



Voices from the Rwanda Tribunal

Official Transcript: Philippe Larochelle (Part 1 of 8)



Role:	Defense Counsel
Country of Origin:	Canada
Interview Date:	23 October 2008
Location:	Arusha, Tanzania
Interviewers:	Lisa P. Nathan John McKay
Videographer:	Nell Carden Grey
Interpreter:	None

Interview Summary

Philippe Larochelle reflects on his experience as Defense Counsel, speaking to the many areas where he perceives the ICTR to have failed. He draws attention to allegations that the Tribunal has been politicized by its reluctance to prosecute members of the RPF. He observes that international pressure to secure timely convictions has been prioritized over the genuine pursuit of justice. He addresses the inequities between defense and prosecution teams, as well as the difficulties of securing political asylum for the acquitted.

The transcript of Part 1 begins on the following page.

Part 1

- 00:00** Lisa P. Nathan: Say your name, your home country . . .
- 00:02 Okay.
- 00:02** LPN: . . . country of origin, and your role here at the ICTR.
- 00:06 Okay.
- 00:07** LPN: So, go ahead when you're ready.
- 00:09 So, my name is Philippe Larochelle. I am from Montreal, Canada and my ho-, my role here as, as a, at the ICTR is that of co-counsel in the defense team of Jerome Bicomumpaka, a man who's currently accused before the International Criminal Tribunal for Rwanda.
- 00:26** Note: Gap in Interview (Approx. 16 seconds in duration.) Gaps occurred due to interruptions during the interview, technical issues, or corrupted data files.
- 00:34** LPN: I'd like you to tell us your timeline with the ICTR. I believe you've been involved here fo-, for a number of years so it could be the different cases that you've worked on if there are more than one, and then the number of years – when did you first become involved here?
- 00:54 I was called to the bar in 1998 and three years after I was called to the bar, I was about to start working in a big firm in Montreal where I received an offer from a lawyer who was involved in my current case to come here and to meet with Mr. Bicomumpaka at the pre-trial stage where we had to basically interview the accused and obtain information from him. So, that was in 2001.
- 01:20 I started then as a legal assistant. You have to know that every defense team is composed of one lead counsel, one co-counsel, and three other people which are a mix of investigators and legal assistant, investigators doing the investigations and legal assistant doing the legal work. But that being said, legal investigators sometimes do the investiga-, le-, legal assistants sometimes do some investigations and the opposite is also true.
- 01:48 So, my, my role here really started in – w-, was supposed to be a week long and I was thrilled by the idea of seeing that trial through. Mr. Bicomumpaka was the Minister of Foreign Affairs in Rwanda in 1994. He was appointed to that position in 9th April, 1994.
- 02:07 And I tried when returning back home to negotiate with that big firm to be able to take that case and to work for them. It didn't work. So in the end I simply renounced my offer there and since then, I was, I, I am working in the case of Bicomumpaka.

- 02:26 And my, the lead counsel in our, in our team dramatically passed away in 2005 and at that point, I had been appointed as a co-counsel in another case. But since I had a very good knowledge of the case of Bicomumpaka, I was asked whether I would come back into that team and, and finish that case, which I accepted.
- 02:50 While here I was also involved in other cases. I was involved in the case of, I am currently involved in the case of André Ntagerura. André Ntagerura was a minister also in Rwanda and Mr. Ntagerura was acquitted in 2004.
- 03:05 Mr. Ntagerura, since his acquittal, lives in a so-called “safe house” here in Arusha away from his family, away from his friends, and he doesn’t have a job, and he cannot pursue any studies. So I’m trying to find a home country for Mr. Ntagerura because the ICTR is being completely inept at doing so.
- 03:28 There was a request that was sent to Canada to which Canada never answered. So we’re pursuing the case of Mr. () Ntagerura currently before the Federal Court of Canada and before the Appeals Chamber of the ICTR because he’s been now – it’s going to be soon five years since his acquittal.
- 03:47 So we’re trying to resolve that situa- . . . I’m trying, actually, with other friends, other lawyers who are, who work on a pro bono basis in that case to find a home country for Mr. Ntagerura but we can come back later on that topic.
- 04:01 So, at this moment, I am the co-counsel in the Bicomumpaka defense team and the trial finished in June of this year. We are currently writing the final brief and we will present our oral arguments at the beginning of December following which we will be waiting for the judgment.
- 04:20 LPN: And then, are there other cases that you have worked on as well?**
- 04:24 I was involved shortly before the, the ECCC, that’s the, the special courts before the Cambodian tribunals. I, I was, I had a brief mandate date which I was not able to reconcile with my duties here, so I was, I did not continue there but I’m currently representing some victims before the ECCC. So, I may see a bit of work there eventually.
- 04:51 LPN: Were there other cases before the ICTR that you’ve been involved in?**
- 04:58 I was doing some criminal law back home, some civil law . . .
- 05:01 LPN: Before – I’m sorry. Here at the ICTR, have you been involved in any other cases? You mentioned briefly that you were on another case. I wasn’t sure.**

