



Voices from the Rwanda Tribunal

Official Transcript: Mandiaye Niang (Part 7 of 13)



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| 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.

The transcript of Part 7 begins on the following page.

Part 7

- 00:00** Eric Saltzman: Good afternoon again.
- 00:01 Good afternoon.
- 00:02** **ES: Thank you for being with us again. When you were talking earlier, you, you said that early on in your experience as an investigator, that the investigators had no real link to the legal team. Can you tell me a little bit more about that? And, then how was the work directed? How did the investigators know what to do?**
- 00:21 So, it was a little bit surprising to me. What I meant was that we had a structure. So for example, my-, myself, I was in a, in a team with a team leader. And in fact, there were some decision already made in the sense that the team were divided into some kind of specifics – like government team, military team, you know, political party team because that was apparently at the time the policy.
- 01:03 The poli-, the prosecution policy. Or some other team were just portraying the administration, the local, local division of the administration, so Butare team or Cyangugu, one of the region of Rwanda. But within that team now – for example, my early experience was that you come, so, and you have kind of a free ride, ample discretion to in-, in-, investigate so long as you are, you remain within those boundary.
- 01:41 And for example, from, from my own experience was that when, when we first arrived, I know that I was in a government team so I did my own readings. So, of course we had also some brainstorming within the investigation.
- 01:57 So, and every Monday also we used to have a general meeting and every team leader will report as to what was his achievement or the action taken during the weekend, and the commander could, could redirect.
- 02:12 But apart from those limits, the team leader had wide discretion to decide which way to go, just go look for witnesses and so on and so forth. So, but at the time, it was just within the investigation team without any link with the legal team, the legal advisor’s team.
- 02:34** **ES: So was it up to the investigators to try to imagine or to figure out what the prosecutors might want? There wasn’t interaction back and forth to refine the investigation toward a particular . . .**
- 02:47 No, there was this general framework. But the problem was that, you know, of course the legal team will inherit so to speak the work, the work, (_____) of the investigation, and it will be up to now to the legal team to make an assessment and if they were not happy about that, they may send the work back or redirect the investigation.

- 03:17 So to that extent there was this connection. But my, my only disappointment was that, you know, I would expect that link to be up front – so you come, you find a legal team telling you exactly what to look for. So that was not there in the beginning.
- 03:35 But as I told you, I think that there was some kind of framework in progress. But by the time I left I think that, you know, the structure had changed in a sense that now, every team, or when the, (___), when, when the trial started also, because when the trial started there was still ongoing investigation.
- 03:56 But then, at the time, the investigative team now were linked to prosecution team and then the senior trial attorney could, could direct them (____) as to what they should be looking for.
- 04:08 ES: Okay, thank you.**
- 04:09 Okay.
- 04:09 ES: I saw earlier when, when you were telling us about the, your first experiences in Rwanda and you used the word traumatized and you looked really affected when you were describing to us. Can you tell us about some of your, let's just say take a day or week, but not a typical day . . .**
- 04:28 Yeah.
- 04:29 ES: . . . but an actual day or an actual week that you remember really well and tell us about it.**
- 04:35 That's s-, you know, that's something I'm, I, I don't really want to do because there are specific person, specific moment I remember. But whenever, whenever that I take my mind back to those person or to those days, I think that, you know, it kind of reopen the trauma to such an extent that you know, I find it up 'til now a little bit hard to do it.
- 05:08 Because you know, just a couple of days ago, I was in Rwanda and I was discussing with a former colleague and I have to remember some of those person, and then, of course, you know I almost immediately collapsed and started crying again. So I would not want to, to disrupt also this exercise because whenever I become specific, so, I may immediately collapse or start crying.
- 05:41 ES: When you talk with your colleagues and your friends here about your work and their work, is that a, is that a familiar experience for others as well? The difficulty of dealing with the subject?**
- 05:56 Yeah, I think that it, it depends. Because I think that most of the colleague I'm working with here, they, they did not experience the kind of exposure I personally experienced –

because many of them, I think that you know, it's only, their only experience is somehow on paper.

06:18 Of course sometime, we undergo some very difficult moment even in court, because you see when you listen to very vivid testimony, so of course people may, may experience very difficult moment. To that, to the extent that even now I think it is part of the tribunal management policy to, I think, to organize those kind of seminar, inviting psychologist and so on, particularly for some of the people really exposed.

06:51 Because even the typist sometime, the, it's, you, one could assume that they are only typing, they don't care about what they even type. But some of them have apparently experienced you know, a difficult moment just because they are listening to some vivid testimony as to what the victims underwent.