



Voices from the Rwanda Tribunal

Official Transcript: M-L. Lambert (Full Interview)



Role:	Associate Legal Officer
Country of Origin:	England
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Location:	Arusha, Tanzania
Interviewers:	Donald J Horowitz John McKay
Videographer:	Max Andrews
Interpreter:	None

Interview Summary

M-L. Lambert describes her personal relationship with convicted genocidaire Hassan Ngeze, who she worked closely with at the Tribunal. She speaks at length about her responsibilities researching and drafting judgments for Military 1, reflecting on the difficulties of assessing the credibility of witnesses and evidence in a post-genocide climate. She talks about the harrowing evidence presented to the court and recounts the case against Colonel Bagosora who was accused of masterminding the genocide against the Tutsis.

The transcript of the interview begins on the following page.

Part 1

- 00:00** Note: The portion of interview preceding this segment was lost due to the missing video files. The interview continues here.
- 00:10** Donald J Horowitz: Okay, we've had a little break, and . . .
- 00:12 Yes.
- 00:13** DJH: Actually chatted a little bit in the break . . .
- 00:15 Mm-hmm.
- 00:15** DJH: . . . and I'm going to come back to Mr. Ngeze and, and we were talking a bit about one's reaction to somebody who's been convicted of . . .
- 00:24 Mm-hmm.
- 00:26** DJH: . . . difficult crimes and yet . . .
- 00:26 Yes.
- 00:26** DJH: . . . you get to know them personally.
- 00:27 Mm-hmm.
- 00:28** DJH: And you told me a little story about Valentine's Day.
- 00:31 That's right.
- 00:32** DJH: And, and, and yeah, you, you s-, you've s-, agreed to tell the story on-, on-online, on- . . .
- 00:37 Yes, I have.
- 00:38** DJH: . . . online here.
- 00:38 Yep.
- 00:38** DJH: But also, I'd like to understand what it meant to you, in, in a way. Okay.
- 00:45 Well, we were talking about, you know, the use of the word 'unsettling' before and how I found the experience of working for Hassan at times unsettling. You're drawn to him as a person, because he's charming and charismatic, yet you're aware that he is charged, has been found guilty for multiple crimes and then those crimes, or some of them, were upheld on appeal.
- 01:06 So he's a convicted genocidaire, and you're engaged with the Rwandan process and, and the victims, so you understand what that means. I think, you know, Hassan and I had, you know, what was an affinity to each other in some ways, and that I was very

engaged with the academic side of the appeal and, and explaining that to him, which is I think why he really valued my counsel.

01:30 I received many thank-you notes and, and, and letters from him during that process and afterwards. But it was an interesting moment. On, on the 14th of February, 2007 where we turned up at the UNDF and there aren't many young ladies floating around the detention facility. And . . .

01:50 DJH: By 'we,' you're talking about the defense team, or?

01:52 Well, myself and the co-counsel, a Tanzanian . . .

01:54 DJH: Mm-hmm.

01:54 . . . gentleman called Dev Kapoor. So we arrived at the detention facility, we go through the security checks, and just as we are walking in to the interview room where we told – we're told that Hassan was waiting for us, the co-counselors, you know, asked to go and see, briefly, the commanding officer.

02:11 And I am left, which is rather unusual, with Hassan for a, for a few moments on my own. And you know, Hassan had a, always had a very sort of gripping handshake. Always the sort of handshake that goes on for slightly longer than you're used to and he, he grabbed my hand and shook it, and he said, "Lucy," you know, "What is the day today? What is the day?"

02:31 And I could see what day it was. I mean, when I was aware of which day it was, it was Valentine's Day. But also, Hassan was wearing a sort of three-piece black suit with a waistcoat, a red shirt. It had a rose in one lapel and a big fluffy red heart with 'I love you' on it on the other side of his jacket, attached with a paperclip.

02:49 And so I said, you know, trying to be professional, "Well, Hassan, it's a Wednesday." And he said, "No, but what other day is it?" And I said, "I'm not sure." He's, "Lucy! It's the international day of love! It's the international day of love! It's Valentine's Day." And I said, "Oh, that's rather nice."

03:04 And just as I was working out how I would change the subject to something more legal, co- counsel arrived and had the same response as I did – although I didn't articulate it – which is, "Hassan, you look rather dashing today. Look at you! You don't normally dress like this."

03:18 And he goes, "There's two reasons. There's two reasons." And grabbed co- counsel's hand and co- counsel said, "Well, what might that be?" He goes, "Well, the first it's, is, it's Valentine's Day, the international day of love. And the second is that Lucy is here."

03:33 And at that moment, I realized perhaps that Hassan's enthusiasm for me ventured further than just providing him some, you know, articulated or clear legal advice, and perhaps that I was also a young lady in a detention facility providing a, another kind of distraction, which I found interesting.

