responsibility. But it should be re-, noted that at that point the Investigations Division was not yet sufficiently structured.

01:13 It was on paper, it had worked in one way or the other, I don't know but the duty, our duty, was to restructure that division. So when the Chief of Investigations was acquitted a year later in 1999, our job with him was sit down, review the work done, review the responsibilities and the goals we had to attain and determine what structure would best respond to those activities and those goals.

01:50 And so I was part of the process of providing proposals and retaining decisions that would structure the Investigations Division for the rest of it. We didn't expect (__) ad hoc tribunal but we thought we were going around for a long time because as you see with time, we had again to review this structure because then the Security Council gave us a timeframe and we had to fit into that new timeframe.

02:28 LPN: My next question was about the challenges of your role and I think that's definitely one of them . . .

02:35 Yes.

02:35 LPN: . . . but are there others that you could speak to?

- 02:39 Well, let, let's look at it generally and say this was the first time or the second time in modern history, maybe after the first World War, with the Nuremberg trials, a tribunal was set up somehow but not an intended structure like us because even the statutes of United Nations provided for the creation of a tribunal which only came into effect in 2002, with the creation of the ICC, otherwise what we had on, by our creation were ad hoc, ad hoc tribunals.
- 03:21 So we had an ad hoc tribunal at The Hague which came on earlier in '92-'93, then an ad hoc tribunal which was that of Rwanda created at the end of 1994 I think, by Resolution 955 of 8th November, 1994, to take up the ch-, the, the, the duty of investigating what initially was not seen as genocide here. It required a special rapporteur United Nations (___), to establish that the genocide had been committed and so the tribunal was created.
- 03:55 Now as a major first challenge, I think the international community had never put in place a tribunal. So we were coming into it, and ma-, at the same time, setting history by trying to put in place a structure (___), that will respond.
- 04:12 And even in the main (___) of work itself the statute said our tribunal was under the Prosecutor, expected to investigate and prosecute those who bore the greatest responsibility – the crimes of genocide and serious violation of international humanitarian law and of course, other issues related to violations of additional protocols of, additional protocols One and Two – war crimes.
- 04:45 Now, we had been investigators in our country or in our different countries, those who came here, and we hadn't been confronted with such mass murder. There'd be a few murders or some hecatomb, but have to investigate the killings of 1,000,000 people within the space, or committed (___) 100 days, it defeats really the purpose.
- 05:18 When an investigator goes to a crime scene, he sees one murder or a few murders and he knows how to probably set the crime scene and so on. Here we were with the whole country of Rwanda as a crime scene with close to a million people lit-, at that stage even the figures of death to this day it's even hard to know how many people really died. So as a major challenge, that's wh-, that's where we were.
- 05:43 The international community was expecting results, immediate results, because the killings were gruesome, numbers alarming. And so, when they create the tribunal, they want to see immediate results and yet here we were – not knowing where to start, not having to investigate all the crime but just to select those who bore the greatest responsibilities.
- 06:09 How do you get, how do you go about establishing those who bore the greatest responsibilities? It could be, it's not a matter of size; it's not a matter of position. What do you use to establish those who bore the greatest responsibilities? That's one.
- 06:26 Second issue, most of those who committed the crimes had escaped from the country. And so, it, it was even hard to start, to start, to know where to start. Thirdly, most of

those who could have helped to give testimony were not there; they had been killed. If you read some of the books on Rwanda they say, the, the intention was to leave none to tell the story.

