



Voices from the Rwanda Tribunal

Official Transcript: Optatus Nchimbi (Full Interview)



Role:	Information Network Assistant
Country of Origin:	Tanzania
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Interviewers:	Lisa P. Nathan John McKay
Videographer:	Max Andrews
Interpreter:	None

Interview Summary

Optatus Nchimbi outlines his information management responsibilities at the ICTR. He explains the evolution of processes for archiving audio and visual materials collected and generated by the Tribunal. He comments on the importance of different levels of security and access to trial archives for Tribunal personnel that depend on role and seniority. In addition, speaking in his role as President of the ICTR Staff Association, Nchimbi describes the Association's purpose and discusses various tensions between staff and their supervisors.

The transcript of the interview begins on the following page.

Part 1

- 00:00** Lisa P. Nathan: So I'm going to begin by asking you your full name and what country you are from and what your role is here at the ICTR.
- 00:10 Yeah, my name is Optatus Nchimbi. I'm from the United Republic of Tanzania. I have been working with ICTR for the past nine years. Initially I was recruited as records clerk but in course of time I was promoted to Information Network Assistant. Initially my role was to deal with the audiovisual material, including court exhibits or exhibits that was coming out of the court.
- 00:40 I was dealing with that once. Now later I was promoted to Information Network Assistant attached to a special software called TRIM; that's Tower Records and Information Management. It's a database electronic management tool.
- 00:57** LPN: Thank you. So, to go back a bit of time, you have been here for quite a few years.
- 01:04 Nine years, yeah.
- 01:06** LPN: Can you recall where you were in the spring of 1994?
- 01:11 In 1994, I was in school. I was in India doing my post-graduate diploma in Records Management and Archives Administration.
- 01:30** LPN: Do you remember when you first heard about the events in Rwanda in '94?
- 01:37 Not really, because I was outside the country. I was in India so in fact most of the information about Africa in India, it was very rare to get them. It was very rare.
- 01:51** LPN: So can you recall when you first began? Tell me the story of how you first began working for the ICTR.
- 02:01 Okay, in 1998 I was in Dar es Salaam. I was working as a librarian with the National Central Library in Dar es Salaam. Then I just f-, come across an adver-, advert asking for a p-, a posting of the R-, the Records Clerk. Because I thought it was within the sphere of my qualification, I decided to apply. And then I was called for an interview. I had a successful interview and I, I was offered the job in September 1999.
- 02:46** Note: Gap in interview (Approx. 20 seconds in duration.) Gaps occurred due to interruptions during the interview, technical issues, or corrupted data files.
- 02:55** LPN: Can you describe what it was like when you first came to work here? What your responsibilities were?
- 03:02 Yeah, at first when I came here there was no, there was no archives, especially audiovisual archives. It was not there. So in fact basically they brought me here in order to set up from the scratch. So I set up the archives, majoring in audiovisual material and to take care o-, of all the exhibits; court exhibits. Basically when I came here in 1999

there was only two forms of recording that was done in the audiovisual – I mean done on the audio cassettes.

03:34 And then all the other electronic form was just the diskettes. That way we started from the diskettes initially. We've been using the Word Perfect during those time. The issue of Microsoft Word was, was not even there. So we started with the Microsoft, I mean audio, Word Perfect. That was the first program we started to use here.

03:55 So we set up the database to make sure that all the information, all the material that has been recorded in the court are put properly. In fact when I came, all the audio tapes were just on the ground. So I started to sta-, to sort them by dates ri-, right from the beginning to make sure that everything is in place, to put them exact according to where they're supposed to be, to identify which case was that, and from which date.

04:21 So that's it. In fact during those, those days, when, when they've been recording the material, they will put just in the cassettes, audiocassettes. It lasts up to 60 minutes so for the day they ha-, they sometimes have about, about three cassettes in one language, and three cassettes in another language. Basically they, they are using three languages here. The first language is known as a floor language.

04:48 That's an original language of the speaker. And then there's the English language, and then the French language. English language and French language can have some distortion because it can be translated from the floor language. It depend on which language () is in the floor. So that was the, the () of exactly what it was supposed.

05:07 So even the information that contained on the translated version, it was slight different from the actual, I mean the, the original, the original language. So we have to identify exactly what was it. There's some other problem that when they're recording, normally sometimes they did not even label. You can just find it's just a plain cassette; there's no label.

05:27 But if you listen to it then you start to guess okay this is this particular, particular case. So it was difficult in those, in those days especially to identify. So we have to play the cassette right from the beginning to see exactly who was there. To cross check you can just check the transcript and try to read and listen to what is happening so that you can iden-, identify this is from this particular case, yeah.

05:51 LPN: Can you describe the team that you were working with at that time?

05:55 At that time in fact I was alone in the audiovisual. I was alone. The rest were attached to the normal records. Mine was electronic records dealing with ex-, exhibits and audio-, audiovisual material. In fact we were recruited about four of us. The rest were just attached to the paper, paper form records. Yeah.

06:17 LPN: So ha-, has that changed now in that job?

