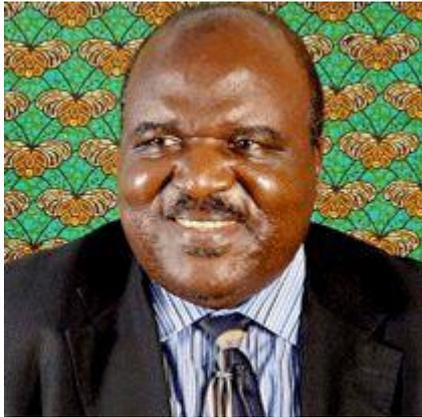




Voices from the Rwanda Tribunal

Official Transcript: Alfred Kwende (Part 3 of 6)



Role:	Acting Chief of Investigations
Country of Origin:	Cameroon
Interview Date:	28 October 2008
Location:	Kigali, Rwanda
Interviewer:	Lisa P. Nathan
Videographer:	Nell Carden Grey
Interpreter:	None

Interview Summary

Alfred Kwende contrasts investigating small-scale crimes in domestic jurisdictions with the unique challenges of investigating crimes against humanity and acts of genocide in Rwanda. He explains the process of selecting ICTR cases and how the investigation process has evolved over time. Kwende discusses his frustrations at the lack of properly trained investigators selected by the ICTR at its inception. He also reviews the difficulties associated with capturing and arresting accused individuals and ensuring cooperation from other states.

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Part 3

- 00:00** Lisa P. Nathan: **When you began your work here and began to recognize the enormity of your job, how much responsibility and all of these challenges, did you pick out some certain goals for yourself in your job, certain things you wanted to accomplish or try to accomplish?**
- 00:22 Well, I did mention that it was difficult to establish those who bore the greatest responsibilities. That was really a major challenge. In fact, I didn't go through establishing or telling you how we overcame the different challenges because in themselves they are, they're problems. The ma-, one of the first things we had to do, because the first structure had in place, was how do we investigate to be able to pick up all the evidence that was available.
- 00:54 Those who initially came f-, in, they had what you call a national team, national team main investigation, national territory. They had a few regional teams, (_____), then a few thematic areas, the military and the, the governments. But when we met in '99 to put a structure in place, we had with hindsight seen a few things and a few areas of progress where we could remodel.
- 01:36 So we came up with a strategy policy that we should combine both thematic and geographical distribution of the cases. Now, Rwanda at the time had ten or 12 regions. They are called prefectures and so each prefecture was assigned to, each (___) had these three major regions. Each team had a number of areas to investigate.
- 02:12 But then we identified also a number of ways by which killing had been done. Killings had been done by soldiers, killings had been done by the militia, killings had been done through the party and so on, and so said that in these different areas how do we get ourselves to capture what actually happened.
- 02:38 So the three main sections we created within our, our teams. We had a team, a section that was in charge of governments. Government meant a national level, regional level and local level. So all officials who fall, who fell into the structure of management, at national level the ministers, at regional level the, the governors, the préfets, at local level the mayors, the bourgmestres and so on, head of sectors. These were governments in the-, their various components, ministers and, and so on.
- 03:25 Then we had armed killing, armed structures. In the armed structures we had the military to which you could add the police, the gendarmes, the militia and the civil defense. These people were, had some organiza-, organizational structures and the killings could be said to have been organized or worked out within those structures.
- 03:52 Then we had a third which we couldn't actually tie under one nomenclature – we just said 'and others.' And under the others we had the thinkers – those who had written. We had the clergy, the church, who had, in their own way, unforeseen animated the genocide or provided for it.

- 04:16 We had the businessmen who had financed it; we had the journalist who had used the radio to incite. And whatever else we could not identify to fall within the first two categories, we dumped or we put into the third category and this seemed to have covered almost everything we needed.
- 04:36 But, of course, in criminal investigations there's no use investigating if you can't identify who committed the crime. So we had, by necessity, to put in place a tracking unit since I mentioned earlier, that by the time the tribunal came on most of the offenders had escaped.
- 04:58 So the tracking team had as a duty, to use information captured during investigations and using intelligence and sources and informants, to locate where those persons would be residing, and trying to help to get them arrested.
- 05:22 That was then a, a fourth area, whose responsibilities were indispensable. In fact, with a bit of, I could go back to say that, in fact it became an essential activity because in some cases they actually brought us to violate, I would not say violate but try to circumvent the process of investigations. Normally investigations, you investigate a crime, you determine who committed the crime and you look for arrest, arraign and bring that person before the courts.
- 06:10 The world listening and expecting results from us. In certain cases we arrested the suspect, we tried to look for suspect and arrest them before going through the process of investigating. You can imagine what the weaknesses could be. You could actually at the end of the day discover that the person didn't commit a crime at all or that the crimes committed, don't, we don't have sufficient evidence on the allegations.
- 06:39 Thank God we've not had too many things to regret in that area but we're all acting within the law because the law at the time provided under Rule 40B, so the process, rules of process, evidence and process, process and evidence, to be able to arrest any suspects or any person alleged of committing a crime who, if left, could disappear and it'd be difficult to get him once the investigations are completed. But we had a duty to provide sufficient evidence for him (___) indicted within 90 days of arrest.
- 07:21 So their rights were still covered under that process. So here we were and of course in the early years were, were forced, virtually, to organize what we call in, you, you hear in jargon, hear NAKE E-, NAK-, NA-, the NAKE East. NAKE means of course the East African Nairobi, Kenya and the Eastern operations and we had to go out because most of those who had left from here were (___), initially residents in the Eastern part of Africa and we knew where they were, so it's easy to get them in and most of these people were arrested under that operation.
- 08:04 They were NAKE East, NAKE West, those who went to West Africa, those who went to East Africa. And that in itself was a major challenge, well, to get them in and arrest them and investigate them within 90 days and get them indicted. That's one of the first issues, one of, the structuring of what, what, of our, of our office, investigations section and getting to get investigations done.

- 08:34 Another aspect was that we got information dumped to database and we made a very long list of suspects. The list of suspects ran into the thousands. Then we had to start screening through this list and try to see those who bore the greatest responsibility and that meant having to collect as much evidence as possible.
- 08:59 Of course, like I mentioned earlier, some were picked up before the investigation was completed, just for fear they wouldn't go further, escape too long, too far but we tried as much as possible to respect the process, people's rights of collecting sufficient evidence that could lead to an indictment before they were arrested.