- 06:56 And by the time the investigation section was set up, this is '94, (___) creating it, this, the period between which you start getting infrastructure in place, getting a team in place, getting goals in place, time has gone by, the crime scene has been altered. That is another challenge.
- 07:17 And even the cost of investigations, it-, it's been hard to say whether we should have gone through forensics to establish the number of killings, how they were killed and so on. That would have taken a more, some more, some more time. I think at some point they even stopped doing exhumations or trying to determine what would be done to establish how many people died, how they died and so on.
- 07:43 So the challenges have been enormous and you come to a country like Rwanda which, in which most people spoke their local language; they're not exposed to English and French which are the main languages of the tribunal, and you cannot work without passing through a third party.
- 08:06 Sometimes you've got turmoil that those third parties are now interested parties. The interpreters I mean. And, of course, behind all that was the fact that we didn't find, the tribunal didn't start with professional investigators. It started with just picking anybody. They asked most countries to volun-, to send staff, they send volunteers. Most of the volunteers were school-leavers or people in fields which did not actually master the science of investigations.
- 08:41 So it took time and it's, in fact, within the first years a few professional investigators were picked up but the most of them were volunteers or secondees, secondees sent by states that pick staff and say, "Okay, we will sponsor a few investigators in the field in Rwanda," and those few, the few qualified investigators had to rein in these people to do investigations.
- 09:09 In some case – excuse me. In some case there were no follow ups because they had to go back to their countries, the secondees for three months, six months. They didn't have a full-time job so by the time they started recruiting people full-time as investigators, this was in fact getting late into '97, '98 and so on.
- 09:34 And of course, and by the time we thought we had built in properly to do full investigations, they were asking us to think of ending the life of the tribunal which is now 2003. Well, that's how much I think I can say; maybe I've spoken a bit too much but it's okay.
- 09:52 **LPN: No, that's – I want you to speak . . .**

Part 3

- 00:00 LPN: When you began your work here and began to recognize the enormity of your job, how much responsibility and all of these challenges, did you pick out some certain goals for yourself in your job, certain things you wanted to accomplish or try to accomplish?**
- 00:22 Well, I did mention that it was difficult to establish those who bore the greatest responsibilities. That was really a major challenge. In fact, I didn't go through establishing or telling you how we overcame the different challenges because in themselves they are, they're problems. The ma-, one of the first things we had to do, because the first structure had in place, was how do we investigate to be able to pick up all the evidence that was available.
- 00:54 Those who initially came f-, in, they had what you call a national team, national team main investigation, national territory. They had a few regional teams, (_____), then a few thematic areas, the military and the, the governments. But when we met in '99 to put a structure in place, we had with hindsight seen a few things and a few areas of progress where we could remodel.
- 01:36 So we came up with a strategy policy that we should combine both thematic and geographical distribution of the cases. Now, Rwanda at the time had ten or 12 regions. They are called prefectures and so each prefecture was assigned to, each (___) had these three major regions. Each team had a number of areas to investigate.
- 02:12 But then we identified also a number of ways by which killing had been done. Killings had been done by soldiers, killings had been done by the militia, killings had been done through the party and so on, and so said that in these different areas how do we get ourselves to capture what actually happened.
- 02:38 So the three main sections we created within our, our teams. We had a team, a section that was in charge of governments. Government meant a national level, regional level and local level. So all officials who fall, who fell into the structure of management, at national level the ministers, at regional level the, the governors, the préfets, at local level the mayors, the bourgmestres and so on, head of sectors. These were governments in the-, their various components, ministers and, and so on.
- 03:25 Then we had armed killing, arm structures. In the arm structures we had the military to which you could add the police, the gendarmes, the militia and the civil defense. These people were, had some (_____), organizational structures and the killings could be said to have been organized or worked out within those structures.
- 03:52 Then we had a third which we couldn't actually tie under one nomenclature – we just said 'and others.' And under the others we had the thinkers – those who had written. We had the clergy, the church, who had, in their own way, unforeseen animated the genocide or provided for it.
- 04:16 We had the businessmen who had financed it; we had the journalist who had used the radio to incite. And whatever else we could not identify to fall within the first two

categories, we dumped or we put into the third category and this seemed to have covered almost everything we needed.

04:36 But, of course, in criminal investigations there's no use investigating if you can't identify who committed the crime. So we had, by necessity, to put in place a tracking unit since I mentioned earlier, that by the time the tribunal came on most of the offenders had escaped.

04:58 So the tracking team had as a duty, to use information captured during investigations and using intelligence and sources and informants, to locate where those persons would be residing, and trying to help to get them arrested.

05:22 That was then a, a fourth area, whose responsibilities were indispensable. In fact, with a bit of, I could go back to say that, in fact it became an essential activity because in some cases they actually brought us to violate, I would not say violate but try to circumvent the process of investigations. Normally investigations, you investigate a crime, you determine who committed the crime and you look for arrest, arraign and bring that person before the courts.

06:10 The world listening and expecting results from us. In certain cases we arrested the suspect, we tried to look for suspect and arrest them before going through the process of investigating. You can imagine what the weaknesses could be. You could actually at the end of the day discover that the person didn't commit a crime at all or that the crimes committed, don't, we don't have sufficient evidence on the allegations.