- 05:09 Yes, basically what happened is that to be a, a, a counsel or co-counsel in a, any given defense team, you need ten years – you need to justify ten years of, of, of bar call and, at some point, they changed that to seven years.
- 05:25 And this is when, when they changed that rule, then I was, I received an offer to be involved in a different case in the so-called Butare trial which has six defendants and I was asked by a lawyer from Burkina Faso called Maître Pacere to be his co-counsel to, in the defense team of a man called Nteziryayo.
- 05:47 So, but this was a very short, very short duty because the, the, my, on my first day of assignment in that trial, () Maître Gaudreau, the lead counsel in Bicomumpaka at that time, passed away. So I only appeared for a day and then I switched back to my previous mandate, which is that of Bicomumpaka.
- 06:11 LPN: So, if I may go back in time – so I’m going to switch gears a bit here and ask you where you were in the spring of 1994.**
- 06:24 The spring of 1994. Well, I don’t remember. I was back home. Spring of 1994 – I was studying at Laval University my, where I studied. I do not remember exactly at what stage of my studies I was but I was in, back home in Quebec City where I lived all my childhood.
- 06:48 LPN: Do you remember when you first heard about the events in Rwanda in the spring of ’94?**
- 06:55 I remember hearing and following up what was happening in Rwanda, but I could not give you an accurate date as to what I heard, where did I hear it, what were people saying, what media – no. I, I mean, it’s, it’s, it’s like, it’s 20, it’s almost it’s going to be 20 years soon and it’s . . .
- 07:20 And in fact, working so intensively on other material dealing with what happened in Rwanda in 1994, I think, also makes it very difficult for me to remember what, what my first contact was with that dramatic event. It’s, I, I, I remember like fo-, because I’ve been always following international news so, I, I know I read about it and I was following it up.
- 07:46 But what and where and when and, and, and what impression I, I, I got at the time that, I’m sorry to say, I don’t remember.
- 07:55 LPN: So when you have, you worked here at the ICTR and you’re now head counsel?**
- 08:02 No, co-counsel.
- 08:03 LPN: Lead, lea-, co-, co-counsel. So, can you explain some of your responsibilities as co-counsel?**

- 08:10 I came back in the Bicamumpaka team just before we started presenting our defense. So, that means at that time, the responsibility was getting ready to present some evidence. So, basically lead the defense witnesses through their testimony.
- 08:28 Interesting, what's interesting is that these are people that I had myself interviewed because as the legal assistant, I had myself done the groundwork of finding these people, meeting them, getting statements from them, preparing them to come and testify in Arusha, and the turn of events eventually made it so that I myself examined most of these witnesses.
- 08:55 So these were my primary responsibilities at the time. And at this point now, we are trying to figure out from this massive amount of evidence – we have over 400 days of trial, over 1,000 exhibits, dozens of witnesses – so we're trying to put that in order and, and present our case to the judges at the beginning of December.