



Voices from the Rwanda Tribunal

Official Transcript: Mandiaye Niang (Part 13 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 13

- 00:00 **Batya Friedman: And, and then, I guess just one last question, are there any other things that you would want to share with us? You know, as you think about people having access to your thoughts and reflections and experiences, building other tribunals, things that the Rwandan people might want to know now, but maybe also 30 or 50 years from now, that you would want to make sure you have a chance to speak about.**
- 00:30 Yeah, I think that, that one, one of the things I want to speak about is that about our mandate, the specificity of our mandate. You know that because we have been a creation of the Security Council acting under the Chapter 7, it was said that this tribunal is here to restore peace in Rwanda.
- 00:53 So, but yet we are just a judiciary operating just as any judiciary, but of course with our specificity. Our specificity is that okay, we are doing justice but in an international setting with a major handi-, handicap. We are a bit remote from those people we are supposed to be giving justice first.
- 01:20 We are international tribunal dealing with crime against humanity meaning that our justice is relevant to the humankind, so to speak. But in my view, it should be relevant first to Rwanda.
- 01:34 And it has been a long way. And when I look back as I told you in the beginning so I realized that it has been a long way from almost total antagonism from Rwanda to this kind of cooperation, which is not perfect.
- 01:54 But I think that now, when people realize what we have achieved in a sense that we have tried a, a whole government, the whole military hierarchy, the clergy, you know the admin-, the high administration, I think that in this regard there is something to be proud of in terms of achievement.
- 02:16 And this setting, we, we, we know now as we are winding down, we know now also how to operate a tribunal, an international tribunal. So, I would remember in the first days we could not even have, you know, accused. Now we know how to bring witnesses from everywhere including, and which is also very interesting, including witnesses who are irregular resident in, you know, every country.
- 02:46 We have tried and succeeded in putting in place mechanism whereby okay, many countries would accept to give provisional travel document to people. They would come here just for the sake of their testimony and then we surrender the document and people would go back to their irregular, irregular status.
- 03:07 I think that there is a wealth of experience we have now acquired, and which will, which cannot, not be lost now because you know, Sierra Leone has been building up on that

experience, the Lebanon Tribunal will be building up on that experience, the ICC, you know. And I think that now it will never be difficult again to set up an international tribunal, be it ad hoc or a permanent one.

03:34 But of course there are, there will always be some political choices which will only in fact reflect the difference of culture or language, like common law system, civil law system, you know, because of language, also English being close to common law, French or any other German language close to civil law system. There will always be those kind of choice to, to make.

04:02 But I think that's a necessary ingredient which can help quickly create a tribunal and make it work. So that will be our main achievement and I think that that lesson will never be lost.

04:16 BF: Okay. Thank you very much.

04:18 Okay, thank you.