- 06:20 Yeah, it has changed.
- 06:22 LPN: Can you describe what the team is like now?**
- 06:24 The team now is composed of four, four persons in each chamber, all the documents assistants. They're about four in each, in each chamber. But now again, on my side we're just two, two of us; my, my, my supervisor who is a TRIM LAN administrator and I'm TRIM, in f-, I mean TRIM LAN assistant. So what's funny is that even my supervisor I trained him about the TRIM.
- 06:51 Because when he came here he was attached to EDP, Electronic Database Processes Unit; he was not aware of what TRIM is. But when the post was advertised at that level, he applied. But now he was supposed to learn TRIM, to know exactly what TRIM, what TRIM is all about. I, I was privileged to be trained here on the TRIM when it was first ins-, I mean, installed.
- 07:15 We had a guy from, a gentleman from Kenya who came to install TRIM right from the scratch. So I was working with him right from the beginning, to take him through the process to see exactly what features should be captured in the system. So we worked on the ground from just day one. So later then we got a consultant from Australia who trained us on how to use the software.
- 07:39 So initially we were only three of us; one lady from Kenya by the name (_____) who was in charge of the judicial records. And then that guy from Kenya, (_____) who is, who started from the scratch to, I mean to install TRIM right from scratch. So in the course of process we learn how TRIM is. So we, initially I, I was just (____) that I'm supposed to be a trainer to train other people on how to use the software.
- 08:06 So right from that point I started to take higher responsibilities of training everybody about the TRIM. So my duty was basically to install TRIM, to train them and if there is any update we just use to update them to higher version. When we started TRIM initially, we started with software called TRIM Captura that was first version. And then we moved to TRIM Context Version Five.
- 08:30 And then in recent years we get a consultant from, from Uganda to update the version. We have updated the version but theoretically not prac-, practically. It's now TRIM Version Six but we're still using TRIM version Five. Yeah.
- 08:46 LPN: So for your work with TRIM and as you've tried to learn about TRIM and how it works with the records that you have, what are some of the challenges that you have found there?**
- 09:02 My, the challenges about the system is in fact when you want to configure some-, a person in the system, you should get a permission from the supervisor to know exactly what security level you should give to that person. And basically we have got about six security levels.

- 09:22 The le-, levels known as unclassified security level, all the documents which is, which are open to everybody. And those documents you can even find them on the website. The second security level is called confidential security level – this can be accessed by a person with, a person who access, who has the confidential security level, can access also the unclassified one. That is public.
- 09:49 And then level number three is strictly confidential. So a person with strictly confidential can have access to the rest of the, the two but the person with the unclassified only cannot have access to the rest of the documents. And then the fourth one is called ex parte prosecution; document filed by the Prosecutor they don't want the defense to see.
- 10:14 And then another one we have is ex parte defense; document by, filed by the defense and they don't want to share with the Prosecutor. And the last level is called non ex parte security level. This is the highest security level. So a person with non ex parte can access everything in the system.
- 10:35 LPN: And what would be examples of the roles of those people who could access everything?**
- 10:41 The roles, most of them are the judges – judges, the Registrar, and those who are working in the judicial records and archives unit, because they're the persons who used to put them in the system. So they have access to those records.

Part 2

- 00:00 LPN: Can you talk about the difference between the information management system you work with and what OTP, the Office of the Prosecutor? How, d-, do they overlap, how do you . . . ?**
- 00:11 In fact for us who are using TRIM, that's Tower Records, Tower Records and Information Management. For OTP they are using the software called ZyFIND. But now the OTP they have access to our database also. We, we are restricting them to access. So in fact the ZyFIND is mostly, is j-, just used in OTP and I think it's chambers. But it's ma-, mainly in OTP, ZyFIND.
- 00:35 LPN: () . . .**
- 00:36 W-, TRIM is across the board. Yeah, everybody is using TRIM. What we limit them is access, access to which source of, type of information.
- 00:44 LPN: So can you speak again, you mentioned one of the challenges is finding out which level of access. Can you explain that a little bit more, how . . . ?**
- 00:54 In fact we need to coordinate with the program manager or the supervisor; those who are, who are dealing directly with the records to know exactly what security level should we give to who. When they file the document normally there, there is a filing

form. They come with the filing form, I identify exactly what type of document that is supposed to be, in which security level that document should be put.

- 01:18 Those who're working the same case in fact they should have the same security level. It's like those who are working the, in the chambers; they should have all the same security levels. For them we are giving them ex parte prosecution, ex parte defense because they have access to, to the defense, defense, defense filings. But for those who are working in the, those who are working in the OT-, Office of the Prosecutor, they just have the ex parte de-, ex parte prosecution. So they don't have access to ex parte defense.
- 01:51 Now the, the (____) thing here which I can see from this system of TRIM is that the defense, they don't have access to what the prosecution team has. Okay. For the prosecution team, we are giving them access as ex parte prosecution. But for the defense, we don't, they don't have access to TRIM. Yes, they don't have access to internal TRIM because we have two types of TRIM.
- 02:19 The first one is a website based TRIM; that's, it's a public. And the second one is TRIM Context which is client-based TRIM, which we are using internally. So the Office of the – I mean the, the, the defense they don't have access to that one. So even the document that has been filed by them, they cannot even see them in the system because of the security level. They are using the public one.
- 02:42 They are not using the internal database. So in, in the area of juris-, jurisdiction, you find that they're underprivileged somehow, because we are dealing with the same client, one is prosecuting them and another one is defending them. But the person who is prosecuting them has more access to the information than the person who is defending them.
- 03:04 So what they are supposed to do basically is to go and look for the particular cases of their own case. But for the prosecution, they can have access to all cases irrespective of their cases. But for the defense, it's, the limit is only for their particular case. They can just come to the archives and ask for the document they want, then we give them according to what they are supposed to have.
- 03:28 But the person let's say who is defending – I can just give the name of an-, any accused – who is defending Akayesu cannot be given the Kayishema and Ruzindana documents which are strictly confidential. But for the system, a person who has strictly confidential access means he can access, he or she can access all documents irrespective of the case.
- 03:51 So you find that the persons who are working in the defense, in terms of records they're underprivileged.
- 03:56 LPN: So do you know how, when did this decision go in to place? Is it . . .**

