

## Official Transcript: Claver Sindayigaya (Part 4 of 6)



<b>Role:</b>	Defense Counsel
<b>Country of Origin:</b>	Rwanda
<b>Interview Date:</b>	28 October 2008
<b>Location:</b>	Arusha, Tanzania
<b>Interviewers:</b>	Robert Utter Ronald Slye
<b>Videographer:</b>	Max Andrews
<b>Interpreter:</b>	None

### Interview Summary

Claver Sindayigaya explains how cases against the accused are handled at the ICTR, and how most of the accused were arrested in places outside of Rwanda. He discusses the transfer of trials from Arusha to Rwanda and the criticisms that the accused would not get a fair trial in Rwanda, how the Rwandan judiciary does not yet have the capacity to handle these cases, and how defense witnesses would not be free to speak in favor of the accused. He also discusses the lengthiness of trials – including one client waiting for 14 years for judgment – as a significant criticism. He discusses the different defense strategies used in multiple-accused cases, and the advantages of being a defense counsel from Rwanda.

*The transcript of Part 4 begins on the following page.*

## Part 4

- 00:00** **Ronald Slye: The witnesses that initially are reluctant to come, what do you say to them to convince them to change their mind?**
- 00:08 I, I think what we tell them it's only the, that the, the truth has to come out one day. It's, it's only – we try to persuade them only that they have to contribute to the search for justice because if, for instance, somebody is in prison because someone has held any (\_\_\_), any vital information we try to convince that it's better that somebody be courageous and enlighten the whole world of, on what happened.
- 00:49 Of course we try to explain the protective measures; protection of identity for instance and – that is all because we, we, we don't have any other measures to – it's only to try to convince them on the need to tell the truth before this tribunal so that one day this, the chamber might render a judgment knowing what happened at a particular date at a certain place. It's all.
- 01:25** **RS: And would you – are there aspects of the protective measure, measures and also you mentioned the financing and the limi-, limited resources, if you had control to create the ideal system, what changes would you make that would make it easier to convince witnesses to come forward and testify?**
- 01:48 I don't think the, the, the fina-, the finance side does, does really matter in those kind of because you cannot promise somebody a reward for having testified. That will, it will completely destroy the, the, the whole system because in that case you will get even the false testimonies if you, you promise money. The whole system is, will collapse immediately. It's, it's, it's no longer ethical or you'll no longer be searching for justice, you will be just bribing people to, to get, you know, this (\_\_\_).
- 02:24 But what I can say is that if for instance somebody expresses fears of dange-, I mean persecution, for instance, for having testified, I think the tribunal, the UN body that has created this tribunal shoul-, should, look into ways of, I mean, addressing that fear because if somebody is fearful for his life, for instance, and gives some kind of concrete information that make him fear for his life, I think the tribunal, the UN should deal with that kind of problem.
- 03:15 And if somebody maybe want to be relocated to another place – I'm just thinking like this, I don't know if it's, it's practical, but I think the UN should look into, into such kind of difficulties expressed by potential witnesses, either for the prosecution or the defense, I'm, I'm not making any difference, but it's all.
- 03:43** **RS: You, you mentioned that you started as an investigator . . .**
- 03:46 Mm-hmm.
- 03:47** **RS: . . . and then worked your way up to counsel. And as an investigator I'm sure you must have seen a lot of pretty horrible things. How did you cope with that?**

- 04:02 I've heard many stories. I, I'm trying to cope with those stories – okay tha-, that it depends on the personal capability or capacity of each and every one to, to deal with those kind of stories.
- 04:23 In fact I'm not even the only one, even those, all the people who have been involved in, in the trial proceedings for instance, even interpreters or court recorders or court reporters I think, they have heard in their, I mean, ears so many horrible stories either from the prosecution side or from the defense. So I think that is a reality we'll have to live wi-, with. It's, it will be part of our lives until we die so I don't know how, I'm trying to cope with those things.
- 05:07 RS: Do you get the sort of support you think you need here to do that?**
- 05:12 Here at the tribunal?
- 05:13 RS: Mm-hmm.**
- 05:15 No, no because, no, (\_\_\_) I think – I don't know if the tribunal d-, does have such kind of support, sup-, support facilities, I don't know, I have never heard such kind of things. (\_\_\_).
- 05:32 RS: Do you think they should have such facilities?**
- 05:35 I think so, I think so but I don't know if – because now the tribunal is going quickly towards its end. Everybody is talking about the completion strategy; the budgetary problems and, and so forth, I don't, I don't think the-, the-, they do think about creating another department or what, I don't know (\_\_\_).