06:39 Thank God we've not had too many things to regret in that area but we're all acting within the law because the law at the time provided under Rule 40B, so the process, rules of process, evidence and process, process and evidence, to be able to arrest any suspects or any person alleged of committing a crime who, if left, could disappear and it'd be difficult to get him once the investigations are completed. But we had a duty to provide sufficient evidence for him (___) indicted within 90 days of arrest.

07:21 So their rights were still covered under that process. So here we were and of course in the early years were, were forced, virtually, to organize what we call in, you, you hear in jargon, hear NAKI E-, NAK-, NA-, the NAKI East. NAKI means of course the East African Nairobi, Kenya and the Eastern operations and we had to go out because most of those who had left from here were (___), initially residents in the Eastern part of Africa and we knew where they were, so it's easy to get them in and most of these people were arrested under that operation.

08:04 They were NAKI East, NAKI West, those who went to West Africa, those who went to East Africa. And that in itself was a major challenge, well, to get them in and arrest them and investigate them within 90 days and get them indicted. That's one of the first issues, one of, the structuring of what, what, of our, of our office, investigations section and getting to get investigations done.

- 08:34 Another aspect was that we got information dumped to database and we made a very long list of suspects. The list of suspects ran into the thousands. Then we had to start screening through this list and try to see those who bore the greatest responsibility and that meant having to collect as much evidence as possible.
- 08:59 Of course, like I mentioned earlier, some were picked up before the investigation was completed, just for fear they wouldn't go further, escape too long, too far but we tried as much as possible to respect the process, people's rights of collecting sufficient evidence that could lead to an indictment before they were arrested.

Part 4

- 00:01 **LPN: Could you speak, you were talking about in your previous career you were at the national level in Cameroon. So when you started here, the international venue and a crime scene that takes part across a whole country with people who then fled internationally; so you were, when, and now, I, even still I believe, a large portion of your job has now become, not just investigator but negotiator. Could you speak to that and these negotiations with countries that you now undergo to some degree?**
- 00:46 Yes. Well, most of our targets, most of our fugitives have been arrested, but we still have, at the beginning of the last year, we do have 18 left. So at the beginning – yeah, we had 18 left and they, they screen them down anyway because, as I said earlier, in 2003 the Security Council came up with Resolution 1503 and said, “Hey, the tribunal ends, on, all investigations, initial investigations must end by December 2004. All trials, at first instance, must end in 2008. And of cou-, of course, all appeals by 2010.”
- 01:39 So by 2010 you should shut the doors and go off. In 2004 when we stopped the investigation, stopping investigation actually didn't, didn't mean stopping investigations per se but stopping investigation of new cases. We had to complete the work that was, that was the backlog of work and the Prosecutor took the step of convening our working, workshop somewhere in Arusha, in Kenya and Ambo-, Amboseli and we reviewed the workload.
- 02:20 We reviewed the cases that were outstanding. We reviewed the files and determined which ones we could keep and how far we had advanced with investigations and what were the possibilities of getting material to indict. The list was still quite long, pretty long but they had to cut it down, cut it down in two sheets.
- 02:47 There were those whom, on whom we were investigating but on whom we didn't have, we had not gone too far. No indictments were done. The Prosecutor decided that those cases could be handed over to Rwanda because it is their duty to investigate. He hadn't yet taken a position doing, there was no indictments, there was no warrant for arrest anybody so those were still in the initial stages. Those ones were taken off.
- 03:14 On all those that we had sufficiently progressed with investigations and there was a possibility of getting an indictment, those ones were retained and some, of course, have remain indicted but not arrested.