- 03:54 I mean, he was my first client. So I mean, it's just an anecdote that springs to mind about what it may have been like, working for him. Yeah. Mm.
- 04:02 DJH: Mm-hmm. And sometimes a bit unsettling, I think is the word (___). Yeah, okay.**
- 04:08 Is the word, yeah. Exactly.
- 04:09 DJH: Well thank you for sharing that.**
- 04:10 (___) a pleasure.

Part 2

- 00:00 DJH: So let's go back to, you have wri-, . . .**
- 00:04 Mm-hmm.
- 00:04 DJH: . . . you then joined Chambers One again.**
- 00:06 That's right.
- 00:07 DJH: But this time, in a different role. And what was your title? What is your title?**
- 00:11 I'm currently and have been for the last 20 months an associate legal officer in Chamber One.
- 00:17 DJH: And the duties are?**
- 00:19 We're essentially, if you would compare it to the American system, we're essentially clerks for our judges.
- 00:23 DJH: Mm-hmm. Like law, like we would say 'law clerks' to a, to an appellate court j-, or to a j-, to a judge.**
- 00:28 To a judge back . . .
- 00:29 DJH: Yeah, right.**
- 00:29 . . . in the United States. Although in, in, in this environment, because of the sort of newness of the law and the diversity of the judicial bench that we have in, in this environment, instead of it being sort of a position that you could have maybe for one year before moving on to do something else, it's really sort of, you know, being an advisor to the judges can be a career path in, in this environment.
- 00:56 So each judge in chambers has their own le-, associate legal officer. And within that, also there are others who are floaters like myself, who are brought in or hired to help with specific projects. So I am attached to the judges of the Trial Chamber One, although not assigned to one of them in particular.
- 01:16 And the reason I was hired is to help with the writing, the preparation of the Military One judgment. And I've been doing that now for 20 months.

- 01:24 DJH: My goodness. And the presiding judge of that chamber is who?**
- 01:30 Is Judge Møse, Judge Erik Møse, who is a judge from Norway and has now been at the tribunal, I think, at the end of 2008 or 2009, almost ten years. So yeah.
- 01:42 DJH: And he was the President Judge for four years, I understand.**
- 01:44 That's right.
- 01:45 DJH: And before that was Assistant President Judge. Yes.**
- 01:48 Exactly. So he's also, you know, I mean he was, he was President during my, my time here, so he, he resigned from his Presidency or his term came to an end in, in August 2007.
- 02:00 DJH: Yeah. I don't think he resigned, at least from my understanding.**
- 02:04 Well, well sorry. He didn't resign. His, his, he, his term came to an end. Yeah.
- 02:07 DJH: One can only – one can only have two two-year terms at most. Yeah, yeah.**
- 02:10 Exactly, sorry. So my terminology was slightly wrong. So his term came to an end.
- 02:14 DJH: Yes.**
- 02:15 And then it moved to Judge Byron. Yeah. Yeah.
- 02:16 DJH: Okay.**
- 02:18 Max Andrews: (_____) pull a Roosevelt, stick around for three terms.**
- 02:20 No, no.
- 02:21 DJH: No.**
- 02:22 He couldn't. Yeah.
- 02:22 DJH: Yes. So essentially, I mean, while you are a floater, your primary responsibility is to the Presiding Judge of that chamber, on that case?**
- 02:32 On that case and to that judgment drafting team.
- 02:35 DJH: Yes.**
- 02:36 Yeah.
- 02:38 DJH: Alright, and is there somebody who's a staff person who's the chief of the, that drafting team?**
- 02:43 Yes, I think I mentioned pr-, you know, previously that within the hierarchy there is a trial coordinator, a judgment coordinator. That is my current supervisor or boss, and his name is Matthew Carlson.

02:54 DJH: Okay.

02:54 And he is responsible for apportioning the work of the, of the judgment, structuring it, and giving it to the associate legal officers to, to research and draft on behalf of the judges. Yeah.

03:07 DJH: Now, you mentioned the name Susan Lamb earlier . . .

03:11 Mm-hmm.

03:11 DJH: . . . and I was wondering wh-, what her position is in.

03:14 Susan Lamb (___), during the tenure of President Møse, as President, was his Chef de Cabinet.

03:20 DJH: Okay.

03:22 When he lost his position or he, his position as president came to an end, Susan within our chamber is sort of the most senior legal officer. She's responsible for staffing issues, for complicated judgment drafting and advice. But our main coordinator of the, of the project that we're involved with right now is, is, is Matthew Carlson.

03:44 DJH: Yes.

03:44 Yeah. Yeah.

03:44 DJH: Okay. I was trying figure out the relationship. Yeah.

03:46 That's okay. Yeah.

03:48 DJH: Very good.

Part 3

00:00 DJH: Tell us about Military One. I mean, to the extent, I'm not asking you to tell us what the judgment would be, obviously that would be a violation.

00:07 Yeah. Of course. Yes.

00:08 DJH: But you know, the, what is the case and what are the issues and . . .

00:11 Yeah.

00:12 DJH: . . . and wha-, what is the stage of the case?

00:14 Okay. We are reaching, we are in the final stages of writing the judgment.

