



Voices from the Rwanda Tribunal

Official Transcript: Philippe Larochelle (Part 4 of 8)



Role:	Defense Counsel
Country of Origin:	Canada
Interview Date:	23 October 2008
Location:	Arusha, Tanzania
Interviewers:	Lisa P. Nathan John McKay
Videographer:	Nell Carden Grey
Interpreter:	None

Interview Summary

Philippe Larochelle reflects on his experience as Defense Counsel, speaking to the many areas where he perceives the ICTR to have failed. He draws attention to allegations that the Tribunal has been politicized by its reluctance to prosecute members of the RPF. He observes that international pressure to secure timely convictions has been prioritized over the genuine pursuit of justice. He addresses the inequities between defense and prosecution teams, as well as the difficulties of securing political asylum for the acquitted.

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Part 4

- 00:00 **Lisa P. Nathan: So, if you were going to be on a, to advise people who might be creating a tribunal similar to this in the future, based on your experience, what are some things that you would want to have in place in the structure?**
- 00:17 Right from the outset, some safeguards, okay? This is more of a political exercise than a judicial exercise, I think. You're, you're asking lawyers to figure out what happened in the head of politicians a-, and other people like that. If you want to keep a, a certain measure of, of objectivity, right from the outset you have to think about the fact that some individuals would be accused, okay? So, I think it is important that when . . .
- 00:48 Like the defense got involved at a much later stage in all these proceedings. So you have to find a way – and I'm, I'm, I, I, I've never participated in creating international tribunals but I think (), if you want to arrive at a better, better objective and, and, and accurate narrative of facts at the end (___), because always you're dealing with, like events of historical proportion – I think you need to, you need a safeguard.
- 01:16 Because what happened there is that they were looking for guilty people. They were, they were not looking – and you can see there was a comment from Judge Kama at the beginning, "We're going to pronounce our first conviction soon," you know? There is this – there is an assumption that you are, you're trying to catch guilty people. These people, some of these people have spent like eight years in jail before being released after their acquittal.
- 01:41 You, we tend to forget, I think, to, to lose sight of the fact that one, one, one of the problem, I think, in that too is the fact that – I suspect that the tribunal was a bit, became a bit of a, a tool in the hands of the, the current regime in Kigali.
- 02:02 I think – I don't want to – there, there are examples where they decided to stop cooperating, and in our own case there are examples where we actually see positive actions in, in, in generating false evidence against the accused which there is at least certainly a bit of interference here.
- 02:18 In, in a, in a, in a tribunal where th-, you have like a very, by and large, a very, an immense political – there is a political sort of side to the, to, to the things that are happening here. And so you have to be very careful because, in the end, you're, you're dealing with individuals for which you have to decide.
- 02:38 So, my, my thing as a defense lawyer would be to make sure that the rights of these pe-, people that are accused here are respected right from the outset because otherwise, if you, if you, if you get carried on in, in that task of finding, finding the responsible people,

then you get list of, of, of persons who are involved from Rwanda, you yourself have no knowledge of what happened there. So you, more or less, rely on that stuff.

03:00 I think in, in circumstances like that it's very important that you integrate right from the beginning some manner by – I don't know how, but that you integrate safeguards to make sure that the accused persons that will be judged, you know, in 12, 14 years after the events, receive fair trials.

03:20 LPN: Did you, this will be my last question before we break, did you have goals or a goal when you first became involved with the ICTR in your work here? When you made the decision to move away from a big law firm in Canada, you made a decision to stay working here. I imagine you had something in mind, some goals in your work here.

03:45 Goals – well, first, professionally when I started, I started reading everything about Rwanda and, and, and by extension, the Great Lake region. Eventually, I, I realized that I was in, in a new field and developing an expertise at that stage of my career was very interesting so – and yet, it's still a criminal law, so . . .

04:07 But, you know, apart from doing my best in putting my, my, my clients' case through then, which is still my goal, that's pretty much it, (_).

04:20 LPN: Okay.