- 03:33 The challenge of getting an arrest or identifying those people is the most enormous thing. You can imagine today, this year, this year makes it 18 years since genocide took place. We've been on the ground since '96, '97, effectively since '97 and this operation NA-, NAKI East I mentioned earlier took place in '97.
- 03:58 A lot of people were arrested, about ten people in Kenya. I would give you a striking example of one person who was missed on that occasion and who to this day has not been arrested. And yet at the time, the investigators and the team knew where he was. He's been, he was able to beat the Kenyan police, I would say, because we don't have the power of arrest but we provide (_____) evidence.
- 04:29 Of course, we've come to know with time that he was tipped off by somebody and that has been one trend. So here we are with a fugitive whose location we know, with a country which cooperates the tribunal but in that particular one case, would not cooperate or at least gives the impression of cooperating but it's a double language because its own structures and elements do not plead in favor of that particular case.
- 05:07 It's a case we can mention easily because it's the only case that's been cited at, at United Nations and the Security Council, Félicien Kabuga. Then you have others who've used all techniques possible to dissimulate themselves, to change their names, to change, I don't know, we've done, we've not known whether any have gone through the process of a disguise or do any surgery, not yet, but they've changed names, taken names of others, taken names of dead people, taken names of brothers and they are virtually on the move every day.
- 05:50 And we're supposed to go after them. The ICTR doesn't have a law enforcement branch to do an arrest so we rely on countries cooperating to do the arrest. Article 28 of the statute creating a tribunal calls on every country to cooperate with the tribunal.
- 06:14 Unfortunately, most of the countries don't do so on initiative because their duty to go out to look for the persons and see where they are on their territories and cause the arrest. They don't do it and so our tracking team has to go out to locate these people.
- 06:32 Now, they may have reasons for not doing it, I wouldn't want to blame anybody fully. Some of them lack resources; some of them say they have other interests than looking after fugitives. Others cite their own legislation and (___), erroneously I would say. But now we are forced to go in the process of reminding those states from time to time.
- 06:59 We don't just go anywhere. We, we – to reduce the movement and to be focused, what we do is the tracking team does the work upfront, tries to locate these people and once we know where they are, the Prosecutor's office or the Prosecutor himself takes upon himself to address indictments of those persons located in that area and warrants for arrest to the governments and seek their cooperation.
- 07:32 We have learned from experience that if these things are sent by the post and they arrive, they (___), they land on the table and they're shelved. So a human body has to move along with the mails.

- 07:47 And the duty which the Prosecutor takes upon himself or most often sends us, my colleague here and myself and sometimes he leads the delegation, is to go to each country to the sensitive departments and most generally it's the Department of Justice in the internal security or Minister of Interior which supervises the police and law enforcements and of course, down even to the operatives who are in charge of investigations.
- 08:19 There's criminal investigation departments or whatever the case may be, so we try as much as possible to deliver this (____) and sensitize the authorities on what we expect of them and remind them of the role they're supposed to play to get these people arrested.
- 08:43 Quite often they're attentive but most often we have to remind them. Some evoke the issue and question of extradition. There again is a weakness, because they misconstrue or misunderstand or want to rely fully without researching the role they are supposed to play. As members of the United Nations, the decision taken Security Council is binding on all of them, and it says they should arrest and transfer. It shouldn't say should arrest and extradite.
- 09:28 So we have oc-, on many occasions again to explain to some of the eminent jurists that we are not talking of two different jurisdictions; we're talking of one competent jurisdiction for the tribunal, which is the territory of every country member of the United Nations. So once someone's arrested in any country and has to be taken to the tribunal, is moving him from one part of the jurisdiction to another part of the same jurisdiction which sometimes has been difficult to convey but we don't st-, stop at that.
- 10:15 The prosecutor has taken it upon himself to send people through, send his, his own lawyers to explain to the different jurisdictions concerned. Some are very becoming, some are not becoming but at the end of the day we prevail because the transfers are done. Presently, for instance, some was arrested in Germany. It's taken one year. It's gone through the national processes but at the end of the day, he's been transferred.
- 10:44 Most of it may not even be dependent on the country, it's defense lawyers, the lawyers of the, of the accused, the fugitives, who want to use all instruments possible to deter the transfer of those persons to the competent jurisdiction of the ICTR. But the cooperation has been going. In some cases we meet with success, in some we do not but many institutions are helping us.
- 11:14 The Americans under a special program known as the Rewards For Justice Program, has put in place a bounty of 5,000,000 dollars which is not for one (__) fugitive, for the number of fugitives we have. 18 of them we had at the beginning. We paid, we've paid progressively to, depending on the complexity or the com-, the difficulty of location and the quality of information received from each source, that paid a portion of that bounty but the American War Crimes Office is helping in that area with this, with this bounty, Rewards For Justice Program.