00:21 DJH: Meaning that the, the taking of evidence has ended?

00:26 Yes. The taking of evidence ended in January, 2007. Our final trial date, I think, was the eighteenth of January, 2007. Then we had, you know, a brief sort of, you kno-, well, we allowed the parties some time to write their closing briefs. So that's where they get to

summarize their arguments in written form. They were very long closing briefs. They were sort of, you know, the prosecution brief was almost 900 pages long.

00:53 DJH: Oh my goodness. Yeah.

00:54 Each defense brief was between six- and 800 pages long. And there was four of those, and they were submitted in sort of March and April of 2007.

01:06 In late May and early June, 2007, we heard the parties, so the chamber, the judges heard the oral arguments of the parties. And since that time, we have been in judgment writing phase.

01:20 DJH: 'kay.

01:20 So our preoccupation since June has been, you know, the actual creation and drafting of this mammoth document, which, you know, decides the outcome.

01:31 DJH: And tell us what the al-, allegations in the case, how many parties. You don't have to name them all, but . . .

01:37 Sure. The case, I think, is fairly well, well-known with people engaged in the international criminal circuit, and with Rwanda . . .

01:43 DJH: But, but what we're doing, what we're doing here, of course, is going for a long time to be, to many publics. Yeah. Yeah.

01:49 Of course. Of course, but you know, within, within what we're doing now, it's considered to be very important, and I can explain the reason why. The four accused were leading members of the military in Rwanda. Their names were Colonel Bagosora. He was the second in command to the Ministry of Defense in, at the time of the, of the events in April.

02:14 Then we have General Kabiligi, who was a general within the Rwandan army, who was alleged to have been in charge of operations for the entire army. We have, and then we have two battalion leaders.

02:29 We have Colonel Ntabakuze, who was the head of the Para-commando Battalion, which an elite military unit based in Kigali. And then we have the general operations commander of a army command center in Gisenyi, which is an area and region of, of Rwanda.

02:51 DJH: And his job was?

02:53 He's the, he was the operations commander for that specific area.

02:56 DJH: Okay.

02:57 As well as having had various posts in sort of intelligence, as . . .

03:00 DJH: And his name was?

- 03:02 Colonel Nsengiyumva.
- 03:04 DJH: Okay.**
- 03:05 Now subsequently, since the events in 1994, literature, film, you know, academic opinion has pointed the finger towards certain individuals for being the mastermind of what unfolded. The prosecution, Alison Des Forges, various other academics, allege that there was a conspiracy to commit the genocide, to commit the, the death of, of these 800,000 Tutsis.
- 03:35 And the finger, for many, would point directly at Colonel Bagosora. He was a known Hutu extremist. He is alleged to have been involved in the training and creation of the civilian militia, the Interahamwe. Those are the men with the machetes.
- 04:00 He is alleged, at the time of the downing of the presidential plane on the evening of the 6th of April, 1994, to, in the power vacuum that resulted, as a result, that occurred as a result of the president's death, to have convened – well first, to have orchestrated the assassination of political opponents, some moderate Hutus and Tutsi parliamentarians, including the Prime Minister, and to have then convened an interim government that was sympathetic to the Hutu Power cause.
- 04:41 And then from there, to have instigated the mass slaughter of these 800,000 people. Now, his name comes up frequently in the literature, in film. I believe in the film Hotel Rwanda, he's sort of seen as the, a little bit, or maybe he has a cameo as the evil architect of it all. In General Dallaire's book, Shake Hands with the Devil, he's talking about shaking hands in a meeting with General Bagosora.
- 05:13 The prosecution alleged, in some of their evidence that's presented before us in the case, that, you know, in 1993 and in early 1994, Colonel Bagosora made comments that predicted the apocalypse, to which the prosecution say that meant the extermination of the Tutsis.
- 05:35 So the case is important in that A, it's the leading military figures who are alleged to have orchestrated the violence that occurred in Rwanda, but it's the first case at the tribunal that will decide or go somewhere into deciding the extent to which there was pre-planning of the genocide. The, the way in which the military was involved and, in the w-, in that pre-planning. So that's why the case is important.

Part 4

- 00:01 DJH: A few more questions . . .**
- 00:02 Sure.
- 00:02 DJH: . . . on, on Military One. How long, I know you weren't there the whole time, but . . .**
- 00:07 Yeah.

