



Voices from the Rwanda Tribunal

Official Transcript: Lee Muthoga (Part 7 of 11)



Role:	Judge
Country of Origin:	Kenya
Interview Date:	4 November 2008
Location:	Arusha, Tanzania
Interviewers:	Robert Utter Donald J Horowitz
Videographer:	Nell Carden Grey
Interpreter:	None

Interview Summary

Lee Muthoga compares the cases of Casimir Bizimungu and Mikaeli Muhimana, reflecting on the difficulties of determining the guilt of implicit political action as opposed to explicit individual action. Muthoga discusses the unique challenges posed by a hybrid jurisprudential system, stressing the need for judges to have investigatory capacity as typical of civil law systems. He calls for mandatory induction courses for new Tribunal personnel and notes that many staff may require counseling as a result of their work.

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Part 7

00:01 Donald J Horowitz: In 1994 April, where were you?

00:09 I was in Nairobi. Let me give you, tell you my first contact with the Rwanda genocide.

00:19 DJH: Please.

00:23 One of, one of my friends, a lawyer called Muite, now a member of parliament – also previously a member of parliament but that time just a practitioner – was working in a law firm called Waruhiu & Muite.

00:23 This law firm had employed a Rwandan secretary to one of the partners. Now and I'm driving out on one of those Saturdays and I find this secretary of this firm on the roadside and, and I stopped.

01:12 And she is crying. So I thought somebody had attacked her and so I stopped to ask her what's the matter and she would not be able to tell me what, what is the matter. I told her, "Come in, come in, come in."

01:32 I looked, there was nobody chasing her or anything like that and she's broken down. And then I waited for her to get composed and it is after she got composed that she told me she had just received information that her whole family has been wiped out in Rwanda.

01:56 And we had of course heard about the genocide in the, in the media but, you know, it, it was still very theoretical. That was the first not so theoretical encounter of it. And I dropped this lady at where she was staying and I looked her up a couple of times after that finding her and then they told me all these stories about how people had been butchered and so on and so forth. And that's how I first got into some contact with the genocide itself.

02:39 DJH: Did you continue to have an interest in – you did a lot of human rights work.

02:44 Yeah, but I didn't ha-, do any work relating to this particular genocide.

02:48 DJH: To the Rwanda (___). Had you been to Rwanda yourself previously?

02:51 No I hadn't. In fact I only . . .

02:53 DJH: Just to visit? Yeah.

02:54 No, no, no, I went to Rwanda just for the purposes of the Zigiranyirazo case last year.

03:03 DJH: Was that a site visit?

03:05 Yes, a site visit and the first time I was in Rwanda on Rwandan legal territory. I had been to Rwanda but on the air side because I had travelled aboard a, a royal air – Royal Swazi aircraft long time, in 1981 or something like that through Kigali and we did stop a

couple of hours there. They, they had a problem with the aircraft and we stayed at the airport. So that's the only other time I had been in Rwanda.

03:42 DJH: Ah ha. So – and, and when you did the site visit, you went to one of the sites where something was alleged to have occurred is that . . . ?

03:50 Yes, we did.

03:50 DJH: Okay. And you saw that site and the appropriate structure as?

03:52 Yeah. Yeah.

03:56 DJH: Yeah, okay. Alright and it's interesting you mentioned Royal Swazi. I was once on a Royal Swazi plane in 1986.

04:04 Oh.

04:05 DJH: And, and the king was, he was 18 years old or something and was on the front of the plane. The plane got treated very well. I thought, I didn't think the red carpet was for me.

04:17 He was travelling on the same?

04:19 DJH: He was on; he was in the front . . .

04:20 Oh okay.

04:21 DJH: . . . so we had to sit in the back. By accident we were on the same plane. Anyway, that's, that's a, that story is very difficult story. Has the, has the – I'm jumping around a little bit because you said something. Has the Kenya gover-, government changed its attitude to ICTR; in other words (____) . . .

04:45 Yes of course.

04:46 DJH: Th-, they are assisting with respect to people who might (_____).

04:48 (_____) . . . yes they did, they did change, yeah, a couple of years later.

04:52 DJH: Okay, so, okay, and obviously they did support your candidacy.

04:59 Yes.

05:00 DJH: Yeah. For this, for this court.