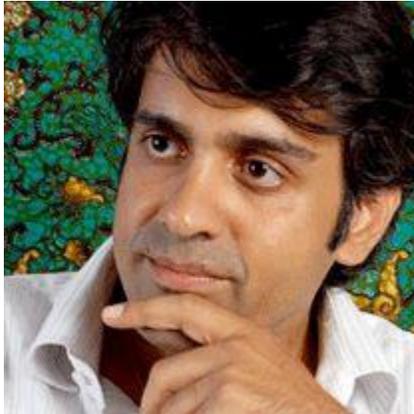


Voices from the Rwanda Tribunal

Official Transcript: Avi Singh (Part 1 of 7)



Role:	Legal Assistant
Country of Origin:	India
Interview Date:	24 October 2008
Location:	Arusha, Tanzania
Interviewers:	Batya Friedman John McKay
Videographer:	Max Andrews
Interpreter:	None

Interview Summary

Avi Singh speaks about his experiences defending Jerome Bicomumpaka, posing the question: Are all government members responsible if genocide occurs in their country? In other remarks, he critiques the legal aid structure at the ICTR, claiming the United Nations is plagued by inefficiency. He stresses the importance of high quality defense to avoid political prosecutions, and discusses the problem of hearsay in witness testimonies. Singh comments that alleged perpetrators of genocide typically view themselves as victims of an international conspiracy.

The transcript of Part 1 begins on the following page.

Part 1

- 00:00 **Batya Friedman: So I'm Batya Friedman, a professor at the University of Washington and it is October 24th, 2008 and I'm here with John McKay, a professor from Seattle University Law School, and our cameraperson is Max Andrews. And we're here today speaking with Avi, and Avi could you say your name, your role here at the ICTR and your nationality.**
- 00:25 Sure, my name is Avi Singh, my role here is a legal assistant in the defense team for Jerome Bicomumpaka, which is one of the four co-accused, in what's called the "Government 2" case here, and my nationality is Indian.
- 00:40 **BF: Okay, great. Can you tell us just a little bit more about your role on this case? What the case is about and just your role, some general things.**
- 00:50 It's bizarre – the, the case is about basically, it is a very wide case. It's been going on for five years, so we're still trying to figure that out. In terms of what is actually being plead against it.
- 01:02 But it's, if I can distill it down, if you can strip off sort of the factual allegations which we of course contest, I think this case really comes down to, if you're a government, or a member of the government, a minister in the government and a genocide or a major war crime event happens in your country, are you responsible?
- 01:23 I mean there's a lot of allegations about specificity et cetera which are really – but tha-, I think that's really what this case is always been about for me. And that's really what, if I could distill through a lot of the, you know, extra stuff that the prosecution throws, that's really what this case is about.
- 01:40 The role of a legal assistant is a – that's a harder question to answer because I don't know whether you want a de jure answer or a de facto answer.
- 01:49 **BF: So really what have your activities been? For this case?**
- 01:53 I mean, I-, you know, Philip and I are both legal assistants 'til our lead counsel passed on just last year. So, but basically, beyond actually speaking in court, we've actually run the case. So you, you have this situation here where you need, used to need, 'til last year, ten years bar, call at the bar to actually be a counsel.
- 02:20 And, and this varies from team to team but more so, because I worked at other international tribunals too, more so here than other places, very often the legal assistants are running the cases to a large extent. And, which could sound like well, you know, we just think we're doing it, but it has, it has been the case.