- 04:02 Initially they were having access to TRIM according to security levels. But because of the security issue, they decided to disconnect them from that system. I think the reason basically was that in course of proceeding, the ac-, I mean the, the, the accused person can just say, "I don't want to use this cli-, this person my defen-, my lawyer."
- 04:34 So because of the security issue of the records, I think that decision was based on that security level. Because today he can say, "Okay, this is the person, this is the one who is defending me." In three or five weeks he says, "No, I don't want this one, I want another one." Now if we're giving access to that person who has, who is defending a person, in the course of time say no, I just want to get out. So they say it's, it's a security breach for them.
- 05:01 LPN: In a perfect world – pretend we lived in one – can you think of a way, if it perhaps was a, a later version of TRIM or something like that, of how to fix that situation? Do you have any ideas how to make it more equal for defense and prosecution?**
- 05:22 There, there is no way especially when you're dealing with the, when you're dealing with the Webs-, Web-, WebDrawer; it's called Web-, WebDrawer, the website TRIM based. It's difficult, especially for the logging in, log in issue. It seems to be very difficult to implement. But for those who are in-, internal ICTR, normally they are given the username and the password.
- 05:49 But for the less, those who are using the TRIM-based one, the user name was "public;" no, wa-, wa-, was, was "guest," login was "guest" and then the password was just "public." Basically they can just have access to public records only. You know there's these hackers. Because of the hacker person can just hack into the system and get the, get the information.
- 06:10 Now based on that we say no, it's, you cannot control the password of the person, so the best way is to restrict them to use it. But when we are using the internal system, there is, there is a firewall that can block them access from if a person is not authorized. So it's easy to control the hacking in, within the system but not when you are using the TRIM, I mean the WebDrawer, that the internet based TRIM. It's difficult to control the hackers.
- 06:35 LPN: Have you had issues with hackers that you are aware of?**
- 06:39 You know once you're giving a password to somebody, they can be careless. They can just leave it elsewhere so anybody can just have access to it. Or a person can be committed elsewhere and say, "Oh, please can you take this password and go to the system, look for these documents for me." So we cannot control that issue outside.
- 06:58 But internally it's, it's, it's easier to control. When we started the TRIM initially, we used to set the password after every three, three to six months that you should prompt to change the password after three to six months to control hackers. But () the course

of time they say it's going to be difficult for them because somebody wants information now, he has to call Aru-, to call Arusha to change for, so it was, seems to be a difficult, difficulty, difficult situation.

07:24 So they, they decided to say, "Okay now let, let us just put the password." It should be uniform. Once you have your password and your login name, you can just log in. It's, you can change but not in a, a specific time frame.

07:37 Now the problem of this TRIM when you're accessing from outside, if it's difficult to download the bulk documents becau-, because of the slowness of the system, the, the internet; that's another disadvantage the defense lawyer has.

07:55 LPN: Because they're using the web based?

07:57 Yeah, they are using the web based, so it's very slow, so it's difficult even to download a page. It takes ages to download a page. But our internal one is very fast and efficient. Even those who are using the, who were here during the case, the court proceeding, they have information but to download them it's hard.

08:17 We have some documents with 500 pages, like the supporting documents, statements of the persons. It's, it's a thick document so it takes ages to download them. Now basically (_____) put this information in the, in the system, we are using either text image format, that's .TIFF, or we are using .doc electronically this one M-, Microsoft Word. So most of the information as, as they're scanned and then we have put it in, in the system.

08:50 But the scanned one is difficult to download them. Most of the t-, all the transcripts, almost all the transcripts, we are using .doc, .doc, extension of .doc. But the rest is either PDF or TIFF, text image format, so they take a lot of space in the system. And sometimes once you download it, the computer can just get crash because of the badness of the documents.

09:14 LPN: So do you find that defense counsel, how do they, do they often come to you directly then to avoid that?

09:22 Yeah, normally they sup-, they are supposed to go to the trial chamber coordinators to ask for those particular information. But for us if there's a problem with TRIM, then we can just fix it for them.

Part 3

00:00 LPN: So since you have been working here at the ICTR, can you think of anything that surprised you?

00:07 Yeah, what surprises me here, it was that the way the rape was defined as genocide, because I think ICTR was the first tribunal to define rape as one of the component in the genocide.

