



Voices from the Rwanda Tribunal

Official Transcript: Claver Sindayigaya (Part 6 of 6)



Role:	Defense Counsel
Country of Origin:	Rwanda
Interview Date:	28 October 2008
Location:	Arusha, Tanzania
Interviewers:	Robert Utter Ronald Slye
Videographer:	Max Andrews
Interpreter:	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 6 begins on the following page.

Part 6

00:00 Ronald Slye: (), and the purpose of the tribunal is there's truth and justice and then the other thing that people talk about, and the security council mentioned, is reconciliation. Do you see your role as contributing to reconciliation?

00:20 I think this – I'm not so sure if really the tribunal has, has evaluated his role, his role as, in th-, in the reconciliation among Rwandese. I think this side of its mission has been forgotten really because reconciliation between whom and whom, because some might say that this tribunal is, has failed to reach.

01:02 When you, I mean hear, I mean some kind of what is being said by Rwandese you talk to on the street, they don't see really the work of ICTR in reconciling Rwandese. It's something which is being done somewhere there and they are not aware of what's going on and other people do say that this tribunal is onl-, only prosecuting one side of the people who were in war in Rwanda; mainly the former government officials.

01:46 I think you are aware that many people do criticize the ICTR for not, not having indicted I mean the other people who were fighting with the, the former Rwan-, Rwandese government; mainly the RPF soldiers or officials who might have committed some crimes against humanity.

02:13 So these kind of failures do make some people think that the tribunal has failed totally in addressing or in meeting this reconciliation objective. That what I can say on this issue.

02:31 RS: We're reaching the end of the interview. Is there anything else that you think people in the future should know about your role, the tribunal or something that you want them to know about it that we haven't already touched upon?

02:51 Okay, what I can say is that this tribunal has been created by the United Nation, and I think we are now moving towards the end of this tribunal but the, in the chambers we, we have started to feel the pressure of the end. Now we're being pushed beyond reasonable limit to finish this tribunal to the detriment of the right to a fair trial.

03:32 That's an, a problem I'm, I'm seeing now because everywhere you see the chambers are pushing everybody to, to, to finish this, the, the I mean the work of this tribunal, even when it, it seems to be impossible. So it, I think it's, it, it will be unfortunate that some kind of maybe completion strategy or financial constraint might, might at the end of the day violate the, the, the right to a fair trial.

04:09 There are now some people who are being brought here, who are, who are being arrested and they are being brought here. I'm sure the tribunal, the chambers will say this trial have to end, has to end within a very short period and maybe the defense or, will not have time to, to, to prepare the case so I think there is now, they are more, the tribunal is more interested in finishing this tribunal than respecting the rights of the accused and so forth. That what I can say for now.

- 04:48** RS: (___), well, thank you very much for taking the time to talk with us.
- 04:50 Okay.
- 04:51** Max Andrews: I have one last question.
- 04:51 (___).
- 04:52** RS: Oh yes.
- 04:53** MA: Do you have any hope for the future; the next generation?
- 04:58 Rwandese generation or which generation?
- 05:01** MA: What's that?
- 05:03** RS: Rwanda (_____) or . . .
- 05:03 Rwandan generation or . . . ?
- 05:05** MA: Or either Rwanda or the world or both.
- 05:08 Okay, I'm hopeful and I'm hopeful by nature so, I'm not pessimistic – I don't know if this a proper word in English . . .
- 05:19** RS: Mm-hmm.
- 05:20 I'm not p-, pessimistic so I hope things one day will . . .
- 05:25** MA: If – for people my age if you could give some advice that you've learned through your time here, what would you think is most important to, to teach us?
- 05:38 What is most important is to – for the young generation is to, I mean t-, to love each other, because basically when you look at the things what happened in Rwanda, for instance in 1994. It is, it was terrible, it's horrible, and it is a shame that for instance, somebody young like you are might, for instance, kill, you might kill your neighbor or harm somebody's life, so I think the younger generation should learn from the, the past, so that the future, in future such things might never happen again. That's what I can say.
- 06:33** RS: What, what should they learn about the tribunal?
- 06:37 Sorry?
- 06:37** RS: What should they learn about the tribunal, in terms of – so they should learn about the past . . .
- 06:44 Mm-hmm.
- 06:44** RS: . . . and also are there lessons from this process that you think they can take?

- 06:50 Okay what I can say for instance from th-, the lesson from this, this, this tribunal, I can only take one example is what I said about the, the, the, I mean, the – what I can say, the undue delay in the proceedings for instance. They should know that some, if they have to, somebody has to be tried for what he has done, it has to be done quickly so that his right might be respected in a shorter period than what, what has been going on in some cases here at this tribunal. That what I can say at this moment.
- 07:32 RS: Okay, thank you.**
- 07:35 MA: Thank you so much**
- 07:35 RS: Thank you very much.**
- 07:36 Okay, you're most welcome.