- 00:08 DJH: . . . you, you probably know, how, how many, how much time did it take to get all the evidence in, in a case of this size?**
- 00:16 Oh goodness me. I mean it's, it's rather remarkable, but the case started in September, 2002 and ended, it's last trial day was in February, I'm sorry, January, 2007. So that's, you know, five years or so.
- 00:32 DJH: And in court days . . .**
- 00:34 Mm.
- 00:35 DJH: . . . I think I heard Judge Møse say something in excess of 400.**
- 00:39 It's around 400 court days.
- 00:40 DJH: Yes.**
- 00:41 That's right.
- 00:41 DJH: Okay. And have, have th-, the same judges sat in the case from beginning to end, or has there been a change of judges?**
- 00:51 Now, this is where my memory is slightly blurred. I should know the answer. At the very beginning of the trial proceedings in, in the four accused cases we know it, it was before cha-, Trial Chamber Three. So before three different judges.
- 01:07 DJH: 'kay.**
- 01:08 I think that, you know, in 2003, I think in March 2003, those proceedings were, were halted, and the chamber changed to the judges that we have now. And th- . . .
- 01:18 DJH: Same three judges since then?**
- 01:20 It's, and it's been the same three judges since then. So I think that our judges now, the ones that are working on the case and will be writing the judgment and signing the judgment, have heard everything but two witnesses. Yeah. Yeah.
- 01:36 DJH: Okay. And in terms of those, and I take it those were previous witnesses?**
- 01:39 Yes. Yes.
- 01:41 DJH: Okay. And in terms of those, have they had access to the t-, to the, all of the testimony of those two previous witnesses?**
- 01:49 The testimony is recorded in two ways. First of all, we have official court transcripts, which, which exactly review the proceedings. They're, they're, you know, conducted in real time. And so those transcripts are available for the judges to read.
- 02:04 DJH: Oh what, oh, so they are written transcripts, or court reporter . . .**
- 02:07 Exactly, court reporter transcripts. Exactly. Exactly.

- 02:08 DJH: Court reporters with machines, and they take them down and so forth. Okay.**
- 02:11 And then we've also, from the very beginning, or the very inception of the trial, also had documented video footage of the trial proceedings. So in the event of the judges wanted, wanting to access the video footage of those, of, of those two witnesses, of the ones they missed, then they have the availability of using the, the video footage.
- 02:30 DJH: Okay. And are they complete or edited? In other words, are, is it complete video of those witnesses?**
- 02:36 I think, they're complete video of the, of the proceedings, and they're unedited, as far as I'm aware. Yeah.
- 02:40 DJH: Okay. Okay. So they can see facial expressions, et cetera?**
- 02:43 Exactly. (___), demeanor, demeanor of the witnesses, fairly important . . .
- 02:46 DJH: Yes. Exactly, what I had in mind.**
- 02:47 Exactly right.
- 02:48 DJH: Okay. Alright. I don't want to intrude any further.**
- 02:55 Yeah.
- 02:55 DJH: Is there anything else you feel comfortable telling us about Military One, other than that it's hard work?**
- 03:01 It's extraordinary hard work. I think there's two things that I find most interesting about the judgment drafting work. The first is that as a legal assistant or associate legal officer, we're required to assist with the review of evidence. It's my first legal position and you know, when you're helping or assessing the credibility of a witness, it's very difficult to do in the context of a genocidal environment.
- 03:33 We're often taught to look for abnormalities, but when you're hearing witnesses that are either convicted génocidaires or are talking about atrocities that they viewed or saw, or how they lost their loved ones, it's already an extraordinary, abnormal vi-, environment to be en-, trying to engage with. And, and, and to be reviewing. So the evidence itself, I think, for me, has been very hard to navigate, to assess, at times.
- 04:06 And to cope with. That's the first thing. The second thing is the length of these trials. And I think, you know, Military One is a prime example of, of how these proceedings can be (___) drawn up. You know, our accused, one of them, was, you know, convicted and arrested in 1996, so he's been in pre-judgment detention now for twelve years.
- 04:33 That's an awfully long time to be waiting without knowing whether you're convicted or not. So every day that we work our judgment, that is also at the back of the mind, the fact that they've been in, you know, pre-judgment detention for this long. There's a

certain element of pressure that therefore comes with that job. So it comes from both sides.

04:53 The, the, the content of what you're reading, which is harrowing at best. And, and the fact that the accused have been detained for so long, as well.

Part 5

00:00 DJH: You say, you were talking about the content of what you were reading. Do you also look at the video from time to time?

00:06 I haven't done. It would have been useful on occasion to do so, but, you know, the main assessors of whether a witness are credible are the judges and they were there, and they know. And there are, you know, witnesses that stand out more than others. The victims, mostly the women that lost their husbands.

00:26 DJH: Mm-hmm.

00:27 The girls that, who, you know, at the time of the atrocities would have been ten or eleven, who, you know, were raped. You know, I mean I think, the, I think the one that stands out most, I mean, there's, there's transcripts that stand out all the time, and we read the transcripts.

00:49 And it's sometimes, I mean it's, it's harrowing. It's difficult for words to be harrowing on a page during testimony. It's sometimes so disjointed and the detail is, is not always focused on the actual crime but who may have been there, because it's a, a case of, you know, who's responsible.

01:09 But there are moments at which you know, you're reminded. And the one that sticks out most, I think, is the testimony of a UNAMIR officer, called Major Brent Beardsley. And I can talk about it, because it's . . .

01:23 DJH: UNAMIR is?

01:25 UNAMIR was the UN peacekeeping mission or force that were placed in Rwanda in 1994, who were overseeing the peace process and the implementation of democratization that were occurring between the Hutu government and the RPF Tutsi, predominately Tutsi forces.