- 00:28 LPN: Can you say more about why that surprised you?**
- 00:32 It surprises me because I was even not thinking about that rape can be a component of genocide, I was not even thinking about it, because I took rape as just the normal offense but it, I don't, I was not, not thinking that it con-, it can constitute as the genocide. And this tribunal is the first to define rape as part of the genocide.
- 00:55 LPN: Do you agree, personally?**
- 00:57 I d-, I, I, I do agree because, because of the incidents that happened in Rwanda. If you look at the film we have, that's exactly (_____) something. And also surprised to find that some of the defense lawyers who came here to defend the, the accused were also indicted, so it, for them – for me, it's, we have two cases: One, there's a person by the name Bahati Weza. Bahati Weza was a defense lawyer here.
- 01:25 He came with a different name but his name later it came to be known he was a Siméon, Siméon Nchamihigo. And he has just been convicted to life sentence, I think. And another person is J-, Joseph Nzabirinda, but when he came here he came as a Biroto. So he was just often here in the system, (____) see him, but when the person come to testify they say, "But this man we know him, he was pa-, he, he was one of us." So he was arrested and he was indicted.
- 01:56 LPN: Since you have been working here and you have seen so much of the evidence, you have heard just from your job sometimes even at the beginning you had to listen in order to know where the different documents came from, how to file them, how to store them. Has your opinion or your thoughts about humanity, about people, has it changed at all since, from what you have been exposed to here?**
- 02:24 Yeah, if you look, if you look at those photos, the live one, especially when the genocide was going on in Rwanda, it kills somebody's memory to find that a person can just attack a person with the same family. To start just slaughtering one another; it is very difficult. Even during the testimony, people came to testify, you need the courage of heart to (____), to, to stand by.
- 02:53 To come and witness exactly what happened. But now because of time, people, I mean, most of the witnesses now, a person cannot remember exactly what happened 13 or 14 years ago. It's, cannot remember. We have one incident very recently when a person was planted as a witness just to come to testify against somebody in the system that this is what happened.
- 03:23 Later on because of the conscience, he realized that he made a mistake. So he came back saying, "Now I want to tell the truth." So it means even when he was under oath he'll ta-, he, he, I mean he was not f-, he, he, he did not tell, he, he did not tell the truth. He said, "Okay, I want to change my statement what I said was this because I was told by my government to come and say against the person."

- 03:50 “Now my, because of my conscience, I want to make my conscience very clear so I want to denounce what I said.” So now what happened is that the person, he just disappeared. So they’ve been trying to hunt him everywhere, they cannot find him up to now. So he was, he was one of the witness who just disappeared. I think it was three or four months ago.
- 04:13 He was – initially he came in, he tell the lies so now he said, “Now, I want to tell the truth.” Because it seems there was a deal with the Rwandan government that he should come and say the lies. Now they say, “Okay, now if you say the lies against this person, what we’re going to do, we’re going to reduce your sentence.”
- 04:30 Then the person, he w-, he was prepared to come and say the lies so that he can enjoy the benefit of reducing the life sentence.
- 04:39 LPN: Did he ever come here after to, to make that statement?**
- 04:42 He came, in fact he came here. So when he said now he was negotiating on the – I think after the Prosecutor that now he’s going to, he's going to tell the truth. He just disappeared in the safe house.
- 05:01 LPN: So for – thinking of the future and someone who is in your role as you are now, in the information office and, and working with TRIM, what would you recommend to that person who is training to have a job like yours?**
- 05:22 I think that person should, should have knowledge of the software first; of the TRIM software. He should know the knowledge and then it is the integrity of the person. Because you can just, you cannot just come here, it, otherwise you can just give the information to the wrong person. We have an incident when I was working in the judicial records and archives unit as a record, as a r-, records clerk.
- 05:51 We have some interns from University of Rwanda in Kigali. They came here. They have been given access to access the strong rooms, okay. But now in the course of time, it came to realize that these were planted by the government of Rwanda to come and get some of the court information. So initially people, we are working under oath but now you can break the oath because you want to serve somebody.
- 06:21 So if you don’t have integrity it’s difficult. You should stand by your integrity, you should know exactly what your limits are and then stand firm. In fact we raised the alarm that we cannot allow the people from Rwanda as an intern to come and work in the strong room. To have access to this one, it’s, there is a breach of security, confidentiality.
- 06:43 So when we realized the issue in fact they decided to get them out of the, out of the archives.
- 06:50 LPN: So you’re using a term “strong room”? Is that what you’re saying?**

06:54 Yeah, strong room. Strong room is where we keep the confidential records. We call it strong room here.

07:01 **LPN: Thank you.**

Part 4

00:00 **John McKay: Let me introduce myself. I'm John McKay, Professor at Seattle University Law School. I'm part of the Heritage Project here for ICTR and I've listened of course to the first part of, of your interview; thank you very much. In addition to your responsibilities here, you are involved with the Employee Association. Can you, can you tell us about that?**

00:22 Yeah, I'm the President of the Staff Association. And basically our role is to safeguard the interests of the staff members. We are acting as a bridge between staff members and the administration.

00:37 **JM: When did you first get involved with the staff association?**

00:42 Almost six years ago. When I was employed nine years ago, after two years there was some rebuttal cases which was going on. People were, people were not happy about their ratings even by their supervi-, by their supervisors so because of my position on that they said, "Now you should seek to be a, I mean, to be a representative of the staff." I accepted to be the representative representing the GS category.

01:10 That is general staff category, local recruited staff members. I did that for two years. Later on I was the Vice President of the Staff Association for four years. And last year in June, I became the President of the Staff Association.

01:27 **JM: Can you tell us what in general the, the mission is of the Staff Association? What are the issues that, that the Association addresses on behalf of, of its members?**

01:38 It's all issues ranging from the entitlement, those pertaining to their functions. It was basically the, most of the issue that comes to us is the misunderstanding between the management and the Staff Association, especially the supervisor and the supervisee. There's a lot of confrontations. A person just because sh-, he or she doesn't like you can just put a bad rating so that your contract cannot be renewed.

