



## Official Transcript: Mandiaye Niang (Part 1 of 13)



<b>Role:</b>	Senior Legal Advisor
<b>Country of Origin:</b>	Senegal
<b>Interview Date:</b>	8 October 2008
<b>Location:</b>	Arusha, Tanzania
<b>Interviewers:</b>	Batya Friedman Eric Saltzman
<b>Videographer:</b>	Patricia Boiko
<b>Interpreter:</b>	None

### Interview Summary

Mandiaye Niang describes the early years of UN investigations and procedures, and recounts being traumatized by his initial experiences in the field listening to the stories of witnesses. He claims that these experiences increased his sensitivity to the needs of Rwandan people. He notes that the Tribunal's capacity building initiatives have helped strengthen Rwanda's judicial sector, indicating that these initiatives have transformed attitudes of Rwandans from initial distrust and criticism to feelings of ownership and support.

*The transcript of Part 1 begins on the following page.*

### Part 1

- 00:00 Batya Friedman: So I'm Batya Friedman, a professor from the University of Washington. I'm here with Eric Saltzman, who is a founder of Creative Commons and we are interviewing you, Mr. Niang . . .
- 00:12 Yes.
- 00:12 BF: . . . on October 8th, 2008. And so the first thing I'm going to ask is could you very clearly pronounce your own name for us?
- 00:22 My name is Mandiaye Niang.
- 00:25 BF: Great. And what is your role here, your title here at the ICTR, currently?
- 00:32 Note: Gap in interview (Approx. 30 seconds in duration.) Gaps occurred due to interruptions during the interview, technical issues, or corrupted data files.
- 00:39 BF: And what is your role here at the ICTR?
- 00:42 So, I am currently the Special Assistant to the Registrar, so meaning an adviser. So, I don't have any specific scope of advising; I advise him in running the administration of the tribunal.
- 00:59 BF: Great. And you've been here a very long time.
- 01:02 Yes, in fact tomorrow will be the anniversary date of my 11th year with the tribunal. So, I joined the tribunal exactly the 9th of October, 1997. So I was then appointed as an investigator for the Office of the Prosecutor. So I spent there two years and a half before being appointed as a legal adviser to the judges.
- 01:31 So then, I came here to Arusha to advise the judges. I was then a coordinator, supervising the work of a team of three lawyers. That I did for also three years, and then I was appointed as a Special Assistant to the Registrar. That was in 2003.
- 01:53 So I performed those functions until early 2006 and then I was appointed to go back to the chamber but in a higher capacity as a Senior Legal Advisor, so which I did also for two years. And then the Registrar recalled me so I went back to his office to advise him again. And this is what I'm doing currently.
- 02:18 BF: Fantastic, so you have a very broad view . . .
- 02:21 Yeah.
- 02:22 BF: . . . both of the roles and then also the time of the tribunal. Yeah.