01:46 DJH: This is immediately post the, or was it during the, the violence or immediately after the violence?

01:53 No, this is prior. This is prior to . . .

01:55 DJH: Prior to the violence?

01:55 This is prior to 1994.

01:56 DJH: Okay. Okay. Sure.

- 01:57 In Rwanda, what you had in 1994 is you had two sides that were negotiating for peace and a UN force that were facilitating those negotiations.
- 02:03 **DJH: Right. Okay. So this was pre-, I, and I remember there was something called . . .**
- 02:06 That's right.
- 02:07 **DJH: . . . the Arusha Accord.**
- 02:08 That's exactly right.
- 02:09 **DJH: Okay.**
- 02:09 So at the point at which the violence occurred, the eruption of violence occurred sort of you know, on the 7th of April, you still have this, you know, peacekeeping force in Rwanda, on the ground.
- 02:22 And one of them was a man called Major Brent Beardsley. He worked very close with General Dallaire, who was head of this peacekeeping force. And he testifies that on the morning of the 8th of April, he received a radio transmission from two Polish military observers.
- 02:41 Now, when you're reading their testimony of these you know UNAMIR guys, they're military, they have military backgrounds, but they're very succinct with their use of language. And their observations, to my mind, at least, when I'm reading, you know, are almost always neutral and trustworthy, I believe. That's the impression I've received from their testimony, and his.
- 03:08 So when you, when he describes the scene on the 8th of April, of arriving at a church where he opens you know the doors of the church and observes the scene of men, women, and children who've sought refuge there, who've been rounded there, being massacred in ways . . .
- 03:32 And I remember his words. He says that the people at the church were killed in a way that was designed to cause maximum amount of pain and for it to be as drawn out as possible. And he describes that in the context of civilians. And he describes that in the context of unarmed civilians who are mothers and fathers and young, innocent children.
- 03:56 And he does it in a way which is poignant and succinct, and then he describes what occurred to the Polish observers who were there to report on, on, on what's happening in the country and they were forced by the perpetrators of the crime to watch this entire process by being forced against a wall with guns to their heads and being told they'd be shot if they didn't keep their eyes open.
- 04:22 And we have that on, on the morning of the 8th of April described by someone who is neutral in the conflict and, and that sticks out, and that's what judgment drafting in-, involves, is reading that evidence. Yeah.

- 04:38 DJH: And the, despite all, all efforts to remain somewhat judicial or detached or whatever, I gather from what you're saying, it's difficult.**
- 04:52 Of course it's difficult. I mean, the, of course, our job is not to allow what we're reading to cloud our decision on whether the f-, you know, whether the factual allegations have been proven. And how, the ones that have been proven, or not, relate to, you know, a legal standard. That's what we do.
- 05:11 DJH: And to, and to these particular people who are being charged? Yeah.**
- 05:14 Exactly. But there are moments in which, you know, you leave the office and you think that, that really all humanity was lost in Rwanda during that hundred day period. And you wonder what would have driven people to do that and where that evil came from. And you cry. Basically, yeah.
- 05:41 DJH: And you, you've read a lot of this material over the course of these years.**
- 05:44 I have, yeah, in the last two. I've been engaged a lot with it.
- 05:48 DJH: And how do you deal with it? How do you c-, I mean, personally, I'm talking about personally cope with it. Do you . . .**
- 05:58 That is kind of one of the difficulties of, of the work that we do here. Recently, we, the, the tribunal employed a counselor. And when I say recently, I think, you know, he was employed in March, 2008. Up until that point, I saw no sign of a counselor. So there was no one, really, to talk to.
- 06:20 I think people repress what they feel when they read this. They either toughen up. I've seen people develop, you know, what to outsiders would seem to be a morbid humor. Or you know, or comic relief elements of, to the work that we do. Which, to an outsider, I think they would find that vulgar and unthinkable, but may be a way of coping with what we're reading.
- 06:52 So, but that it affects you is without question. It's just a question of, of the outlet that you find. And within this environment, it's difficult to talk about how it's affecting you, because you have to be professional at work.
- 07:07 And you know, you don't sometimes realize that it's affecting it (___) until maybe you've had, you know, four glasses of wine or you've had a really bad day. At which point that you might turn to people outside of work, who are your friends in this environment who don't necessarily understand what it is that we're doing or why we're doing it.
- 07:28 And in Arusha or in Tanzania where we're located, perceive what we're doing to be a, a big waste of time and money, so finding sympathetic ears or people that really understand can be hard. Yeah.
- 07:43 DJH: Okay. Have you, and you don't have to answer this, have you sought out the services of the counselor here?**

