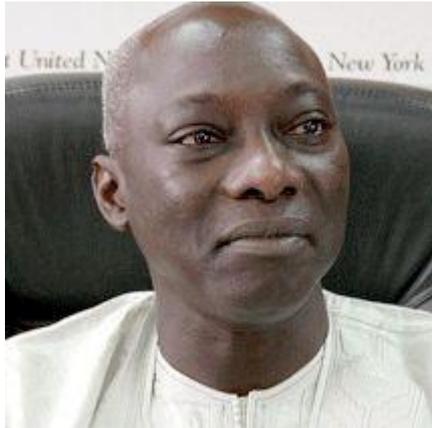




Voices from the Rwanda Tribunal

Official Transcript: Adama Dieng (Part 9 of 10)



Role:	Registrar
Country of Origin:	Senegal
Interview Date:	28 October 2008, 5 November 2008
Location:	Arusha, Tanzania
Interviewers:	Batya Friedman Donald J Horowitz
Videographer:	Max Andrews Nell Carden Grey
Interpreter:	None

Interview Summary

Adama Dieng discusses the challenges of establishing the 'rape as genocide' jurisprudence, the importance of training defense counsel, and the need to strengthen Africa's national courts. In his reflections on the important role played by Gacaca in Rwanda's healing, he emphasizes the serious challenges that domestic justice has posed to witness protection, as well as the need to avoid 'victor's justice'. He stresses the importance of the presumption of innocence at the international level while advocating for compassion for detainees.

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Part 9

- 00:00 **Donald J Horowitz: Well, you, your, it's, it's interesting how you addressed the next questions as you, as we go along because the, the tribunal will be ending at some point in the next few years. And therefore, the, one of the strategies, or planni-, planning that must be done is how to use the national courts for any, for anything that's left over, that c-, must continue to be monitored, et cetera, et cetera.**
- 00:30 **DJH: And I was going to ask you about perhaps the responsibility of the UN, not just necessarily this court, to aid in the, increasing the capability and the capacity of national courts, not ju-, in Rwanda would be wonderful because then in this instance some of the cases and, and responsibilities could be moved to where the events occurred, but also other courts in, in Africa and elsewhere.**
- 00:58 **DJH: And it sounds to me like one of the things you're already contemplating, not just for ICTR, but more generally, is aiding in the c-, in building the capacity and capability of national courts so that the j-, the international job can be left to ICC and so forth and those other things can be left to the courts. Do you want to comment on that?**
- 01:20 Well, the strengthening of the capacity of the judiciary in African countries is extremely important and starting with Rwanda I may say that from the early days I came here, one of the project I devised with the Rwandan was how to strengthen the judicial capacity in Rwanda so I was able, with the limited resources we had, to assist the Rwandan in that process including even the drafting of their laws.
- 01:56 My special assistant, I lend him to the USAID, helping in the ju-, judicial reform in Rwanda. I mentioned earlier the support being given to Tanzania. But it is very, very important from now onward to invest in the judiciary, to invest in the rule of law. I was saying that we have to make it possible for the rule of law as a notion to be known like the notion of human rights worldwide.
- 02:35 Ever-, where you go, people will talk about human rights. But the rule of law tend to remain only within the circle of the lawyers, judges, academics, et cetera. But we want the rule of law to become part of everything in the life of everybody.
- 02:55 From the peasantry through the fishermen to the judges. Because the rule of law to me is the backbone, is the backbone to the, to democracy. It's the backbone to the independence of the judiciary. Without the rule of law nothing is possible.
- 03:11 And that is why in the preamble of the Universal Declaration of Human Rights, it has been stated clearly that to avoid men to be compelled to rebellion because of tyranny and oppression it is important that human rights be protected by the rule of law.
- 03:36 The human rights, therefore, at the beginning, have to be protected by the rule of law; in other words, you need to have a rule of law regime. And you cannot have a rule of law regime unless you have a strong judiciary and independent, and the strong judiciary – strong in terms of size and quality – and how to make it possible.

- 03:58 The UN today has included in its program the rule of law. There is, in fact, a unit which has just been established recently in the Office of the Secretary General. The rule of law is also part of the program in the Office of the High Commissioner for Human Rights. It is also part of the program of the UNDP.
- 04:20 So therefore, what n-, is needed today, as a UN, is how to harmonize all this. How to develop a program in the medium term to make sure that one will assess the various judiciary around this continent.
- 04:37 Two: What are the requirement? To me there is a need to make a real judicial revolution in this continent. And how an organization like the African Union can help – I think there are so many challenges. But what I may just say, in regard to this question, is that efforts are ongoing. The US administration is helping, Canada is helping, even the Climate Fund is very much also interested in these issues of rule of law, and strengthening the judiciary.
- 05:18 Investors are also very much interested because unless you have an independent, efficient judiciary, you are running a risk to invest in this country. And that is why the, the judicial environment needs to be secure.
- 05:38 And that is one of the objectives we have to reach if we want some of these African country to emerge, to become what they call now emergent countries, and you can do it, not only by investing in companies, but you have to invest also in how to ensure the security of your investment. Some countries have already accepted, they are on board, and we will continue to fight for it, and I hope that we will achieve it.