

Official Transcript: Adama Dieng (Part 2 of 10)



Role:	Registrar
Country of Origin:	Senegal
Interview Date:	28 October 2008, 5 November 2008
Location:	Arusha, Tanzania
Interviewers:	Batya Friedman Donald J Horowitz
Videographer:	Max Andrews Nell Carden Grey
Interpreter:	None

Interview Summary

Adama Dieng discusses the challenges of establishing the 'rape as genocide' jurisprudence, the importance of training defense counsel, and the need to strengthen Africa's national courts. In his reflections on the important role played by Gacaca in Rwanda's healing, he emphasizes the serious challenges that domestic justice has posed to witness protection, as well as the need to avoid 'victor's justice'. He stresses the importance of the presumption of innocence at the international level while advocating for compassion for detainees.

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Part 2

- 00:00** **Batya Friedman: So you also have vision for the tribunal, of what the tribunal could be, what kind of impact it could have long term. Could you just talk a little bit about that vision and what you would hope for, for the Tribunal?**
- 00:16 When I was sworn in as Registrar on the first March, 2001, immediately after that very same day, I convene a general staff meeting in the Simba Hall, which is the main hall located in Arusha, within the Arusha International Conference Center, which is a hall which has witnessed many events, including the negotiation which ended with what was, what is known in history as the Arusha Peace Accord.
- 00:53 Another important venue, another importance of that venue, was that it hosted also the famous conference on popular participation during the time of Mwalimu Nyerere. Mwalimu Nyerere was the first President of the United Republic of Tanzania, and that Charter was extremely important because it brought an important dimension of human rights.
- 01:21 And therefore, when I convened that general staff meeting, I did say to the whole staff, to the judges, to everybody, "We are privileged. We are privileged people for having been called to participate in the administration of international justice. We are privileged people for having been offered a position to fight against impunity. We are privileged people for having been invited to be part of a large team which is aim to render justice to the victims of the genocide committed in 1994 in Rwanda.
- 02:06 And therefore, from the judges down to the cleaners, each of us is only an element of a chain. Each of us has an important role to play and therefore, we have to do every effort so that we will complete our work as soon as possible."
- 02:28 Unfortunately, 2001, we are now end of 2008, and I hope that we will be able to complete the first instance trial cases by 2009 and the appeal cases hopefully, by 2010, 2011. I say so because in a recent town hall meeting I convene, I did remind to the staff, that they should never lose sight of the primary reason for which they are here in Arusha, which is to do justice to the victims of the genocide. And I did found that it has been too long.
- 03:12 This tribunal was established in November 1994. It took time, of course, first of all to find an adequate place where to establish the tribunal. The, of course, the ideal should, would have been Kigali, or somewhere in Rwanda, where the crimes were committed. But certainly, people will agree, that in a post-conflict situation, it would have been certainly difficult to render justice with serenity.
- 03:47 It would have been also difficult to bring witnesses, who are refugees all around the world, to return back to Rwanda. Because according to the 1951 Convention relating to Refugees, once you return to your country, automatically your status drops. And, th-, that was one reason.

- 04:13 But fortunately, when Kenya which was approached did not accept to host this tribunal, Ralph Zacklin, the then Assistant Secretary General and Deputy Legal Counsel of the organization in New York, travelled to Arusha, the Tanzanian offered to host the tribunal.
- 04:37 There were facilities, that is the Arusha International Conference Center, which was almost empty, because this building was there to host conferences, but also with the hope, that the East African Community, the East African Community is a community which was composed of Kenya, Uganda, and Tanzania. But, that organization, Secretary General organization, did not bear the fruits for which it was established.
- 05:14 And my own view is that it is sometimes difficult to mix people who do not share the same vision. You cannot have someone like Nyerere, who was a great champion of peace, human rights, being with someone like the former dictator of Uganda who passed away. I'm referring to, d-, Idi Amin Dada, well known, even there is a film which has been done about Idi Amin Dada. So, so, so therefore it could not work.
- 05:54 But fortunately these recent years, the East African Community is coming up again, and even being enlarged, because Rwanda and Burundi, two countries which are part of the Great Lake region, have been also admitted as part of this East African Community.
- 06:14 And reason why I was, I'm mentioning it is to show how important is Arusha in the geography regarding Rwanda. It's about two thousand miles far from, it's far, it's close. Compared if we were to be located at The Hague, for instance. And it was extremely important, because we managed to rent, annually, a Beechcraft, which facilitated movement between Kigali and Arusha.
- 06:52 Why? Because Kigali, though not hosting the headquarters of the Tribunal, became the main Office of the Prosecutor regarding investigation. So which means that the Division of Investigation of the Office of the Prosecutor is based in Kigali, because that's where the investigators had to travel around the country also, to try to collect evidences. And that is where, also, of course, as part of the investigation, members of the tracking team who are travelling around the world were based.
- 07:31 And, as a Registrar, I had also, of course, to provide support to the Office of the Prosecutor, to those investigators, because the Registrar, by virtue of the rules, is also the person in charge with the cooperation with member states, he is in charge with, he's the channel of communication between the tribunal and the outside world.
- 07:59 Note: Remainder of Interview Sealed Length: 00:35:19;16 Word Count: 4530