- 11:59 So from that area we count on their cooperation and using their office to sensitize and even to open a way for us to meet with certain authorities. Of recent really we were in Washington to visit the office itself. Even there we saw, we also met with the Department of Justice and of recent we've been going around most of the countries within this region where we think the fugitives are.
- 12:31 Now in some cases really, cooperation – they may be willing, I must say they're not cooperative so far, but the fugitives choose a zone, a location, which is difficult to access, which is a war zone. Like in the Congo, we know of a few fugitives who are in Eastern Congo but as you may follow the news today, there is still war in Eastern Congo, there's a rebellion in Eastern Congo and these people find themselves within the structure of fronts FDLR which is also seeking certain rights in Rwanda, and they don't want to come home. So this is also an area of difficulty for us.
- 13:23 With the case I mentioned earlier, you have some people who've lived in certain areas who use corruption really to maintain themselves where they are, so it's difficult to get them. We find some who are actually well drilled in relationship. They create easy relations and they can move away.
- 13:44 Some even are where they are and in hiding – we can't get them, but they locate their families in the West. As refugees they gain status and they hope that someday when all this, when probably the tribunal is closed, those families will move over in the process of regrouping families, and probably escape from the arm of justice but we don't seem deterred by that.
- 14:12 We think that we shall put into practice or use as much as possible of the resources and the time and techniques we've gained to get as many of them arrested before the tribunal closes down.

Part 5

- 00:00 **LPN: I'm going to ask you now to, in a way, step a little bit away from your, your job and your role here but to reflect as a human being on this experience. You came from, as you said before, a national jurisdiction where you might be investigating o-, one murder or two murders or you know, but now you have been exposed to mass atrocities.**
- 00:26 **LPN: You have been working, investigating; you know as much as anyone. I mean you are here in Kigali. You have seen evidence. You have heard so man-, so many stories. How do you feel this is ex-, experience has affected you as a human being?**
- 00:46 We've asked a, a qu-, you bring me back to a question we ask quite often – how and why did this happen? Because within the process of investigations we've come across some of the techniques and procedures used in killing, the killing with machetes. Rwanda was on an arms embargo so they didn't have sufficient we-, weapons and bullets to use, so bullets were maintained for the war.

- 01:20 And so they were trained to use local instruments to kill and they killed extensively. In fact, we go to some, to some of the memorial sites here where I've had time to go as an individual to see some of them and they explain to you what was being done. You feel very, very touched. Sometimes you say you must go further.
- 01:48 If you go to Nyamata, for instance, a church there where I was shown an indelible spot in the wall where rather than use weapons to kill children and babies, they were held in the Achilles tendon and the heads, the skulls, fractured on the wall.
- 02:07 If you go down south to Murambi, it's a big school there, you see a number of bodies, quite a number of them, they're still there. I don't know how they preserved them but they're rather mummified – flesh is still on them to this day. And you see how many of them were killed there.
- 02:31 If you listen to some cases where the killers were (___), were tired of killing and for fear that they may leave the victims to escape, if they were not maimed on the spot, and so they used machetes to cut off their Achilles tendon so they could stay immobilized for late-, they could be killed the following day.
- 02:53 Or we found people who wanted to have a hasty death rather than wait to be killed in this gruesome manner and paid for the bullets that was used to kill them. They were going to die anyway but they preferred to use money which these people could get w-, even whether they kill them or not, but they still took the money as payment and used the bullet to kill them.
- 03:20 Now, all this seen together and this I always say when they come to, they providing counsel for our witnesses, for trauma counseling, I say the investigators themselves are trauma, trauma patients because some of them have seen a lot of things. They may not immediately realize them but when they do move away from here, they may have that silent effect of eating back into them.
- 03:52 I even think that some people may actually dehumanize life from seeing so many deaths or seeing so many people. So many deaths, they no longer have that shock of meeting a corpse which is a, a general feeling of most people who are brought up in a, a decent society.
- 04:14 So as a person this has affected me a lot. I know of people who've led to certain sites, if they've seen corpses or bodies and they swear they will never eat meat in their lives, so that is an effect of its own. Otherwise, yes, but I also do think on the other hand that the experience and some of the things we've known to have been causes of what happened in Rwanda, could be communicated to other societies where they have the same seeds of discord.
- 05:04 I even think, when I think of it in hindsight, I believe that my country, Cameroon, averted a similar genocide only by circumstances. Rwanda has a community of, I will say, three distinctive ethnic groups and so, they could easily be pitched against each other.

