



# Voices from the Rwanda Tribunal

## Official Transcript: Claver Sindayigaya (Part 5 of 6)



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|---------------------------|-----------------------------|
| <b>Role:</b>              | Defense Counsel             |
| <b>Country of Origin:</b> | Rwanda                      |
| <b>Interview Date:</b>    | 28 October 2008             |
| <b>Location:</b>          | Arusha, Tanzania            |
| <b>Interviewers:</b>      | Robert Utter<br>Ronald Slye |
| <b>Videographer:</b>      | Max Andrews                 |
| <b>Interpreter:</b>       | None                        |

### Interview Summary

Claver Sindayigaya explains how cases against the accused are handled at the ICTR, and how most of the accused were arrested in places outside of Rwanda. He discusses the transfer of trials from Arusha to Rwanda and the criticisms that the accused would not get a fair trial in Rwanda, how the Rwandan judiciary does not yet have the capacity to handle these cases, and how defense witnesses would not be free to speak in favor of the accused. He also discusses the lengthiness of trials – including one client waiting for 14 years for judgment – as a significant criticism. He discusses the different defense strategies used in multiple-accused cases, and the advantages of being a defense counsel from Rwanda.

*The transcript of Part 5 begins on the following page.*

## Part 5

- 00:00** Ronald Slye: Being originally from Rwanda . . .
- 00:06 Mm-hmm.
- 00:07** **RS: . . . does that do you think provide you with certain advantages to other defense counsel and does it also provide certain challenges for you?**
- 00:20 Advantages I can say yes, because (\_\_\_\_) I mean if I start with the, the small things for instance, I know to distinguish names of places, names of people and so forth. I don't need, need a spelling list or if somebody mentioned somebody's name, I know that's, that is a person, it's not a hill for instance.
- 00:57 That is an advanta-, advantage. I was in Rwanda of course I was not in Butare because I met my client at the prison here; I have not known him before, so. But I think even other defense counsels who study their cases properly they can handle it as I do, so the, really the advantage is not so enormous if I can say.
- 01:33** **RS: Are there particular . . .**
- 01:33 Of course I have also the advantage of interacting wi-, with defense witnesses easily because I speak their language. I don't need an interpreter and you need when, when somebody is translating or interpreting sometimes we get 80% of the message or sometimes less than that.
- 01:58 So I know how to read from somebody's demeanor, somebody's gest-, somebody's language; I know wha-, what he means really and he can have such kind of confidence with me because we speak the same language than he can have with you as a foreigner. I think that is a, a great advantage I can have.
- 02:26** **RS: Are there particular disadvantages or challenges that you face because you're from Rwanda?**
- 02:39 Challenges not so many. I, I ca-, I think I have more advantages than challenges. I don't see really particularly, I mean significant challenges when it comes to, to my work as, as a counsel. I have more advantages that I don't see really any major challenge I can, I can present to you.
- 03:10** **RS: Let me – one of the people that may be watching this interview sometime in the future might be a young school child and the school child might ask how someone who was allegedly involved in such a horrible atrocity could be defended and how somebody like you could agree to defend somebody who's accused of such terrible atrocities. What would you say to that child?**
- 03:42 I would say basically that that person who is accused of having done such atrocities is first of all presumed to be innocent until he has been declared guilty by a court of justice. So, th-, that is a basic human right that has to be respected all over the world because in many cases people have been accused of having committed such horrible

things and at the end of the day the chambers or the tribunals found them not to be guilty.

04:31 So I'll tell that small child that every human light, ri-, I, I mean human being has a right to be defended by a lawyer until he's guilty has been proven by a chamber. So we should not just take what is being presented as the final verdict unless it has gone through a fair legal judicial process and there can't be a legal judicial process unless there is a defendant.

05:13 Even somebody who is the most criminal over the world, he deserves to be defended by a qualified lawyer so that his right might be respected until the end. And the child should know that if the person is really guilty and if, if he, it goes through a legal process, that person will get, will be convicted accordingly but after having been I mean defended by a, a, a lawyer as we are doing right now. I think th-, that what I can say.

**05:57 RS: And then, and then suppose they asked why you chose to be defense counsel as opposed to a prosecutor?**

06:10 As I told you I started in the defense team so I could have started with the prosecution side, but I was not maybe aware that there was an opportunity there, and after this ICTR (\_\_\_\_\_) have closed down I might join other tribunals there now; the International Penal Court in The Hague, I can go there on the prosecution side.

06:42 So I'm, I'm finding myself on the defense side but I could find myself on the other side also because what, what matters is search for the truth and the justice no matter where you are; on the defense side or the prosecution side, both do work for the same purpose theoretically I say.