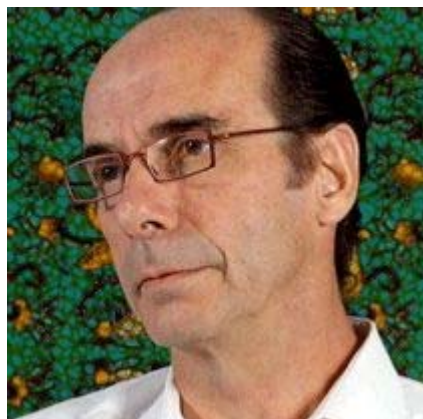




# Voices from the Rwanda Tribunal

## Official Transcript: Benoît Henry (Part 1 of 11)



<b>Role:</b>	Defense Counsel
<b>Country of Origin:</b>	Canada
<b>Interview Date:</b>	31 October 2008
<b>Location:</b>	Arusha, Tanzania
<b>Interviewer:</b>	Donald J Horowitz
<b>Videographer:</b>	Nell Carden Grey
<b>Interpreter:</b>	None

### Interview Summary

Benoît Henry speaks about his first ICTR appointment defending Andre Ntagerura, who was accused and acquitted of genocide. Henry reflects on a major shortcoming of the Tribunal surfaced by Mr. Ntagerura's acquittal: the question of what happens to accused genocidaires after they are acquitted? Mr. Ntagerura remained in UN custody because no country, including Tanzania, was willing to accept him. Henry further suggests that to perform their role effectively, defense counsel must distance themselves from the events of the genocide.

*The transcript of Part 1 begins on the following page.*

## Part 1

- 00:00** Donald J Horowitz: I'm Judge Donald Horowitz and I am today on October 31, 2008 interviewing Benoît Henry. And Mr. Henry, will you state your full name, the, your role at the ICT-, at the International Criminal Tribunal for Rwanda and the country that you are from?
- 00:26 Okay. Well, my name is Benoît Henry. I am a defense counsel at the ICTR. I come from Canada and so far I have been involved in three different cases here at the ICTR since 1998.
- 00:43** DJH: So you've been here ten years now?
- 00:44 Just about, yes.
- 00:46** DJH: Okay, and in Canada where, where are you from within Canada?
- 00:50 I am from Montreal, Quebec.
- 00:51** DJH: Okay. Can you just give us a brief sketch of your ed-, professional education and your professional history before you came to ICTR?
- 01:02 Okay, well as to my education, I got my law degree in the University of Montreal and after, I made a Master in Criminology. My practice has always been in criminal law, criminal and penal law. I've been practicing with Legal Aid for seven years first at the beginning of my practice and after that I joined a private criminal law firm where I am still am.
- 01:27** DJH: With a leave of absen-, an extended . . .
- 01:39 With a leave of absence, yes. Yes.
- 01:41** DJH: An extended leave of absence, I gather.
- 01:43 Yes.
- 01:45** DJH: So and what you call Legal Aid sometimes we in the States would probably call public defenders.
- 01:49 Yes, that's just about the same thing.
- 01:52** DJH: Okay. So and have you done anything profession-, professionally, I mean, in the practice, which is outside of being a defense counsel for people charged with crimes?

02:08 Not seriously. In fact I've been involved in only one case where I acted on a special mandate from the, the prosecutor; the prosecutor of, of, of the province of Quebec to act as a prosecutor in a penal, a penal infraction against a company who m-, who was alleged to have made an infraction to a, how do you call that? It's, it's a, it's a law on the environmental protection.

**02:28 DJH: Okay. And when was that, what year approximately?**

02:52 It was in the 90s, the beginning of the '90s.

**02:54 DJH: Okay so you had already been . . . and when did you graduate from Law School? I guess I didn't ask you that.**

02:58 University of Montreal.

**03:00 DJH: But when?**

03:02 Oh, when? It was in 1970.

**03:07 DJH: Okay so you're a, a bit of a veteran by now.**

03:10 Yeah well I don't c-, I don't know if I can call me a, a veteran, but . . .

**03:14 DJH: Okay.**

03:16 . . . some experience of course.

**03:16 DJH: Yes, of course. Have you ever, even as, on a pro tem basis or ad litem basis, done a, done a judicial or a quasi judicial . . .**

03:26 I'm sorry I don't catch your en-, your question.

**03:29 DJH: Have you ever done any judicial, you know, been like a judge pro tem or done any judicial duties or as a hearing officer or anything of that sort?**

03:38 No, no, never.

**03:41 DJH: Okay so you've always essentially been an advocate?**

03:42 A-, always.

**03:44 DJH: Okay. So in, in April or the early part of 1994, can you remember where you were?**

03:55 Well, at that time I was practicing in Montreal, in my office.

**03:59 DJH: Okay. When did you first hear about Rwanda and what had been happening in Rwanda during that period of time?**

04:08 Well I guess that about . . . of course like everybody I, I, I learned about the situation of Rwanda but not really in, in a concrete or, or, I, I mean any concrete or, or practical fashion as far as political and geo-, geopolitical aspect is, is concerned. But well, at the time of the events of course we became more familiar with the situation listening to the news, and, and this is how I mainly learned about the Rwandan situation, the Rwandan problem.

**04:48 DJH: And you were at that time – I'm sorry. I, I, I jumped on your answer.**

04:51 Mm-hmm.

**04:53 DJH: And you were at that time engaged in the practice of law in, in your firm in sort of the ordinary course of things?**

04:59 Yes, of course.

**05:00 DJH: Yeah. And when did, when and how did Rwanda take a, or the possibility of being at the ICTR take a more p-, prominent role in your life?**

05:11 Yeah, well, it, it, it's, it's a question of opportunity I would say, because at the time I had a colleague in Montreal who was not in my office but who, who was a, a close colleague practicing also criminal law in Montreal, who told me that he received a mandate from the family of an accused here at the tribunal.

05:34 And he had at that time come a few, on a few occasion here in Arusha to meet with his client. And he then told me that there were several accused here looking for lawyers to represent them and asked me if I was interested in doing that so it was pure question of opportunity and I answered, "Yes of course I would be interested." And then it, it further developed in, in getting a mandate here.

**06:03 DJH: I'm not sure I know what a mandate is.**

06:06 A mandate is, how the mandate, the mandate to, to represent someone is – how do you call that otherwise, I don't know.

**06:13 DJH: (\_\_\_), well, you, you could be invited to do that. You, I mean, obviously you were not under compulsion. Yeah. Okay.**

06:20 No no no, no no no. Well a mandate is a request from someone to . . .

- 06:24** DJH: Okay, from the Registrar, for example.
- 06:25 Yes, well . . .
- 06:27** DJH: Perhaps.
- 06:27 . . . yes, exactly.
- 06:29** DJH: Okay and, and you were gi-, given the opportunity to represent presumably some other things that happened. Prior to your receiving the mandate, your qualifications had been submitted and so forth and so on.
- 06:41 Yes, yes, yes.
- 06:42** DJH: And were reviewed.
- 06:43 Yes.
- 06:44** DJH: And did, did, did you go through any screening process or did they just, you know, have the information about you in writing and perhaps the, perhaps the evidence of your friend?
- 06:57 I guess that's, well I guess that's the way it happened because I filed the necessary documents and I received my answer from the Registrar that I was going to be put on the list of the counsels, a list of counsels.
- 07:11** DJH: Okay.