- 07:50 I have done. It was not necessarily for, it wasn't for, for the work that I was involved with here. My father recently passed away . . .
- 08:00 DJH: Ah.**
- 08:00 . . . so I went to see the counselor for those reasons. But certainly, I felt that, you know, dealing or grieving with the loss of one's close family member or someone important in your life is, it's difficult to forget or move on from that when your job is to daily read transcripts of, about people who, you know, either perpetrated killings, were alleged to, or did, or, it's difficult to escape death.
- 08:29 And so I, I wanted to, not escape it, but talk about that I was finding it difficult to do so, and that's why I went to the counselor.
- 08:39 DJH: Okay.**
- 08:39 It's okay.
- 08:40 DJH: Find it, did you find it somewhat helpful?**
- 08:42 Somewhat helpful. Yeah. Yeah, as with all things.
- 08:44 DJH: Do you, do you share also, and I'm not talking about your father's death, necessarily, but with, there are a number of associate legal officers here . . .**
- 08:52 Mm-hmm.
- 08:53 DJH: . . . do you have friends that you are able to share with here, who may be having some of the same . . .**
- 08:58 You know, in this environment . . .
- 08:58 DJH: . . . some of the same issues?**
- 08:59 Yeah of course, I find, well, I found in, in this environment, it's unusual in that your, your closest friends will often be your colleagues.
- 09:08 DJH: Yes.**
- 09:09 I think elsewhere or back home, or my prior experience at working in you know, Malaysian Borneo or for this finance firm in London, I found that there was a distinct line between work and private life. And here, the two are very much blurred.
- 09:22 It's a very intense environment to be working with. The work is intense. The, the, the content of what we're doing is intense. We're all away from our families and friends, for the most part, in a, you know, unusual or, you know, foreign cultural environment.
- 09:38 So we, you come to rely on your colleagues more than you would do elsewhere. So you, you do have a support network. But within that, then comes the, should I, should I engage in that? Or do I want to just be a work colleague? And, and that's the

distinction, that's the sort of gray area that you have to sort of tread around. You know. And, and navigate, yeah.

Part 6

00:03 DJH: Taking you're, you're going to be here for a bit more, anyway.

00:07 Mm-hmm.

00:08 DJH: D-, do you know how, approximately how long?

00:09 I don't know how long. I, I can't actually say. I'll be here as long as it takes to render the judgment. I want to be in the courtroom when it is rendered and I've worked very hard to be there. So I can't say for how much longer, but I think at that point, I will probably move on.

00:28 DJH: Okay. Do you have any idea what, I don't mean specifically what job, but what area you may be interested in, do you think you'll be interested and – I'm not going to call up your law firm.

00:42 No, no, no.

00:43 DJH: Do you think you'll be interested in doing mergers and acquisitions, or will you want to be involved in other areas . . .

00:49 It's difficult. Without a doubt, I have been fortunate in that, you know, in my first legal job, I've come to work you know, almost every day with a sense of real passion for what it is that I'm doing and why it is that I am at work. And for that, I feel very privileged.

01:10 I'm, I don't think I'm a natural corporate lawyer. So to move back into that field would be very difficult. But equally, at the stage where we are in the ICTR and where we are in international criminal justice, the opportunities for long-time career paths are difficult. It's competitive. There are only limited forums for it. There's the ICTR with its limited, limited mandate of maybe two, three years.

01:40 We have the ICTY, the tribunal in Yugoslavia, which again has a, a limited shelf life. We have the proceedings in Cambodia, which I think I would find problematic to be engaged with. And the International Criminal Court, which currently, in my mind, is a problematic forum for international justice.

02:08 So where to next? I don't know. I want, I think, I have to stay involved in the advocacy or the pursuance of human rights. But where that would be, I'm not sure.

02:21 DJH: You've answered the question.

02:23 Yeah.

02:27 DJH: Looking back at your time here.

- 02:31 Mm-hmm.
- 02:32 **DJH: . . . is there something that's happened that's really surprised you or something, whether it's happened or not, or some condition that's surprised you, in your experience, in terms of what you expected or what you thought mi-, might be?**
- 02:53 I think when I first, when I first got here, I was very naive or optimistic about the tribunal's capabilities. I still believe in what it is that we are doing and the purpose for it, but there's a sense of disillusionment now. You know, it's all very well working for a court, where we're holding people that perpetrated or alleged to have been perpetrated these international crimes to account. That, I think, is, is a valuable process.
- 03:38 It's a valid reason to be here and to justify the expense and the time and the energy that has gone into it. It's without question that, what we're doing is, is correct. But there is, there is a side to international justice that I think will always be overlooked or won't work.
- 03:55 And that is the intervention element. You know, why are we here? And the reason why we're here is that in 1994, the international community failed in many ways in preventing what unfolded to occur. And when you read transcripts of, you know, refugees, unarmed women and children, being left in areas in which they could have been protected by UN troops, to die, knowingly, knowing that there are men with machetes waiting to get to them.
- 04:37 It makes you realize that this is only a limited part of the process and that actually, why we're here is very sad and disheartening.
- 04:50 **DJH: (___). I was, one of the questions I was going to ask you is, is there something that's happened here that's disappointed you, and perhaps you've already, just now, answered that. But perhaps also, let me ask that question i-, in another way. Okay. And I'll get back to it.**
- 05:09 Okay.
- 05:10 **DJH: Is there something that you've been part of or that you've seen here –whether you've been part of it or not, that's made you proud? Have you, that you participated in or that you've seen here.**
- 05:23 Of course. Yes. I mean, as much as it may, this process could have been disillusioning, I am very proud to be working on the Military One judgment. I think . . . my proudest day will come when I'm in court and we render this judgment, because it would have involved, I know directly, extraordinarily hard work and energy on behalf of the judicial team.
- 05:52 Many years of work of, from the defense and prosecution teams. And it will be a part, a little part, or a closer step towards a more wholesome and complete history of what's occurred in Rwanda. So there is a sense that, in what I'm doing here, we're helping to