- 02:24 Exactly. I think that, yeah, I'm one of the longest serving staff members of the tribunal. And I have almost done everything but defense. I haven't been a defense lawyer here, but apart from that, I think that I have almost done everything. Yeah.
- 02:39 **BF: So, if I could just take you back to the spring of 1994, think back in your mind. What were you doing then?**
- 02:49 So, I should tell you that in 1994, I was in my country in Senegal. Because I am a judge by training, in fact. So, in – I was in my office in '94 as a young judge performing his, his duty in the, our Supreme Court. I was a, a junior lawyer in our Supreme Court in Senegal. That was what I was doing.
- 03:16 **BF: So were you, were you a lawyer or were you a judge in the court?**
- 03:19 Yeah, I, I was a – in fact you know that in our system, in the Senegalese system, so prosecutor and judge have exactly the same training. So being a judge or a prosecutor is just a matter of assignment or appointment. So I started my career as a judge, as a young judge until 1990 when I was appointed as a junior prosecutor.
- 03:47 In the last four years I spent now in, in Senegal up 'til, from '93 up 'til '97 was in fact in the Office of the Prosecutor General in the Supreme Court. Yeah, so I was technically a s-, a, a, a Prosecutor.
- 04:04 **BF: So then, when did you first hear about the, what was going on in Rwanda?**
- 04:11 So like, like everybody because I follow the news, so it was just from TV. It was every evening, of course. You know, during dinnertime I watch TV. And I saw – at the time also I used to listen quite often to Radio France International, which is quite popular in my country.
- 04:33 So of course, when the war started and those slaughtering and killings went on, of course I heard about it through the radio and the, the television, through the news. But I should confess that it was a little bit far away from my daily business, yes.
- 04:54 **BF: So what happened that you decided then to come work at the Tribunal?**
- 05:00 So I think that, you know, the first time I decided was that our Minister of Justice circulated a, a, a paper requesting interest, expression of interest. And at the time, it was not even about the tribunal. It was just about going to Rwanda and advising Rwandan judge to adjudicate over many, many cases. That was the original idea.
- 05:32 And of course, you know for a young judge who has barely ever left his country to travel you know abroad, there wa-, there, there was this interest of going abroad and sharing

experience with other people. But I should tell at the time just to indicate you how far away what was happening in Rwanda was to us.

- 06:00 I remember that when I expressed interest to, to go to that UNDP experience, my then President of our Supreme Court called me and told me, "Okay, you know that I cannot forward this, this paper." I told him, "Why?" Because he told me, "Okay, what are you doing there? What are you going to do there? Huh? These, these people killing each other. You are young. You have your future. Why can't you just stay here because you have a bright future here? I can't understand. I cannot forward this paper."
- 06:33 And of course that was the end of that first experience. And I should say luckily, I happened also at the time to have been working with the, one of the Senior Prosecutor in that Supreme Court who was also very well acquainted with the international environment. In fact, he was even an expert of the, of many commissions o-, in, on human rights.
- 07:01 And then, when the tribunal was, was set up, so he stood to be elected for a, as a judge. And of course, since I was one of his very close aide, so he told me "Okay, if I go there, I'll have to take you with me." So finally, he was the one – in fact, he happened finally to have been the first President of this tribunal, Laity Kama.
- 07:24 In fact you will see that even one of our courtroom, you know, has been named after him after he passed away in May 2001. So in fact, it is thanks to Laity Kama that I joined the tribunal because he asked me, "Okay, you have to come with me." But here again strangely enough, when I came, that was not to serve him as his legal assistant, as that would be expected.
- 07:49 So I found myself in Kigali doing investigation. At the time, he was already here in Arusha before the first cases started. So this is my story how I joined this tribunal.
- 08:02 So, and I should (\_\_\_\_\_) that it was really very good for me to have started with Kigali because that gave me the insight to understand really the sociology of Rwanda, to learn about the story also, to understand really what happened, what took place in Rwanda.
- 08:21 Because yet I – yes, I was following the news but I did not have that grasp of all the details as to what happened in Rwanda. So having been there, having done investigation for a full year, so, gave me really that, that insight I needed to understand really what was at stake.
- 08:42 BF: What were some of the things you saw or experienced during that first year that you feel really helped you understand what was going on in Rwanda?**
- 08:50 Yeah, a, a lot of reading first because of course to – I had to, to go through many documents to read all material available in respect of Rwanda, but I think that what was the, what was really, really, interesting for me was that going almost every day into the field and sharing the experience of the victims because that was basically what I was doing.

## Mandiaye Niang

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- 09:19 I remember that when I arrive in Rwanda, three days later I found myself in Butare with a team of investigator going into houses, interviewing victims, you know, many people who are maybe the only people left in their huge family. So that, that helped me but I, I could say that also that traumatized me because that was also a very painful experience for me.
- 09:51 So there are things I still don't want really to remember because you know, it, it, it really traumatized me to a certain extent.