02:07 The extension of contract is based on your performance. So if a program manager wants to get rid of you, what he can do in the two years' time is just to put you in the low grade so that the management will say that, "This person is not performing." But in the real sense the person can be performing. We have cases where the staff member, the-, I mean there's a proposal from the program manager, recommendation that this person – this contract shouldn't be renewed.

02:32 So when they bring the case to us, we sit down, we review the cases. Even we assisted them to write to the Joint Appeals Board in New York to, I mean to challenge the

decision of the management. And in fact both the case that we've written to New York level, at Headquarters level we have won them.

02:50 We have won almost all of them, because they, they don't want to follow the procedure. This is international justice, international jurisdiction, jurisdiction but now when it comes for the management side, they are not prepared to following the rules sometimes. It's, it's incredible.

03:06 JM: Does the, does, does management support the, the Association?

03:11 Yeah, they support the Association.

03:14 JM: And how do they do that?

03:17 Wh-, whenever we make a presentation they have to (____) the presentation and sometimes they are supposed to be very neutral. They don't want to be on the side of the management, on, I mean on the program manager or on the side of the staff member. They're just in between. But if you make a presen-, a case – if you present a case in a very proper manner, in fact they take up the decision.

03:37 JM: Does the, does the Association have any input on, on pay and compensation for its members?

03:44 Yes, in fact we have. For the international staff member, they are paying 10 dollars a month and for the national staff member they are paying 3-, 3,000 Tanzanian shillings per month.

03:55 JM: Those are the dues? Those are the fees that belong to the Association?

03:56 The fee-, the fees yes.

03:58 JM: Okay, let me ask you this – what about the compensation; the salary paid to members, does the association advocate to management . . .

04:07 No.

04:07 JM: . . . for salary? That's out of it?

04:09 No, no.

04:11 JM: Do you, does the Association address issues involving culture and inter-relationship? You have many, people from many different countries here . . .

04:21 Yeah.

04:21 JM: Could you tell us a little bit about how the Association is involved in, in those relationships?

04:27 Yeah, normally we used to organize functions. Like on, on 25th this month, we are going to have a social gathering that's called the UN Family Fun Day. So we bring all the

family together to be like one family and then we celebrate the whole day. We are going to do that in one day they're called Njiro, Njiro () Grounds. There is from, from nine, nine in the morning, the whole day.

04:51 JM: Among your, among your Association members, are there many here in Arusha who are Tanzanian people?

04:59 Yes.

05:00 JM: And can you give us an idea of other countries who, who have representation in your Association?

05:06 We have from Ethiopia, we have from Liberia, we have from the States, and then we have from Gambia, and then we have from Nigeria, and then we have some from Cote d'Ivoire, yeah.

05:32 JM: Have you found in your experience that there are issues between the employees and their managers or the employees and their supervisors that you feel are related to cultural differences, to language differences, and, and can you tell us about that?

05:48 Yeah, normally there's a language barrier. There's a language barrier between employ-, I mean, the supervisor and the supervisee. Most of the supervi-, most of the program managers here also speak. All the key posts at the apex level has been occupied by the people from West Africa, at least 95-, nine-, 90%. All the chiefs of sections; either the chief of the section or the deputy chief of the section are from that zone, West African zone.

06:20 JM: And most of your members are from East Africa?

06:24 No, West Africa.

06:25 JM: West Africa.

06:26 Yeah, most of them are from West Africa. Now it's like language section; language section turns up more than 100 staff members. Almost 95% are from West Africa, especially Cameroon.

06:39 JM: Is, is there tension between West Africans and East Africans?

06:43 No, it's, what happened is the first Registrar of this tribunal is from Kenya. So when he came here, what he did, he tried to bring as many people as possible from Kenya. The second Registrar was from Nigeria. So soon after coming in power, what he did, he tried his best to make sure that he exhausts all the people from West Africa.

07:07 So he brought them, many. The current President, the current Registrar is from Senegal, so he's also doing the same. He's trying his best to make sure that many people from West Africa are employed here. The, the, the excuse these people are

giving is that because the genocide which happened in Rwanda, Rwanda, most of the Rwandans speaks French and Kinyarwanda.

07:34 So they think in East Africa, we cannot get anybody who can speak French. So they prefer to go to West Africa to look for potential candidates.

07:45 JM: You, you, you are, you are a Tanzanian.

07:48 Yes.

07:49 JM: And so you are an East African?

07:50 Yes.

07:51 JM: Do you, are there, does that cause resentment, the fact that there seem to be so many West Africans here among the employees who are either East, Tanzanian or Kenyan or other East African countries?

08:05 Not really, no.

Part 5

00:00 JM: So when you talked to me earlier about tensions, you were talking about the tensions between the employees and their supervisors and their managers?

00:08 Yeah, as I said most of the supervisors are from West Africa and the supervisees most of them are from East Africa and other block. There's a tendency from some program managers just to frustrate their subordinates so that they can find a good e-, excuse to employ somebody from, that's from West African block. That's what is happening.

00:30 JM: And have you (___) . . .