create an historical record and account, and that I've been part of that process. So, I, I feel proud to have been involved in it. Yeah.

Part 7

- 00:01** DJH: When the statute beginning this, starting this, empowering this court was drafted, there was, there were a couple of words that stick out for me. One was justice.
- 00:12 Yeah.
- 00:13** DJH: The other was reconciliation.
- 00:14 Yeah.
- 00:17** DJH: Let's talk about justice first.
- 00:19 Okay.
- 00:20** DJH: What's your definition of justice in this context? You're, you're trying to help the court do justice. That's your current job. And even as an advocate, you're trying to help the court to do justice.
- 00:35 Mm-hmm.
- 00:37** DJH: In the, in the context of this court and the facts which surround this court, what's your definition of justice? And I don't mean, you don't have to do it in 25 words or less.
- 00:48 No, I mean . . .
- 00:50** DJH: What is it you're, you're looking to help be part of?
- 00:54 Okay. As an associate legal officer in chambers, I believe that, you know, for my role and for me in my current position, justice involves a meticulous analysis and reasoning of the evidence that has been presented. And when I say meticulous, I mean really engaging with what it is that was presented, and what the witnesses meant and understanding, you know, events that occurred in a foreign country twelve years ago in an environment that is difficult to understand.
- 01:38 And, you know, based on, on that understanding, determining whether it is, in a-, you know, in true accordant with, with international legal principles, whether the accused, however famous or whichever position they may have held in Rwanda, can legally be held to account. And that's the challenge.
- 02:04** DJH: Okay. That's justice in the context of what your job is.
- 02:09 Yes.
- 02:10** DJH: And the job, strictly speaking, the job of the court . . .

- 02:13 Mm-hmm.
- 02:13 **DJH: . . . to do. But the judge, the court was also charged with the word reconciliation.**
- 02:19 Yeah. And I . . .
- 02:20 **DJH: What is that, I, I've looked at that statute a few times now, and I'm trying, myself, trying to figure out what the c-, what the statute means by reconciliation, because lots of people can have different definitions of it.**
- 02:33 Of course.
- 02:33 **DJH: And what it meant for the court to do. And . . .**
- 02:37 Mm-hmm.
- 02:38 **DJH: . . . you've clearly looked at the statute, and, and what does it mean to you?**
- 02:42 I think that, at its inception, I think the idea that, was that, by holding perpetrators of these crimes to account, that there'd be reconciliation within Rwanda between the Hutu and the Tutsi. I think that was the ideal and the notion to which we were aspiring to, (___) the drafters of the statute were aspiring to. In truth, I feel that the reconciliation part of our work here has been the one that's been most neglected.
- 03:12 Which to me is a shame. I met a Rwandan recently, and I said I was wak-, working for the ICTR, and again I had a preconceived notion that, you know, they would be happy to hear this and that they would think that we were doing great work. But they sort of shook their head, said that they thought the UN were a bunch of crooks, that they didn't do anything to help Rwanda, that now they were spending lots of money to try evil men. And it was taking 12 to, you know, 15 years to do so, and they were spending billions and billions of dollars in the process. And why couldn't that go to Rwandan orphans?
- 03:47 So that a Rwandan citizen would view us like that, I think is a sign of our failing, firstly. Second is that we're in 2008 and, you know, we have a mandate now that's been extended. We'll probably be around until sort of 2011, 2012, no one's quite sure. And as yet, no one – well this is why I agreed to be interviewed w-, with you, because I think this is really important – no one's really sure of what's going to happen to our, to our information legacy.
- 04:21 You know, how we are going to reconcile victims with the perpetrators of their crimes. What, what role we have in that, how we are going to use this historical record that we've spent billions of dollars creating for the, for the good of Rwanda and, and how we're going to give that information back to them. How we can justify to them the billions of dollars spent on this process comes down to how it is that we give them back this information and the ownership that they feel they have of it.

04:52 And right now, we're very much removed from Rwanda. I don't feel that we're doing nearly enough outreach. And that, I think the, the historical record of Rwanda is not being shaped by us, because we're removed from it, but, but it's being shaped by the government in Rwanda currently, so that our ability to create a fuller picture and to educate has been stunted by our inaction in that area.

