



Voices from the Rwanda Tribunal

Official Transcript: Philippe Larochelle (Part 8 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 8

- 00:00** John McKay: Let me, let me turn to just sort of a, a, a final area I think which is to, to ask about you in your role. You talked a little bit to Lisa about this but . . .
- 00:09** JM: Y-, you know, I can see in your, in your comments you were, you, you were, you were poised to go where, you know, law students and, and new lawyers want to go which is in a very successful – you'd be served coffee with fine china, you'd be dealing with major corporations and clients in Montreal or, or, you know, somewhere travelling in, in probably better class than you're travelling, living better, making more money.
- 00:36** JM: What, what is it about this work that has attracted you and caused you to stay?
- 00:42** Well, this, this thing is writing history and it's not writing it correctly, you know. So that's where I eventually manage to squeeze in there. You see they're, they're writing the history of that country, of those people, and – you know, a murder is one thing, you know? But 800,000, a million is another thing.
- 01:02** You're, you're dealing with – that's the political sort of side to this whole story. You're, you're, you're, eventually, you're ending up doing a job which is half legal and half political. And that's different. That's different and that's a great challenge.
- 01:20** And that's also on a more personal level. You know, I was profoundly shocked by how the Prosecutor alleged things which were obviously untrue, which were not checked, which were not – so that also . . .
- 01:37** Which, although as a criminal lawyer, you're not supposed to espouse your case. You're supposed to, you know, be somehow cold about it and, and, and you know, sort of remain in your role as just the justice officer and, you know, whether you're guilty, whether you're convicted or found innocent, it shouldn't matter because you should be happy that justice is being done.
- 01:56** But here, you, when you, when you, when you are hit by the fact and by the feeling that justice is not done and this guy would be, you know, to my, to my opinion, you know, wrongly convicted – if found guilty, well, that, that, that reaches you and certainly, you want to give it every effort that you can.
- 02:18** JM: You know, I, I, I'm personally convinced of course that the, that the role of defense counsel and good defense counsel is, is a critical part of any justice system. And I, I know you and I would, would agree with that.
- 02:30** JM: As you look back, if you were to look back on your time here – it's, it's 20 years from now and you look back on whatever final amount of time you spend here, what do you think this will have meant in your career?

- 02:44 Well, a lot because I, I definitely want to keep doing international law and international criminal law because I, you know, I, I – it's – (___), I have never been in Africa before coming here. And now, like I can, I can have like very lengthy talks, you know, with, with experts on Rwanda and the Great Lake region.
- 03:06 So, aside, aside from law – law is a tool. You can fit anywhere you want in that box, and what I fitted in here is like the history of, of, of a couple of countries and, and you know, which is – y-, you don't get every day the opportunity to, to do a great deal of history and, and, and cultural – this is a very . . .
- 03:26 We haven't touched on that but we're, we're used with a certain way of doing law, you know. Judges, you know the people who are talking. When they say things, they come more or less from the same background as you do and all of that.
- 03:43 Here you're basically parachuted in a place where, you know, like some guy comes from a village which you don't know where it is unless you've been doing investigations there, and this – they, they come from a completely different cultural background.
- 03:56 And this, you know, part of the difficulties that are met here in this tribunal, this may explain some of them too, you know, like the, the, the oral culture of Rwanda. People are, are, are telling things which have been told to them which is just, you know, "hearsay, hearsay," but not – (___), this is, it's part of them. They know that, you know, even though they've been told by somebody who's been told.
- 04:18 This is – I find this fascinating trying to import, you know, to (___), to what extent have they been successful in doing that, I don't know. I have my reserves about that, but to import a, a, a certain manner of doing justice and doing legal things and then to bring into that box people who have been traumatized by these, these dramatic events, I think, you know, there's, there's a lot of interesting researches that could be done there.
- 04:40 And that's, that's a new way. That's what I like, you know? It, it changes you from your regular practice where, where you're, you're, you're, you have, well, you cannot grasp if you, if you h-, were not, if you have not lived there or you were not born there, or if you have not been through these, like traumatic events.
- 05:58 It's very – you can try to understand but it's, it's every, every new witness, every new person you meet is a, is a, is a new fascinating challenge. And that's, that's what I, that's – when I will look back at that, I will look at my African years, you know, and I will certainly, I certainly developed a great deal of love for that continent and for that, for that country – Rwanda, Tanzania, and . . .

- 05:21 JM: Do you have, do you have hope then for justice on, on terms that, that, that, that you understand and you, you believe for the people of Rwanda and, and the people of, of Africa?**
- 05:32 No, not for Rwanda because on the whole, if you want to see what kind of legacy this tribunal will, will leave to Rwanda, it will exacerbate divides which exist. The, you know, like people, pe-, there were – over the years, these pe-, these two communities – let’s call them that way. I don’t want to get into things, but – the, the Hutus and the Tutsis over the years have, have managed things and, and doing things a certain things.
- 06:00 But this tribunal, what it has done, it has exacerbated these – it has taken that one side, these false stories, these false allegations, and they have brought it over here against, against people who know exact-, who know that it’s not true.
- 06:14 The people, people that come from Canada, United States and even like you know, neighboring countries, know very little about the history of that country and the culture of that country. But if you are Rwandan and if you’ve lived all your year there and your parents have lived there, and you see the kind of, sorry, bullshit that goes here.
- 06:34 You know this is – you know where you fit. You know what happened. You were there. You were there and you know exactly what happened. So, you, you, you can try as much as you want to twist things and to, to, to tell them differently and to try to squeeze them in, in, in certain boxes. Eventually, you know, truth will always come out. I hope anyway.
- 06:54 JM: Thank you very much. I really appreciate your taking the time.**
- 06:58 No problem.