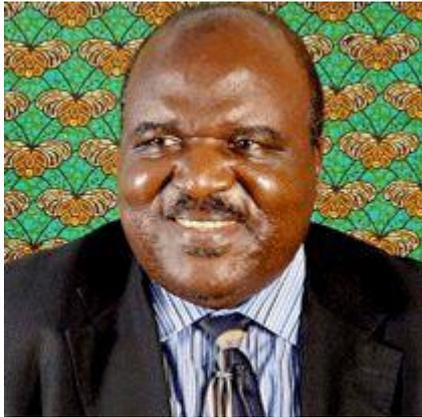




# Voices from the Rwanda Tribunal

## Official Transcript: Alfred Kwende (Part 2 of 6)



<b>Role:</b>	Acting Chief of Investigations
<b>Country of Origin:</b>	Cameroon
<b>Interview Date:</b>	28 October 2008
<b>Location:</b>	Kigali, Rwanda
<b>Interviewer:</b>	Lisa P. Nathan
<b>Videographer:</b>	Nell Carden Grey
<b>Interpreter:</b>	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 Part 2 begins on the following page.*

## Part 2

- 00:01 Lisa P. Nathan: 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 in the course 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 . . .**