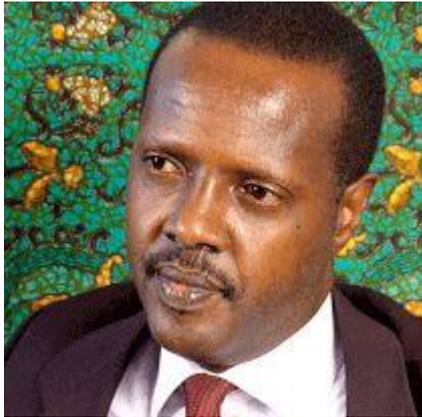




Voices from the Rwanda Tribunal

Official Transcript: Richard Karegyesa (Part 4 of 11)



Role:	Acting Chief of Prosecutions
Country of Origin:	Uganda
Interview Date:	29 October 2008
Location:	Arusha, Tanzania
Interviewer:	Batya Friedman Ronald Slye
Videographer:	Nell Carden Grey
Interpreter:	None

Interview Summary

Richard Karegyesa reflects on the relationship between the ICTR and domestic justice systems, discussing transfer of cases and the capacity of Rwanda's judiciary. Karegyesa discusses best practices for the prosecution, the protection of witnesses and prosecuting rape as a crime of genocide. He draws attention to the differences between prosecuting rape as an international crime and a domestic crime and comments on the importance of creating a historical record to protect against revisionist histories.

The transcript of Part 4 begins on the following page.

Part 4

- 00:00** **Batya Friedman: So one question maybe you could speak a little bit about is the nature of evidence. You know, when you have so many people who've been massacred and a situation in a country where pretty much everyone you encounter is either been, you know, has a family member who's been victimi-, a victim or was themselves a perpetrator or has a relative who's a perpetrator.**
- 00:31** **BF: It's very different than a situation where there's been a murder and maybe there are several people acting, maybe several people killed but it's, it's a much smaller group of people. From your time here, what's different about the nature of evidence when you are trying to establish something like genocide?**
- 00:57 First, it's just the sheer intensity in scale. I mean where do you start? A million people, anywhere up to a million people killed in a hundred days, you know, works out to any-, you know, anywhere up to 10,000 people a day, you know.
- 01:15 And then, you know, you had the war, and parallel to that you had the genocide, in a country whose population then was about 8,000,000, you know. A million people is a lot of people.
- 01:31 But remember too that, you know, entire communities were uprooted and displaced; you know, about 3,000,000 in the refugee camps, either in the Congo, in northern Burundi or northern Tanzania.
- 01:49 So from a pre-war, pre-genocide population of 8,000,000, you know, you've got about 4,000,000 people in Rwanda. All severely traumatized whether they're perpetrators or, you know, or victim survivors. Y-, and in a highly polarized society.
- 02:13 So yes, I mean investigating such crimes is a big challenge, you know. Where do you start and, and, and how do you, how do you prioritize? Because it was country-wide, you know. You know, so yeah there, there, there were challenges.
- 02:31 We had investigators and prosecutors. Nobody had ever, you know, prosecuted or investigated genocide, you know, since Nuremburg. And even in Nuremburg it was crimes against humanity and war crimes rather than genocide.
- 02:48 So yes it, it, it was very difficult; there were challenges. There's linguistic, cultural – because we didn't have Rwandan investigators. You know, the judiciary, members of the judiciary, i.e., the judges, prosecutors and judicial police were either dead or in flight, you know. So, you know, we basically started from scratch.
- 03:16 Some areas were no-go because of, you know, rebel in-, incursions from the Congo – you know the, the Western, the Western part of Rwanda, you know, all the way from Goma, the northern tip of Lake Kivu down to Cyangugu the southernmost tip. There were rebel incursions from the Congo and it was sealed off.

- 03:48 You know, UN staff couldn't travel there. Able subsequently to travel there in '97 and about two or three got killed and then it was sealed off again. You know, investigators didn't know the elements of the crimes they were investigating.
- 04:12 You had to operate through interpreters with no system to check, you know, to have quality assurance of whether, you know, you're actually getting the right version. You, you had witnesses who would cringe at the sight of certain interpreters because of the ethnic polarization.
- 04:39 Yeah, I mean there were very many difficulties involved in investigating and putting a case together.