

Official Transcript: Adama Dieng (Part 10 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 10

- 00:00 Donald J Horowitz: When you talked a few minutes ago about the need for training the judges here – excuse me . . .
- 00:05 Nell Carden Grey: () five minutes.
- 00:05 DJH: Five minutes. Okay, so . . .
- 00:09 It's one o'clock already . . .
- 00:10 DJH: . . . and, and, and for the reasons stated I'll, I'll be brief. And, and now you're expanding it to the other areas and I, I think that's all that needs to be said about that.
- 00:20 DJH: Let me conclude by, by doing some – asking a few questions that are personal, ok. Has being in this job for this long, dealing with the problems we've touched on, and particularly in the context of the horrible crimes which you've had to become familiar with daily – has that changed you? Personally, as well as professio-, professionally? And if so, how?
- 00:52 Well, I think professionally it has changed me a lot. I may say that I have learned a lot on common law procedures, definitely. I have learned a lot also in terms of managing a multicultural institution, because here is, after New York, the second United Nations office with the largest nationalities. We have about 90 nationalities in this Tribunal.
- 01:30 But as a human being, I think I came to learn a lot. When you deal with even the accused, when you deal with staff members, everybody has his own, her own problem, you have to face with. And I will just give you an example. When the detainees requested to be allowed to have a room for them to receive their girlfriends or wives to have sex, I oppose. I oppose on the grounds that in Tanzania it is not applied, it's not a part of their culture for prisoners to be having that access.
- 02:28 But many years later, almost seven years after, I had some kind of a, cas de conscience. I said you are living in Arusha, you have a chance for your wife to come, maybe, once a month to visit you. These people, of course, you are different because these people have committed serious crimes, but isn't that really too much, depriving them of that possibility? Because they are still presumed innocent until they are found guilty. And that is how I finally decided to allow them now to receive their wives.
- 03:13 Of course, this measure was not welcome by the Kigali authorities. They felt it was a favor. And I do believe that even if it was a favor, I assume having taken that decision, because I think they still human being, even if they are the worst criminal, even if they are found guilty of genocide, they remain human.
- 03:40 And my hope is that these people, those who were convicted, have remorse, because I think remorse is extremely important. The sole fact of being in a prison cell to me is not

the end of justice, but if they express a remorse then I think I'll be even ready to grant pardon, because to me, at the end of the day, what was important was to show to the world that the international community is committed to bring an end impunity and to replace it by accountability.