



Voices from the Rwanda Tribunal

Official Transcript: Suzanne Chenault (Part 2 of 9)



Role:	Legal Officer and Juris-Linguist
Country of Origin:	United States
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Location:	Arusha, Tanzania
Interviewers:	Lisa P. Nathan Donald J Horowitz
Videographer:	Max Andrews
Interpreter:	None

Interview Summary

Suzanne Chenault discusses the importance of establishing jurisprudence that will pave the way for future international tribunals, and offers some reflections on the Akayesu case which was the first case to address rape as genocide. Chenault stresses the need for investigators to have deep contextual and linguistic knowledge of the communities they are working with, especially when collecting evidence around sensitive topics such as rape. She stresses the lack of communication among different trial chambers within ICTR as a core challenge.

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Part 2

- 00:00 **Lisa P. Nathan: What had – what was your understanding of the ICTR? I’m sure, knowing you from the few interactions, that you did some research before you came here, were well-aware of various aspects of this tribunal. Do you remember what your impression of the tribunal was at that time before you started working here?**
- 00:20 I thought of it as an international organization that would have all sorts of influence in the future. I had, when I’d taken international law with Stefan Riesenfeld when I was a student at Boalt Hall, been very desirous to work, to work in The Hague and that was long before the, before the ICTY was established.
- 00:55 But just the whole thought of being able to, on an international level, to be able to confront and attempt to understand and solve some of the international issues that were affecting not only the United States but, but other countries in the world for me was, was such an opportunity to contribute.
- 01:17 And I thought of this as a selfless act but an act that would use some of my talents. What did I really know about the e-, the, the establishment of the tribunal? I knew that there were at that time three, nine judges, nine permanent judges. The last three had just been appointed. I understood that the proceedings were going rather slowly and that I was to understand – I was to assist all of the judges.
- 01:44 So that was already just e-, exciting. And I have found myself doing that, pivoting between one trial chamber, the next trial chamber, the third trial chamber, which sometimes can be a bit unfocused because I don’t have just a mentor or a team behind me. I float as a, a lone entity.
- 02:08 **LPN: So I would – that was my next question was to describe to me your role, your responsibilities and as you said before, they have changed over time even though you have the same title – jurist-linguist – the, what that means has changed. Can you describe to me what it is today that you consider your responsibilities?**
- 02:27 Oh, my. They are multifaceted. Do you want me to talk to you a little bit about what they were initially and how they’ve expanded?
- 02:38 **LPN: It is – please, you have the floor so however you think it would make the most sense or . . .**
- 02:46 As is often a situation in the UN, what one finds in coming here is not quite perhaps what one had expected. And upon coming, I’ve understood that I needed to know the jurisprudence and I (___), needed to know how that would be articulated in the judgments that were being issued.
- 03:09 Now there weren’t, there wasn’t much jurisprudence at that point. I was here for the third, third case. That is, third, third case where the accused had not pled guilty. So I

was here. Let me think. Rutege-, Akayesu was issued in '90, '9-, '98. Ruteda-, Rute-, Kayishema-Ruzindana had been issued just before in 1999.

- 03:48 And they had wanted me to come for that because I was to know the legal concepts and to be able to – this is the, this is back to your, to answer your question. My role really was to be able to understand the legal concepts and to be able articulate them in both French and English because at that time the hope was to issue judgments in both languages on the date that the actual judgment was rendered.
- 04:14 This happened in Akayesu. It did not happen with Kayishema-Ruzindana and I already felt a little bit of guilt. If I had been here, I think the understanding was, that would have been possible. What a gulp. That was asking so very, very much.
- 04:34 So as we were already attempting to expedite the rendering of the iss-, of the, the judgments, little by little a judgment was issued in one language only and as most of the legal officers and the judges had as a first or second language, English, the judgments then were issued primarily in English.
- 04:59 So, then my job became to know the legal concepts and to go through and attempt to make the documents as closely as possi-, make the documents sound like one voice, because from the outset there have been many, many authors of the, of the judgments.
- 05:22 And this makes sense if you have three judgments and each judge has a legal officer. So already there is not just one judge who is drafting or one legal officer who is drafting.
- 05:35 So that means that there are different styles, there are different ways of ar-, articulating an idea and then to conciliate all of this and to make it into a document with one voice assuming that one meets the deadlines. So that then became my primary focus.
- 05:57 What do you do then when you're not issuing a judgment? Then you have all of the decisions. You have all the preliminary work. And if you have judges on a bench many of whom do not speak English as a first language and you have many of the parties who do not speak English as a first language then what you have is you have all of the translation issues.
- 06:19 Well, I can assure you, the last thing I wanted to do was find myself just dealing with translations. Oh, my goodness. I am a lawyer first and foremost so I needed to find my way into the legal realm. And I also saw a great need for attempting to assist everyone coming in. Mind you, we have new legal officers coming in all the time. We have interns floating in all the time.
- 06:56 Some with a great deal of experience and some with a sense of being quite erudite. But, what that means is you have no one who has authority to tell you, "This is the format that we need to use. This is the expression we need to use. This is the

grammatical preference. Are we going to use English? That is British English. Are we going to use Australian English?

07:30 Are we going to use American English? What is our punctuation going to be?" So, immediately I enlisted a couple of bright interns to assist me with a style manual. Not that I wanted to do this but somebody had to do it. So we came up with a style manual. But that is fine.

07:54 But how then do you have an adoption of this style manual? You can propose but what authority have you to then have the style manual adopted? The President of the tribunal who is an elected judge can endorse it and ask the other judges, "Please use this."

08:16 But if they don't want to, there is no way of actually insisting. Interestingly, little by little they have come to the, almost everyone has come to an acceptance of the great value of the style manual which has been adapted and readapted and updated. So that was one little project.