00:31 And in, in most cases, you can find that a person has been employed from West Africa. Once he comes here, the, the subordinate is the one supposed to teach that person what, how to perform. A good example is my case. My super-, I was teaching my supervisor about the system because he was new to the system. He was not aware of what TRIM is so from the scratch I started to teach him. Even now I'm teaching him.

00:58 The only difference is that he was attached to – he, he is a good programmer so he knows how to program and program things nicely; that was the only difference. But now if you come for the user, user part of the system, I am the one who is teaching him. And it's not only me, it's most of the national, national staff members. They are teaching them.

01:20 Even sometimes even the academic-wise, most of our people are very qualified compared to those from other blocs but they're still their supervisors. It's because they've been getti-, given that post because of the either the relationship between them and the top management.

- 01:37 JM: Can you give me an example, without telling me any names . . .**
- 01:40 Yeah.
- 01:40 JM: . . . but can you give me an example of miscommunication or, or dispute between the e-, employee member of the Association and their supervisor?**
- 01:51 Yeah, we have the cases when we're talking about the e-PAS; e-PAS is the electronic performance appraisal system. We have a very recent case. When there is confrontation between the program manager and the supervisor, and the, the supervisees. The program manager was against the, the team he was working with, so he decided to frustrate these people by making sure that he underrates them.
- 02:16 So they decided to make a report against him. So when he's come for filling in the e-PAS, they ma-, he made the recommendation that this is, they're not supposed – I mean, they're underperforming. So he put all, he put all his inputs there, de-, di-, downgrading them. So in fact there's a portion where the, a, a staff member can say something about the supervision received and even the comment he has to make against the program manager.
- 02:45 So they made also the nasty comment against the program manager. So now what happened is the first reporting officer refused to sign that e-PAS. The second reporting officer decided to sign that e-PAS. Now because the first reporting officer refused to sign, so there is a dispute already. So the second reporting officer was supposed to come in to try to harmonize them.
- 03:09 So they agreed that what they can do is to ask the New York to roll back the system, I mean the e-PAS, so that they can harmonize themselves. They tried to make a request to New York but what came out of New York they say, "We cannot roll back because the case is, this one has been finalized." But still the program manager said that he cannot sign.
- 03:30 So the only option they said they should start a fresh e-PAS. So now that fresh e-PAS is not going to be objective, it's distorted already because exactly, it will not reflect the, what happened exactly because they want to, just want to balance them that this is what happened. So they don't want to, they want to go against what happened exactly to create something which is, which is not the actual.
- 03:53 JM: What was the role of yourself or the Association in that?**
- 03:57 It just came to our attention last week.
- 04:00 JM: What do you expect in a situation like that you could offer to help?**
- 04:03 In fact what we need is to rebut against the decision; that we cannot, it's, the program manager has to sign it. Because he was the one who rated a staff member, they were in that disagreement so the e-PAS should be just used objectively.

- 04:15 JM: What do you think the role of the Association is; is there a positive role for the Association in this kind of a dispute? What if you didn't exist, what, what would happen in a dispute like that?**
- 04:26 There would be a lot of misunderstanding between the program managers and the supervisors and even it would lead to fighting; the physical fighting.
- 04:33 JM: So if I were (____) . . .**
- 04:34 Because we have, we have the cases where the people decided to engage in physical fighting because of the e-PAS dispute.
- 04:41 JM: And that would not be a good thing.**
- 04:43 Pardon?
- 04:44 JM: That would not be a good thing.**
- 04:45 Yeah, it was, it (____) be, be a good thing.
- 04:47 JM: So if, if we had another commission, another tribunal. And we would hope that this would never have to happen but, but, but if it were to be set up in another country, would you, would you suggest that they consider from the beginning having an Association like yours?**
- 05:04 Yeah (____).
- 05:05 JM: And can you tell us why?**
- 05:07 Because of the role we are playing. We are just trying to bridge the gap between the administration and the, and the staff members to try to bring harmony in. Because most of the program manager, they're very stubborn, they don't want to, they don't want the progress of their subordinates so to speak.
- 05:26 JM: If you could be in charge of everything, everything, you . . .**
- 05:31 Everything li-, like, like what?
- 05:32 JM: Everything at the, everything at ICTR.**
- 05:34 Mm-hmm.
- 05:35 JM: Would you, would you have in the beginning tried to have less diversity if you will, less maybe all East Africans or all Kenyans or all Tanzanians, would that have reduced the miscommunications and tensions?**
- 05:52 Yeah, in fact if the process of recruitment is very objective and transparent we'd, we are not s-, expecting to have this kind of relationship; the bad relationship. What happen is when a person who is brought in the system does not meet the qualification

required, what do you expect? Because you are bringing somebody to supervise me and I am overqualified than him.

06:12 So there will be some confrontation. So if the system is very transparent we won't have that kind of issues. It's like United States, I mean in, in Headquarters because the, the system is very transparent. But now here, they are offering jobs according to technical 'know who' not technical know-how in most of the cases.

06:31 JM: Explain what you mean. Technical 'know who'.

06:33 Kno-, I know you. I give you the offer based on 'who are you' but not what, based on 'what are you.'

06:41 JM: Does that, does that issue relate to the, a country of origin, to ethnicity, to religion? You're talking about qualifications.

06:52 Yeah.

06:53 JM: What is the role, if any, of the country of origin, ethnicity, religion, gender, is there any relation?