- 02:39 You know (___), I mean I remember, I really don't think that people actually read what they've signed in terms of pleadings, in terms of the paper, you know, actually getting up and arguing and, and cross-examining witnesses.
- 02:50 We haven't actually been allowed to do and we actually fought that battle and lost it. Because they said, "No, no that's the conditions of legal," because we're on legal aid, we're funded through the legal aid system.
- 03:02 So beyond that, legal assistants basically, at least in our case has been, you know, we've done all the writing, we've done all, between us all the witness preparation, the strategy of the case.
- 03:16 BF: Mm-hmm. Great. So I want to take you back for just a moment to the spring of 1994.**
- 03:26 Spring 1994?
- 03:27 BF: Yeah. What were you doing? Where were you and what were you doing?**
- 03:31 I was an undergraduate in 1994 spring. I was in – God that's a good question. I was – no, no I remember this. I was at the London School of Economics, I was in my third year; I graduated in '95 . . . Yeah, I was in my third year. I'd gone there from the U.S.; I was an undergraduate in the U.S.
- 03:50 I had gone there to the LSE for a year. And I'm not sure particularly what I was doing, probably, but it was, yeah, April, so exams were in May, no, June. So wasn't studying. Yeah.
- 04:05 BF: And . . .**
- 04:06 (___), World, World Cup was later too, no so I wasn't watching the World Cup either. But yeah.
- 04:10 BF: So and what were you studying at the London School?**
- 04:14 International Relations.
- 04:16 BF: Mm-hmm. And at what point did you become aware of the genocide in Rwanda?**
- 04:23 When it was happening, yeah.
- 04:24 BF: So . . .**
- 04:24 When it was happening.

04:26 BF: How did you learn about it?

04:28 Well, I mean I, I'm a little strange in the sense that you know, I, I read about five newspapers a day. And so you know, I, I, I like to know what's happening in the world, I've – and especially ethnic conflict. You know I grew up with ethnic conflict, my parents, my family have been refugees from ethnic conflict.

04:48 So for me ethnic conflict is sort of – you know, that's what brought me to ICTR in the first place. But you know, going back now I remember. The one thing that really, really peeved me off about the coverage about Rwanda then was the fact that every, th-, there was this – now I know an academic term for it.

05:12 The new barbarian theory, you know, something barbarian theory, there's a writer called, I'm forgetting his name, English writer who writes about this. But it was like, "They've been fighting each other for hundreds of years. This is," you know, "usual ethnic conflict."

05:26 I remember reading that and thinking yeah, this is, you know, yes, that's what people do out there, you know, out there in the other world. So people – and I remember being very angry about the sort of, the coverage of it then.

05:39 BF: So you mean that – so just, that this barbarian theory is the theory that people are just fighting each other all the time and there's nothing new here?

05:48 It's what they – you know, my expertise, if, if you want to, I didn't know much about Rwanda then . . .

05:53 BF: Mm-hmm.

05:53 . . . but I was actually – I did my, it's an undergraduate thesis so it was only that limited. But I did my thesis on, on Yugoslavia. And they're the same thing. You know, the Balkans, "They've been at each other for hundreds of years," which basically removes any, any amount of sort of politics from it, agency from it.

06:11 You know you take away all, you know, political, what happened 20 years, the history itself is informed by things, and you just say, this is the way things are. So then there's no reason to change anything, it's just how people will be. The Balkans will always periodically go at each other with guns and countries in Africa will periodically go at each other with machetes.

06:30 BF: And what's your view on that theory?

06:33 Oh, it's crap.

06:34 BF: And, and why?

- 06:36 Why? Why is it . . . ? Hard question to answer. Why is it crap? Because all ethnic conflicts are political, right? And you and I are of different ethnicity, we're on video so people can see that, right? And people living in the same place are of different ethnicity and you can create the political conflict quite easily over time as a political project, through narratives of history.
- 07:03 And there are narratives of history which have terrible in Rwanda. But that doesn't mean, even – so that's itself political, but that doesn't mean that ethnic conflict will result, either by people acting badly or people not caring enough, or people letting people who have ulterior motives – it gets to a situation and even when it gets to a situation it can be contained.
- 07:24 So there's, there's specific political events that happen which lead to it. And they're avoidable at every stage of it, right? I mean Rwanda was avoidable, and the blame frankly is shared by the defendants here. The people in power in Rwanda, first, because in the end it's their country and they let it happen to themselves.
- 07:46 And secondly by the international community who played variously malicious roles in it. You know, we're all to blame to some extent – I mean, you know, you can always say we weren't in power and didn't have anything to do with it, or didn't even know about it when it started, but in terms of international community, yeah.