

Official Transcript: Linda Bianchi (Part 2 of 6)



Role:	Appeals Counsel
Country of Origin:	Canada
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Location:	Arusha, Tanzania
Interviewer:	Lisa P. Nathan
Videographer:	Max Andrews
Interpreter:	None

Interview Summary

Linda Bianchi explains her work with the Office of Appeals and draws attention to the challenges of remaining objective when working with issues of rape and genocide. Bianchi asserts the need for investigators and prosecutors to receive specialized training to deal with gender-based crimes and in order to avoid the re-traumatization of witnesses during the trial process. She recounts her own visits to Rwanda and stresses the importance of visiting the country for ICTR personnel.

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Part 2

00:00 Lisa P. Nathan: Since you've been here and been working in that role, can you reflect on some of the specific challenges that you have faced working in the appeals?

00:13 Yeah; they've been many. You know, in, in terms of overall work and the work is incredibly fascinating but it d-, it does come with a lot of challenges. You know even though I'd say on the one hand, as an appeals counsel, you're dealing mainly with the record from the trial, so you're not often dealing with witnesses firsthand.

00:45 You're not dealing with the evidence coming fresh, but you are dealing with the record as it is and it offers its own challenges in terms of the difficulties of dealing with the factual scenarios that come in each case. And you know it's, it – one challenge has been dealing with the facts and because we deal with so many cases, you're dealing with a different set of facts but similar factual scenarios over and over and over again.

01:18 And I think that has always presented for me personally great difficulties of, of processing the information, of trying not to become too emotionally involved. You know, y-, I've always found it difficult in terms of maintaining a sense of objectivity and a sense of, of distance, so that I can have the proper objectivity to do my work properly. But it's hard; it's really hard when you deal with these kinds of facts and these kinds of situations.

01:54 On the other side as a lawyer, you know we're dealing with case law and jurisprudence that's developing, so a lot of times it's, that's what makes it so exciting, that you don't get a chance as a lawyer when you come from a common law system very often to be contributing to the development of an area of law and making new law and that's exciting.

02:15 And at the same time, it comes with a lot of challenges. A lot of challenges of, of, of you know, coming up with you know – I guess advice in policy of how to take a certain branch of the law or how to suggest a certain area of the law should develop. You're trying to bring in common law and civil law and it's melding into something called international criminal law.

02:39 And so that has its challenges dealing with all the different systems of, of legal systems in the world. But yeah, I think in those terms, the p-, this particular work has presented some very particular challenges in that way. Yeah.

02:57 LPN: So, when you reflect on your time here, are there any surprises? Things that you look back on that perhaps you had a certain image in mind or the way things were going to work before you came; now you've been here for five years?

03:14 It's hard to look back and remember what I expected coming in five years ago. Surprises – good surprises, negative surprises? I guess in one way, the one, the g-, well, I can say things I have been happy to find was how great it has been and how easy it's been to work with so many different lawyers from all over the world, different cultures coming together.

- 03:48 I think I expected at the beginning that might be difficult. We all come from our own cultural – in our own legal cultures and are used to a certain way of working, a certain way of interacting with colleagues, and so it is a challenge to work in such a diverse working environment.
- 04:07 But that came as a nice surprise to me, that our group in particular started off very small – our appeals section – and it's grown and it's growing as we speak now. But I have found it really a nice thing that people – that we have all been able to work so well together centering around this issue and it's, it, that also was a nice surprise of how dedicated people are to working on this issue and how that does bring people and that's been my experience.
- 04:38 It does bring people working together on this issue. They, it brings us – I mean I guess it makes us work more easily together maybe because we are so focused on a particular issue and believe in what we're doing and hope that we're making a difference and making, having an impact.
- 05:00 Negative surprises – working in the international world does have challenges in the sense of you know, working with the UN, I didn't know what to expect. It's the first time I've worked with the UN. Everyone warned me it's a very big bureaucracy; if you think working with government is difficult, wait until you work with the UN.
- 05:22 So I, I did find it surprising how difficult that was. I didn't realize how bureaucratic and how much red tape can be involved in getting simple things done. And when you're living internationally, I, I thought there would be s-, support granted more easily in terms of you know, just simple things that you need, you know, your simple, you know, living needs here.
- 05:46 But that also goes away with time. You learn to adapt, you learn to get adjusted to what you can expect from, you know, the institution and how to work within the institution and all of that. So with time, that sort of has gone away. You can sort of smile and laugh about it as opposed to getting frustrated which would have happened four years ago, so.
- 06:09 LPN: Some adaptation . . .**
- 06:12 Yeah, yeah.
- 06:12 LPN: So . . .**