05:23 **DJH: Okay.**

Part 8

00:00 **DJH: If you were going to, if you had the chance, I'm afraid you might. I mean, not you, but somebody might in the future . . .**

00:07 Okay.

00:07 **DJH: . . . design a tribunal for another terrible . . .**

00:12 Mm-hmm. Yes.

00:13 **DJH: . . . event, what would, how would you design it? Or, what would you do to improve upon what you've seen here?**

00:23 I think the accused in pre-judgment detention for 12 years is something that would need to be remedied. These trials need to speed up. The fact that they're so slow impedes our legitimacy in the eyes of the international community. And, and therefore, would make, I think, the General Assembly or the international community question whether the expense were necessary.

00:52 And perhaps, you know, in favor of perhaps less transparent proceedings, such as the Saddam proceedings in Iraq, which took a year and a half, you know.

01:00 **DJH: Mm-hmm.**

01:00 Done, dusted very quickly. So, you know, what is it that we have to benefit? You know, that was what I would hope for a new tribunal of this kind.

01:09 **DJH: Okay. (_)**

01:10 How I would specifically change that is that, the, the ICTR is a microcosm of the UN itself, and the bureaucracy that we have here is never ending and stunts the work that we do. I myself have had experiences where, you know, as a professional staff member I've not been paid for five months at a time.

01:38 I've found it very difficult to have my contract renewed or to have holiday approved. It's just a, a personal experience. I feel that to, to talk more about the administrative difficulties would perhaps be sort of breaching the trust and confidence they have placed in me, but . . .

01:54 **DJH: Okay. I get the picture on that.**

- 01:57 But less bureaucracy and more action, really.
- 01:59 DJH: Okay.**
- 01:59 I mean, you know, the people of Rwanda deserve to have these answers a little quicker than they've received them and, as would other victims in, in other tribunals.
- 02:12 DJH: Interesting, because I was talking with somebody a few days ago and we talked about you know the right of the accused to a speedy trial, but you know, victims have a right to a speedy trial too. So that whatever happens, at least they can start their lives – they can put it to rest to the extent that they can.**
- 02:29 I would absolutely agree with you.
- 02:30 DJH: Yeah, yeah, yeah. And reconciliation is not just reconciliation between Hutus and Tutsis, but reconciliation for individuals.**
- 02:38 That's right.
- 02:39 DJH: With their own pain and their own suffering . . .**
- 02:42 Mm-hmm.
- 02:43 DJH: . . . so that they can begin to move on.**
- 02:45 Exactly right.
- 02:45 DJH: And what this tribunal has done to some extent, but could do a lot better I think is what you're saying . . .**
- 02:53 Mm-hmm.
- 02:53 DJH: . . . is enable that reconciliation with one's own getting on with life, to happen a little bit quick-, more quickly.**
- 03:01 I would entirely agree. Yeah.
- 03:02 DJH: Yeah. Okay. So with all of that . . .**
- 03:07 Yes.
- 03:07 DJH: . . . do you have any hope?**
- 03:09 I do. I do have hope. I mean . . .
- 03:12 DJH: Tell me about it.**
- 03:13 Well, () . . .
- 03:13 DJH: Tell us, (), actually, right now I'm asking you to tell people 50 years from now, your grandchildren, you know, who are going to say, "Wow, she was pretty good." Yeah.**

- 03:22 I don't know if they will say that, but what is my hope? My hope is for the future, is that despite the failings of our tribunal, despite the fact that we've spent so much money and we've taken too much time and that we might not have reconciled as much as we could, and that justice might not be as exact or as perceived to be fair as it could be, the hope that I have is that I've seen gifted men and women sacrifice a lot.
- 04:00 You know, and work very hard to taking, taking what is, in the last 50 years been, you know, a legal norm, you know, that genocide or crimes of humanity are bad, and taken it from this sort of higher principle to a practical reality. So what they're saying is that we're not going to sit around and talk anymore.
- 04:24 That, you know, these crimes are wrong, and individuals and governments can't be allowed to perpetrate them. But we're going to bleed and sweat to ensure that those are accused of these crimes are held to account in a fair, you know, judicial process.
- 04:43 My hope is that with time, the law will become more eloquent. The international community will be quicker to act and that more people in the position of the accused here, alleged to have done similar things, will be held to account. So that, in essence, we have what the UN has often strived for, which is a safer and more peaceful world.
- 05:09 And that's, that's the legacy of the tribunal. It's a step towards that ideal. And with all its problems, that it is a step forward makes everything else and all our criticisms fall to the wayside, in, in my opinion.
- 05:28 DJH: Very good.**
- 05:29 Yeah.
- 05:29 DJH: Is there anything else you'd like to tell us?**
- 05:32 I would like to say thank you for this opportunity to speak to you. You know, this process has been challenging and emotional and intense, and if I can help in any way share how it could be for someone working in this, you know, extraordinary institution, then I'm very grateful to have done so. Yep.
- 05:55 DJH: Thank you very much.**
- 05:56 Yeah. Pleasure.