07:01 Yeah, there is a relation. If I know you I gi-, I give you an offer, if I don't know you, no. In fact in most cases, there is this called – how do you put it – nepotism. The issue of nepotism is very rampa-, rampant here. Nepotism is very rampant. It's often.

07:25 JM: Do you, do you draw any relation, do you, do you think it's, that nepotism is related to the question of the country of origin?

07:31 Integrity. In-, integrity.

07:33 JM: Integrity.

07:33 Yeah.

07:34 JM: Tell me about that, why is it integrity?

07:36 Because if somebody has integrity, you cannot do such things which are not acceptable. I cannot just give you offer because I know you, not because of your qualification. You have two person, one with high qualification, the second with less qualification. But this person with less qu-, qualification is from your country. You want to give him a favor-, a favor; favoritism.

08:01 You want to favor this one because he's from your country; at the expense of the quality of the work.

08:07 JM: And is this a problem that you have seen here at ICTR in your time?

08:11 Yeah, we have seen it here. In fact . . .

08:15 JM: Do you want to tell me more about that?

- 08:16 . . . in fact it was even raised by the previous administration of the staff association in New York to find out exactly why. Why this exists? Why are we not part of the secretariat? So the reason was very simple that your Registrar refused to allow all recruitment to be done in New York headquarters.
- 08:35 Because the delegation of authority was given that he can employ, recruit whoever he want from here based on the qualification. But now w-, when it's come to appli-, applicability, it's different. They are not following the, the proper rules.
- 08:50 JM: And so it's an issue of integrity. Are there . . .**
- 08:52 Yeah, it's an issue of integrity.
- 08:53 JM: . . . are there people, are there people here – and I'm not asking you to name names if you don't feel comfortable with that – but are there people here who you think as people in management, of high integrity, who are working against this? Or do you think this is an issue that is just simply not fixable here?**
- 09:09 The problem is people are not ready to speak against somebody. The issue of fear that I'm going to lose my bread if I'm going to be open. So they are afraid to say it out.
- 09:22 JM: And how would you fix that problem if you could control everything?**
- 09:26 No, I've been trying to tell them exactly, the management, right from the beginning that this is not the way it should be. Because once we find that there is a breach of the rules, we tell them exactly on their face that this is not the proper way.
- 09:38 JM: Are you able to be effective? Do you think you're having an impact by, by saying these things; by speaking these things?**
- 09:43 Yeah, there is an impact now.
- 09:44 JM: Tell me about that.**
- 09:44 It seems there's a change, there's a change. There's a, there's change at least now. People respect the rules. But initially there was no respect for the rules. A person can just decide: you have five candidates, okay, three are qualified, the two are not qualified. But because you have the power to select out of the list who you want, so you can just take the last one even if he doesn't qualify, he or she does not qualify.
- 10:10 We have that cases where we have, the six names were presented, so the Registrar has to make the decision on who to take.

Part 6

- 00:00 JM: Is management listening to you and if, if they do can you give us an example?**

- 00:04 Yeah they listen to us sometimes. Not all the – sometimes they listen to us. Because once we come in, we say, “This is not proper, it was supposed to be done in one, two, three way.” They us-, they listen to us.
- 00:14 JM: Can you give me an example?**
- 00:22 There was an incident where they decided to advertise, to recruit people without advertising the posts. We raised our voice and that was rectified. The posts were advertised and the people were recruited according to their qualifications.
- 00:39 JM: Do you think that examples like, incidents like that have a, have a positive or a negative impact on the employees here? Do they hear of this and how do they react?**
- 00:50 (____) some of them, some of us, they’re, they’re very coward; they don’t want to come up. So they just take things e-, easily, but differently say this one I’m going through the job, they know that, “This is the person who brought me here so I, how can I say against him?” knowing that they are underqualified. So they just want – they decide to be quiet. They don’t want to raise alarm.
- 01:11 They know that this man is doing injustice, but you cannot say, “You are doing injustice,” because you know, “This is my godfather so how can I say against him?”
- 01:22 JM: You know some of the things we’ve been talking about could exist almost anywhere where there are many cultures and, a-, a-, and there are, is a common purpose. But here, the issues that you’re dealing with are huge issues. There, they involve the, the deaths of hundreds of thousands of people . . .**
- 01:40 Yeah, mm-hmm.
- 01:41 JM: . . . killings by many. Can, can you tell us whether they’re, whether that enters into this discussion in any way?**
- 01:49 JM: What I mean is people will have disputes about how they’re evaluated by their, by their managers. Issues might be advertised or not advertised and those are important. But at any time in which you sit with management, do you remind each other that, that, that what you’re working on really is the genocide of 1994 and you owe it to them to give it your best efforts? Does that ever happen in those discussions?**
- 02:13 Yeah, and normally even in all my speeches I make, I have made that very thing very clear; that what we need is to clear our house, to clear house, because we’re addressing the issue of genocide in Rwanda. Now we want to render the justice to them. If we cannot do it here, what’s the use of being here, us being here? And sometimes they end up, say I’m insulting them.
- 02:35 JM: But you would do it again?**
- 02:37 Yes, that’s my role. There’s no way that I should, I should stop it.

