



# Voices from the Rwanda Tribunal

## Official Transcript: Mandiaye Niang (Part 12 of 13)



<b>Role:</b>	Senior Legal Advisor
<b>Country of Origin:</b>	Senegal
<b>Interview Date:</b>	8 October 2008
<b>Location:</b>	Arusha, Tanzania
<b>Interviewers:</b>	Batya Friedman Eric Saltzman
<b>Videographer:</b>	Patricia Boiko
<b>Interpreter:</b>	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.

*The transcript of Part 12 begins on the following page.*

## Part 12

- 00:00**      **Batya Friedman: So, thank you again for all your time. I actually just want to ask you about one last thing. I know you had an opportunity to work with Judge Laity Kama.**
- 00:09      Yes.
- 00:10**      **BF: And can you tell, tell us a story about him?**
- 00:15      Yes, I can tell you a story about him but I should just make it clear that I worked with him in Senegal but not here. So here, when he was a judge here, at the time I was working with the Office of the Prosecutor, so, but I used to see him quite a lot and I think that one of the, the story I can tell you about is this one, which also I think would show you, you know, the, the level of progress we have made here.
- 00:46      When he w-, as you know certainly, he was the first President of the tribunal and he presided over the case of Akayesu and one of the story was that he came here of course. Judge Kama was never a judge in my, in, in Senegal. All his career, he spend it as a prosecutor so the first time he came here was, you know, he became a judge here.
- 01:13      So, very experienced about criminal procedure, but all his experience was also about you know, the civil law proceedings. And I remember one of the story he told me w-, when, when he was presiding over the case, the first time, you know, there was this U.S. American guy, young prosecutor, Pierre-Richard Prosper. And at one point, the defense was, I think, posing a question and Pierre-Richard Prosper just jumped to make an objection.
- 01:58      And President Kama could not understand what, what is this, and he, he literally shouted at Pierre-Richard Prosper say, "Okay, what is this?" He say, "Dear judge, I'm objecting." He say, "What, what are you objecting about? This is my courtroom. If you want to say anything, you have just to politely raise your hand and it will be up to me to give you the floor and you make your point but I, there is no objection I can ever authorize (\_\_\_) in this tribunal."
- 02:30      So just to show you, you know, the diversity of, you know, the background of people. Such an experienced judge, you know, had no clue whatsoever as to what an objection would mean. So, for him, the only way to intervene in a courtroom of course, Pierre-Richard Prosper coming from the U.S. also would not understand an experienced judge not accepting an objection in his court.
- 02:53      But luckily, I think that our rules are flexible enough to accommodate and many of the judges and also prosecution have been able to learn quite a lot on the spot here while just doing justice here.

- 03:07**      **BF: And then did you find his perspective unique, Judge Kama's, among the judges here or at, the kind of view that he brought to the tribunal?**
- 03:19      Yes, I think that yeah, to a (\_\_\_) because he was very, very unique in a sense that he was not only a guy with civil law background but he has his own way of doing things because when he comes and sit in a courtroom, for him the investigation is part of his duty. He's the one to be, to investigate the case to know the truth, which is a very way of doing things in the civil law perspective.
- 03:51      And to that extent, for example, I remember in the Musema case, he would be sitting with Judge Pillay, but it was stri-, striking to see the difference of approach. Judge Pillay would have very smart questions but she would wait, at one point h-, she would calmly ask defense counsel, "Okay, I hope that you are done with your cross examination because I have a few question but if you, you intended to pursue this line of inquiry, I will just leave it with you."
- 04:29      But that also you know, reflect her own background. Judge Kama would just interject and stop counsel. For example, when a question is of interest, he would do by himself all the follow-up question trying to clarify. And sometime in fact he would not leave anything left even for counsel. After he finish, counsel would just say, "Yes, I'm done."
- 04:54      Okay, and then he would be very satisfied because he would have clarified everything. So that was just-, Judge Kama.
- 05:04**      **BF: Okay, thank you. That's, that's great.**