- 05:29 In my country we have about 250. Just by number itself, they cannot be pitched among against each other but some of the things that happened here prior to the genocide, happened to my country using the state radio to incite people to harm people of other sides.
- 05:50 You have a () other ethnic group, send them away from the capital, accuse people and even when a few upheavals come up, you actually find people being bodily affected or maimed or killed and so on but not to the extent of here. Maybe one or two people (), but you see the germs because I do remember following the radio back home.
- 06:18 So these are things which politicians can avoid and I think humanity itself should avoid in fragile societies because it may not necessarily happen in the west, though if you look at the Nazi, we'd say it happened if you have another Hitler to come up somewhere.
- 06:37 But in fragile communities like the Third World, especially Africa, where politics is, is not a disciplined profession or a disciplined activity, people don't seek support through ideas; they seek support through their ethnic alliances.
- 07:03 Now, you'd always have that. You may always have that, because once in power and since your, your power base is your ethnic group, you may sometimes, you know, be victim of some of the things that are said and done around you.
- 07:20 These are some of the things I think may affect others and I still think that in most African countries you have that, that feeling, that urge. You don't have national personnels and authorities who think beyond their ethnic, ethnic original alliances, so. But with time if people are sufficiently educated, we may overcome that.
- 07:47 **LPN: Yeah, I hope you are right.**

Part 6

- 00:00 **LPN: Before we finish up, is there anything that, that you would like to share that we haven't touched on today? I know that you are a wealth – you could talk for and have so much to teach us, but we are limited in, in the time we can take of your day, but is there anything that you have been thinking of or that came up during, while you were talking that you would like to tell the world, tell the future?**
- 00:27 Well, I wouldn't – like you've rightly said, if I started talking maybe I could spend a whole day talking about some of the things we've gone through here, but as a tribunal I think we haven't achieved our goal.
- 01:00 We may, they may close the tribunal someday; I'm not too certain that all the fugitives will have been arrested. If they are not arrested then the purpose for which the tribunal was created, may not be fully met. There will still be, it was meant to challenge impunity, it was meant to produce reconciliation within the Rwandan community.

- 01:31 We have done a bit of all that but as long as some people are left to run around on account or not brought to account for what they did, there'll be a problem. Rwanda left to itself may not meet those goals completely.
- 01:55 We've met a lot of challenges in the area of cooperation where the issue of extradition has been brought to our face, waved in our face, notwithstanding the fact that this United Nations where Chapter 7 creation of United, of Security Council, which waives most of the other diff-, the other things which other countries may have. We don't have to, we don't need a bilateral agreement with any country for cooperation. We have standard areas and a text that should bring every country to cooperate.
- 02:31 If we are having difficulties at our level to get those c-, most of those countries to cooperate, I wonder how much Rwanda will go through. Rwanda will face real, real difficulties for reasons one or the other, where the main challenge, Rwanda the main challenge is rules. Rwanda has done a lot of things to try to harmonize its (___) to create a convivial environment for trial.
- 03:00 They may lack capacity. They may lack infrastructure but that can be done. Capacity would take time to build. They may even lack credibility because they will accuse them of a justice of, of a victor. Okay, but these are issues which the tribunal ought to have resolved but also the tribunal cannot stay there, there eternally.
- 03:29 Having created the International Criminal Court, it should play its role, but unfortunately, the crimes committed in Rwanda do not fall within the competence of the International Criminal Court either. So, to me, that's an area of regret.
- 03:49 Now having to work in Rwanda has been, at our tribunal has been a challenge somehow. Challenge in that most of the tribunals ha-, have all their components put together or at least nearest to the crime scene as possible. At ICTR we have the court created and established in Arusha, far away from Rwandan people and most of their complaints are that they don't seem to see the justice being done.
- 04:25 Evidently, we've tried to overcome that by creating an outreach program that brings them in to know what we're doing. But between what you see it is and what you feel, there's a diff-, there's a gap.
- 04:40 Now the investigation section, we are on the ground here in Rwanda, while the main office is in Arusha. The difficulties we face here often are not very much felt in the same way by those in Arusha. There are times when we've actually come almost close to conflicts. The Rwandan people, it took time to build confidence and to build cooperation.
- 05:08 Even Rwanda, who saw us or saw the tribunal, even though they asked for it to be created, as a body that was not going as fast as they would have expected, that was consuming too many, too much money. And yet, if justice had to be done conveniently, what we spent here has been more than fully accounted for.