- 02:42** JM: So a major issue that must be, must be in your mind is the impending wind down of activities . . .
- 02:48 Yeah.
- 02:48** JM: . . . here. Tell me about that and what you think your role as a leader can be, as ICTR begins to wind down, whenever that happens; wha-, what is your role going to be?
- 02:59 In fact we have discussed with the management that wherever the retention panel sits, there should be a representative from the Staff Association to oversee the process. And if they find out that there's something which is fishy in the process, they should report back to us, (___), "This is what happened."
- 03:19 We had a meeting with the management. We agreed on that. And when the-, we have been setting the criteria to be used in downsizing the staff members, we set the criteria very clear and we put them, we tell them that this criteria should be followed objectively. But now in course of time, some chief of sections reluctantly decided not to include us in the pa-, in the panel.
- 03:45 We (____) up that this is not fair so we're not going to consider that, le-, that exercise as fair. So even the Registrar supported us. They said, "Okay this exercise should be done again because if there is no representation from the Staff Association, there's no way that we can say it was objective and fair."
- 04:01** JM: What, what recourse would you have if management just ignored you in all of your, the things that you might say about the eventual shut down, what could you do if they just said, "We don't care what you think?"
- 04:14 Okay they are not the final decision maker. We have the higher level up. And normally if we find that things are not working properly here, we just report to the higher level of management. If Registrar cannot address the issues of importance to the staff, and is reluctant in addressing them, we just forward to his supervisor in New York that this is what we have been following up with the, with, with the, our ma-, our manager, management here and this is what they've said, and this is the position.
- 04:42 This is what we think it should be.
- 04:45** JM: Will they listen to you at the higher levels of management?
- 04:48 They listen to us. That's why I sai-, I was talking about the issue of rebuttal cases. The management here sometimes says, "Okay. This person because he was not performing has to go." But now if you go in deep into the analyzing the case, you find that the process was not, was not followed. We agree with the management that the person was not performing but the act of terminating his contract was not properly followed.

- 05:08 So the process should be redone and we have the best team from New York, they've been investigating a lot of cases here based on that.
- 05:17 JM: One of the questions I meant to ask you at the beginning was how many, what percentage of employees here participate in the Association? Of the eligible employees.**
- 05:26 It's 65%.
- 05:28 JM: 65%. So 65% pay dues and belong?**
- 05:30 Yeah.
- 05:33 JM: Is there anything else, you know, either in your role as the President of the Association or in your role in, in the information network system in which you work, is there anything else that you want to tell us, that you want to tell history about your work here?**
- 05:50 In fa-, in fact it's to the, to the people of the Rwanda, the people of Rwanda, in fact the Rwandan government, should know that the process of restoration of peace and harmony in Rwanda is not an easy course. Is, is not an easy task. So what we need from them is cooperation.
- 06:16 At one point in time, when there was a plan to indict the pres-, the, the current president of Rwanda, Kagame, because with those people who've been testifying, some mentioned his name that he inv-, he was involved in the, in the genocide in Rwanda.
- 06:36 So there's an alarm to him that he's supposed to be brought here for justice. So what he did, he just decided to cut, I mean to cut the cooperation between us and them by stopping the witnesses to come to testify be-, before the court.
- 06:52 JM: Is it a widespread view in your opinion among employees here that the government of Rwanda has not been cooperative?**
- 06:59 Yeah. It was even in, in, in papers, everywhere.
- 07:02 JM: But is that what employees here think?**
- 07:04 Yeah, ev-, it was the same feeling because there was no cooperation. So the United Nations has to play a big role to go and beg the government of Rwanda to start cooperating with us; because in fact we are, we, the (___), I mean from other blocks were not there in Rwanda. So those who can tell u-, us exactly what happened is the people in Rwanda. So if they are not cooperative, means the, I mean ICTR being here is useless.
- 07:29 We cannot do anything without, without them to come and tell us exactly what happened in their country.

- 07:33 JM: You, and you, you believe that what you just said about the government and the people of Rwanda is a widely held view here in, among employees in the ICTR?**
- 07:44 Yes, because it was in papers everywhere. Because even the impact was seen by, by most of our staff members, that this – in fact there’s, there’s no witnesses in the courts. Why? Because there is no cooperation from, from Rwandan government.
- 07:59 JM: What would you think if I told you that many people in Rwanda resent the ICTR, because it’s in Arusha and not in, not in, not in Rwanda. Wha-, what if, what if I told you the Rwandan people don’t respect the ICTR?**
- 08:15 Yeah, but there was a reason why ICT-, why, why the tribunal was, was chosen to be in Arusha, because it was found to be a neutral country. If you read the resolution which has stated the I-, the ICTR to be in Arusha, they say you cannot put in Kenya because there is also a conflict in Kenya. In Uganda there was a war in Uganda, the internal conflicts, so it was not even proper to put it there.
- 08:41 Burundi, there was – even now Burundi is not a peaceful country. There is a continuous war. So in the, in the, this Great Lakes zone, Great Lakes zone, it was Tanzania was found to be suitable to house those, the, the, the tribunal.
- 08:58 JM: Okay, is there anything else that I haven’t asked you that you, you would feel was important for you to say?**
- 09:04 Not really. (____).
- 09:06 JM: Can I just thank you then for taking the time to . . .**
- 09:09 Yeah, thank you . . . thank you.
- 09:10 JM: . . . to be with us? We’re very grateful, we know you’re very busy and thank you very much for coming.**
- 09:14 I appreciate that. Thank you.
- 09:15 JM: Okay. Thank you very much.**
- 09:16 Thank you so much, yes.
- 09:17 JM: Okay. Absolutely.**