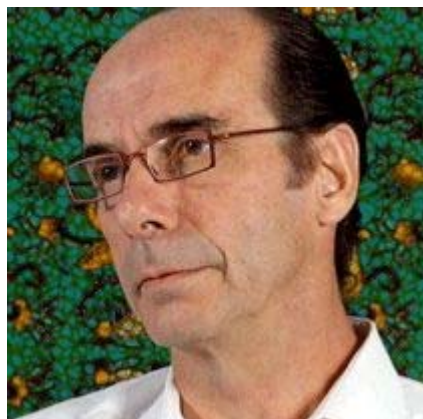




# Voices from the Rwanda Tribunal

## Official Transcript: Benoît Henry (Part 9 of 11)



<b>Role:</b>	Defense Counsel
<b>Country of Origin:</b>	Canada
<b>Interview Date:</b>	31 October 2008
<b>Location:</b>	Arusha, Tanzania
<b>Interviewer:</b>	Donald J Horowitz
<b>Videographer:</b>	Nell Carden Grey
<b>Interpreter:</b>	None

### Interview Summary

Benoît Henry speaks about his first ICTR appointment defending Andre Ntagerura, who was accused and acquitted of genocide. Henry reflects on a major shortcoming of the Tribunal surfaced by Mr. Ntagerura's acquittal: the question of what happens to accused genocidaires after they are acquitted? Mr. Ntagerura remained in UN custody because no country, including Tanzania, was willing to accept him. Henry further suggests that to perform their role effectively, defense counsel must distance themselves from the events of the genocide.

*The transcript of Part 9 begins on the following page.*

## Part 9

**00:00 Donald J Horowitz: My next question is, is there something that you've been associated with or that you feel you've done of which you are particularly proud? And you've been here a long time. One or, one or more if you want.**

00:15 It's hard to say, hard to answer that question, question except that I'm proud of having participated in the process of dealing with the justice, with in-, with international justice. This is of course, this was of course new to me and it was, it was roughly a good experience. Well, the fact that I came more than once in, that I was involved in more than one case shows that I was, I was really happy of doing that.

**01:02 DJH: Okay.**

01:03 But there's nothing in particular that I would be proud of except participating, doing my, my little part in this, in this system, in this, this international justice system.

**01:15 DJH: Okay. Anything that disappoints you about either your own participation or about the process, the court . . .**

01:24 Well, as I have mentioned already it's, it's mainly to realize how, how the prosecution was, was acting in, in this matter because I, I gave you a couple of stories relating to my first case but things like that happened in the second one too and, and I can realize that things like that happen in the third case too.

01:45 So I'm, I'm, I hope this will help but I think the decision of the chambers will help the prosecution to, to go along with, with this and make a certain evolution in, in the way they are thinking, in the way they are acting. I hope it will make a certain, we will make certain steps.

**02:10 DJH: Okay. I want to talk about sentencing for a minute. Sentencing in Canada or in the United States – you know the cases we have done ordinarily involve multiple and multiple murders or multiple significant crimes. They may, but none at least of the numbers here and, and crimes, genocide. How – what is your perception? Are the, is the sentencing kind of, pretty much the same considerations and quality or is it something different?**

**02:50 DJH: We know that the death penalty is not (\_\_\_\_\_) here . . .**

02:53 Applicable here.

- 02:55**      **DJH: Not applicable and I don't think it is in Canada.**
- 02:58      No, it is not either.
- 02:58**      **DJH: It is in the States as you know.**
- 03:00      Some, some states, yes.
- 03:01**      **DJH: Some states. So, but leaving that aside, is . . .**
- 03:08      Well, I think that of course as an international tribunal, judges have to deal with a certain scale, with a certain – they have to establish a certain scale and they have, well, they have to establish that certain crimes won't be punished by, by life imprisonment; because if I'm just making a comparison with what we have in Canada, being convicted of a murder is life imprisonment.
- 03:51      Of course, if you are found guilty of, of, of several person, it's life, you know, it's, but in the course of a, of an international criminal justice, I believe there has to be a scale. There has, judges have to determine what deserve life imprisonment and what does not. And well, in my eyes it's quite appropriate what they have decided so far, as far as sentence is concerned.