- 05:39 On particulars I mentioned the issue of language earlier. We have to deal with middlemen or third parties who are interpreters. Kinyarwanda is not a language accessible to most people. Even where accessible there are still subtleties which would have to learn as home spoke, as a home speaker. So the interpreters are an indispensable tool of communication.
- 06:09 I have learned in practice, having managed interpreters for a while, for quite a long while, that it's difficult sometimes to find an uni-, uninterested person among the Rwandan people. So some of the interpreters have been known to deform what the witnesses say, so we've learned techniques of how to detect some of the deformation.
- 06:40 But without being home speakers, you can be the best psychologist, you may not be able to read on the faces of those who are contravening that they are actually doing so. And so sometimes we'll find ourselves, well it is hard to go right to court for the witness to denounce the interpretation, "That is not what I said. I thought that guy was saying a different thing."
- 07:05 You have suspicion even amongst the witnesses who, if they don't see somebody from their ethnic configuration interpreting, they think they will be biased. Some of them are just revolted talking to them.
- 07:19 We have to try to convince them because we will not get all components, or shades. In fact, the United Nations body which should not have been looking for people of the same shades because they will not probably be telling, they'll be telling the story through their own prism without re-, without bringing out the facts that the court would like to get.
- 07:39 So, to me that has been a real, real challenge doing investigations, that area. And, of course, I mentioned earlier that it took us time to build staff; we had to go fast, we didn't have time to train people. We got inve-, later we only got trained investigators, sometime two, three years into investigations and when you do bring them in, you don't know whether you need to do the work faster to get the results or train the investigators.
- 08:12 We've done a bit into training them and they've picked up the rest doing the job. There were times in Rwanda here where when we sti-, when the tribunal opened, we were still exposed to insecurity. There was a war in Congo, a war in Burundi and there was the militia right in here. To go do field investigations under the conditions of a secure United Nations, if you're in phase three unit to have a military escort to go to the field.
- 08:52 Some point we were even under a curfew, we could not go out after a certain hour and this had their own impediments. A witness should be protected, shouldn't be known to be a witness because then it exposes his or her own life, to insecurity. Now you're going to an area opened up by security escorts. By the time we finished talking to a witness, neighbors know that the, the tribunal was there to take statements and when you leave, what happens to that person?

- 09:27 Also, by virtue of desire for self-preservation some of them are, don't open up sufficiently. In an area you might have know-, you might know this, sexual violence was used in Rwanda as a weapon of killing, a weapon of degrading and destroying the Tutsi woman and so there was widespread rape, mutilation and so on. This have had their own secondary effects to this day in that some contacted disease which are life threatening.
- 10:12 We would close the tribunal someday. Not all those persons we contacted as witnesses were used in court. What would become of these persons since the structure only provides for those who have testified in court? That would be an issue of legacy or, I don't know, resid-, re-, residual concentration.
- 10:45 I think I can start, I can keep naming and naming, you have w-, you have a lot of things to think of, but that's where we are and all these areas can be further developed. In the area of tracking, we have a tracking, dedicated tracking team, they didn't come here as trackers. They've had to learn the trade. And as you learn the trade of tracking, so are the fugitives also developing new skills of evading arrest.
- 11:26 If we can't get these people by state cooperation or by some other cooperation or – there will be a day when they will go free and say, “Well, we can come out now under different names and go free.”
- 11:39 We know we are being helped across the world, putting in place immigration procedures in the west but most African countries don't have those pro-, im-, immigration procedures so they can easily pass through any checkpoints without being noticed as these fugitives that are highly s-, sought for.
- 11:59 So you know, those are the various challenges, most are difficulties that will be met later on, at the office of the tribunal, a-, at the tribunal when, when it does close down. I'm sure that if we had more time we could talk of many other issues that may come up in due t-, in due course.
- 12:22 LPN: I have a question. Do you plan on going into teaching?**
- 12:28 Well I have not, I have not looked at that possibility as yet.
- 12:32 LPN: You should – I think you have so much; it would be quite an experience. Students could learn so much. Thank you so much for your time.**
- 12:38 Pleasure, pleasure. Thank you too.
- 12:39 LPN: It was such a pleasure.**