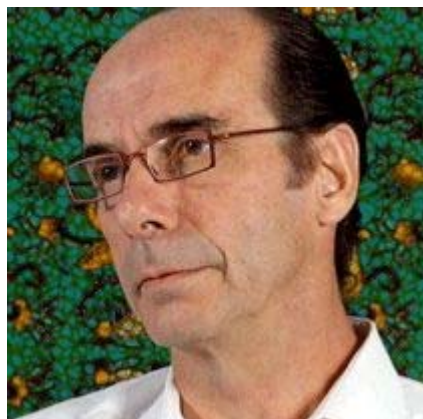




# Voices from the Rwanda Tribunal

## Official Transcript: Benoît Henry (Part 11 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 11 begins on the following page.*

## Part 11

- 00:00 Donald J Horowitz: ( ), have you, in the course of, you know you talked about you tried not to let it affect you, but other times when sort of it gets to you and you must talk to a friend or your family or, or whatever to, to sort of deal with your personal, or have difficulty sleeping or whatever, whatever it is and I'm not trying to get into too, too deeply. I'm not being a psychologist here.
- 00:26 DJH: You know, you're right. We've, it's the same in some respects for you and the judges and the prosecutors. You all hear much the same information and I'm just trying to get at the human aspect of it and you needn't, you know, go too far if you don't wish to.
- 00:43 Well, as I have mentioned it's, it's always very disturbing to, to look at what happened at that time because it was horrible. It was, of course, it was absolutely horrible.
- 00:57 DJH: And have you taken site visits as part your process here as a defense counsel?
- 01:03 Yes. I have taken part in one site visit, but it was, it was not a, a, a visit with the whole chamber. It was a, a very private, I would say a defense visit that I made in a particular location because we had a witness who was present and who was telling at that time that our client made, made a public meeting, and that he made declarations before the public.
- 01:32 And he was establishing – well, it, it was very material. He was establishing that he could hear very clearly what was said by my client when we could have very strong doubts about that in view of the distance he was from him and in view of the place he was hiding. So we went to the place and realized that the witness was saying in court that he was at a distance of approximately ten meters.
- 02:02 And in fact when we went to the place we realized that he was at least at 50 meters which was quite different. So I made a, I made a site visit just to see the place, how, how the location of it and how, from where he could have seen our client. And, and after that, made a, made some evidence about that.
- 02:26 DJH: Was this a site that, besides this question, was one that would demonstrate what went on there?
- 02:34 No, no, no, no, no, no, no.

- 02:36** DJH: Okay. Yeah.
- 02:36 No.
- 02:37** DJH: And have you been on your own or, or officially to like some of the site-, quote “memorial sites?”
- 02:44 Yes. Yes. I've seen some of them. Very impressive, very impressive.
- 02:49** DJH: Yes. Have you been to the one that's beyond Butare, the one – in the school up on the hill where the sk-, where the skeletons are? Yeah.
- 02:57 No, no. I did not see that.
- 03:01** DJH: No, okay. But you have seen . . .
- 03:02 Pictures of that, yes.
- 03:04** DJH: Pic-, pictures of that, and you have been to some of the other sites.
- 03:07 Mm-hmm, mm-hmm.
- 03:08** DJH: Have you been to the genocide museum?
- 03:10 No.
- 03:10** DJH: Okay.
- 03:12 No. Maybe later.
- 03:14** DJH: ( \_\_\_\_\_ ) Yeah, yeah I understand. I, these are questions I must ask. Yeah.
- 03:18 It's okay.
- 03:19** DJH: And, and, at the, at the end of the day, I'll ask you the question you know I'm going to ask you and I know it's, I haven't given you pre-, preparation time but if there was, if there were a few things that you, if you were designing a tribunal for the future and I hope it would not be necessary but I, I think current events may be telling us different.
- 03:48** DJH: Are there some things that you would want to be in the design of such a tribunal that you think would make, make it better, better quality of justice, or more efficient or more fair?

- 04:10 If you give me the chance to think about it, I could possibly come back with some observations.
- 04:18 DJH: Okay. Okay.**
- 04:19 But for the time being, I'm just a little bit caught by surprise by this question.
- 04:23 DJH: Okay and I apologize for . . .**
- 04:24 And I would, I would prefer to, to give you an answer after having thought, after having thinking about it.
- 04:31 DJH: Okay. Thought about it, okay. And if you want, if you want, if you want to send us a few paragraphs or whatever in writing, I'm not, you know, not going to hold this, you know, by email or something.**
- 04:37 Okay. Okay. Okay.
- 04:42 DJH: But we'll work out some way because I would like to have the benefit of your thought. And the last, then the last question is without any structure at all, you are now speaking to the future. These, this film will be seen by high school children perhaps or legal professionals or just citizens, whether of Rwanda or other parts of the world.**
- 05:06 DJH: Is there something you'd like to say to the future at this time based on your extensive experience here?**
- 05:20 Again, I think I will ask for time to think about it and then possibly come back to you with that, with that question or some . . .
- 05:30 DJH: Okay and you are, you are cordially invited. And it won't be as long as we have done here today.**
- 05:34 Okay. Okay.
- 05:37 DJH: Well, thank you very much.**