



Voices from the Rwanda Tribunal

Official Transcript: Mandiaye Niang (Part 2 of 13)



Role:	Senior Legal Advisor
Country of Origin:	Senegal
Interview Date:	8 October 2008
Location:	Arusha, Tanzania
Interviewers:	Batya Friedman Eric Saltzman
Videographer:	Patricia Boiko
Interpreter:	None

Interview Summary

Mandiaye Niang describes the early years of UN investigations and procedures, and recounts being traumatized by his initial experiences in the field listening to the stories of witnesses. He claims that these experiences increased his sensitivity to the needs of Rwandan people. He notes that the Tribunal's capacity building initiatives have helped strengthen Rwanda's judicial sector, indicating that these initiatives have transformed attitudes of Rwandans from initial distrust and criticism to feelings of ownership and support.

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Part 2

00:00 Batya Friedman: When you first came to the tribunal, what kinds of ideas did you have about how the tribunal was going to work? What goals did you have? What did you think it was going to achieve?

00:12 So, I think that this was two-fold. As I told you in the beginning, the first thing was that my own eagerness as a young lawyer to go abroad; also that was a United Nation experience. From my perspective, United Nation has always been a prestigious institution. I was joining the UN. And also I was a, a young lawyer. My, my dream was also to expand my experience and share with (___).

00:49 But of course when I, when I went there, there was also some level of disappointment in a sense that, you know, coming from a developing country, you know, joining the UN for a UN tribunal, I was expecting to f-, to find something quite functional, quite (___) very well set.

01:09 So the tribunal, of course, was an institution in the making. It's a lot of chaos. Not everything working. To some extent, I was even missing my, my old office in, in the Supreme Court in Senegal which is a very nice place, well set into the Atlantic Ocean.

01:31 So there was th-, that mixed feeling of, you know, participating in a, in an extraordinary venture, but also when I arrived on the spot some level of disappointment; with just chaos, people really searching their way. So but at the end, it was really a very good experience, so.

01:55 BF: What were some specifics of things that just, that disappointed you or just felt like they weren't working yet when you got here?

02:03 So, no, it's just about the level of organization at the time. So I was in a team of investigator. I should say that I come from a civil law back-, ba-, background. I am used to things being done in a certain way. Having for example – when you have to prosecute a case, (___), you have a prosecutor who is directing the investigation, so.

02:40 So I found myself with a team of investigator with n-, no link with the legal team, directing them specifically, yet we were dealing with very specific crimes like genocide and so on. For example, a-, as a lawyer, I quickly learned some of those basic concepts but I was also working with many non-lawyer, for people who have just a police background.

03:08 They may have been very good investigator but they did not necessarily have any clue as to, you know, what specifically you need to look for when you investi-, when you take a statement. So that kind of chaos, of course, was a little bit of a disappointment for me.

- 03:26** **BF: Do you feel that at that time, people had a clear idea about what genocide meant? What kinds of evidence you needed to collect for genocide to support a, an indictment of genocide? Or do you think that is that something that changed in your experience over time?**
- 03:45 No, I thi-, think that, you know, there was not a, there were obviously people who clearly understood it but what was a little bit of a disappointment was that the lack of connection, strong connection between the legal team and the team of investigator – because I think that this also comes a little bit from the background even of the, the tribunal.
- 04:16 From what I learned, what happened was that when the tribunal was set up, they did not have readily everything available. And the, the tribunal institution was to a large extent reliant on, on the goodwill of some state. I know that state like Canada, or Netherland, they sent their own policemen. They sent them on mission to come and help the Office of the Prosecutor.
- 04:45 The problem of course was that, you know, not all those people receive that adequate training in respect of those very specific crimes. And, for example, for the Dutch people, you will see people who would even take statement which was not usable at all because of the poor language – because English or French not being their language.
- 05:06 There would be very poor language and to the extent that once now those statement – because the tribunal, the way it was functioning was the following: You have statement taken by investigator and then those statement now will be made available to the team of lawyers who would now translate them into indictment after all the analysis was done.
- 05:32 But it has happened time and time again that the team of lawyer were not in a position to make use of the statement being made available to them.
- 05:43 So, they have sometime no choice but just to send back the statement, “Okay, would you contact again the witness and so, try to elicit this type of evidence? We will really need to, to lay the ground for those specific cri-, crime,” which was of course a, a waste of time.
- 06:01 But I think that it has, you know, it has to be understood in the context of how the tribunal started operating. Because before I left Kigali, of course, now things had improved. You would see a team, legal adviser now directing specifically, you know, a team of investigator, which unfortunately was not the case when I first joined the tribunal.