



Voices from the Rwanda Tribunal

Official Transcript: Avi Singh (Part 6 of 7)



Role:	Legal Assistant
Country of Origin:	India
Interview Date:	24 October 2008
Location:	Arusha, Tanzania
Interviewers:	Batya Friedman John McKay
Videographer:	Max Andrews
Interpreter:	None

Interview Summary

Avi Singh speaks about his experiences defending Jerome Bicomumpaka, posing the question: Are all government members responsible if genocide occurs in their country? In other remarks, he critiques the legal aid structure at the ICTR, claiming the United Nations is plagued by inefficiency. He stresses the importance of high quality defense to avoid political prosecutions, and discusses the problem of hearsay in witness testimonies. Singh comments that alleged perpetrators of genocide typically view themselves as victims of an international conspiracy.

The transcript of Part 6 begins on the following page.

Part 6

- 00:00** John McKay: Let me ask you about the clients themselves. And I, I know you haven't had a lot of clients here, who has? I mean the cases . . .
- 00:05 Yeah.
- 00:05** JM: . . . take a long time, but, you know, in some proceedings, I could choose Guantanamo Bay for example, the, the, the clients there, the accused often reject their counsel, because they reject the system.
- 00:20 Yeah.
- 00:20** JM: Can you talk a little bit about, ju-, y-, within your own experience and, and what you perceive to be the case of other defense counsel, what are the relationships like between the accused and their, and their counsel?
- 00:30 Yeah, I mean, you know, that's also the case in the Yugoslav very often. Not here, it is actually opposite problem. I think a lot of clients are very poorly served because their client – their counsel identify too closely with their clients, because in the end a lot of these clients are, are to some extent charming politicians. You know, people who are – how do you say, you know, people you could invite for dinner one day, right?
- 00:56 I mean it's, it's people who you would, may have met in, in your jobs, they are, they are sort of socially of a certain class, they're . . . you know, without sounding really terrible but there is a certain . . . you know, you can get really close to people and it's a real danger because you end up not just fighting a criminal case but fighting a political case. Because remember the clients are fighting for their freedom and for their political history.
- 01:19** JM: You realize that many people who would hear this, considering the enormity of what happened in 1994 would just think that lawyers who could get that close to people accused of these crimes, must lack all judgment.
- 01:33 Yeah, but it's, it's, it's hard, I mean I think anybody listening to this, you know, and, and this is, this was done with Yugoslavia, you know, “We are here to fight impunity (____) the truth,” but if you look at the majority of the population in Rwanda, the truth that is the, the truth out there, the narrative of what happened in genocide, that these people are bad, is not their narrative.
- 01:54 They . . . the perpetrator community, to use an academic term, views themselves as victims and that's the case, the Berkeley War Crime Center did a, a study of the Yugoslav, and you know, it's not after innumerable verdicts, it wasn't that the

Serbian community in Bosnia said, “You know what, you're right, we had terrible people in our midst. Oh, gosh, we shouldn't have done that.”

02:15 No, what, “We are victims of an international conspiracy.”

02:19 JM: What do you . . .

02:20 And that's exactly what the Hutus community within and outside Rwanda believe.

02:25 JM: That's exactly my, my next question . . .

02:27 Yeah, sorry, sorry (_____) . . .

02:28 JM: . . . is how would you, how would you expect Rwandans to look at the experience of the ICTR? Many have been very dismissive really of the IT-, ICTR, because one, it's in Arusha; two, it seems to take the senior planners and put them in nice prisons with lots of food and televisions and access to computers, good lawyers.

02:52 JM: Whereas those who are in the traditional Rwandan system get, you know, they may get lawyers, if, if that, but, but if they're moved to the Gacaca courts . . .

03:02 Yeah.

03:03 JM: . . . not going to happen at all.

03:04 Nothing.

03:05 JM: Well, h-, how, how should they view the ICTR attempts to, at, at, at accountability?

03:13 You know I had to go to Rwanda recently, and I, I – so I decided to have a cup of coffee with the Rwandan Ambassador in Delhi, who's not just the Rwandan Ambassador, he's indicted in Spain and France and the Bruguière report. He was the ex-commander in chief of the RPF, who's now the ambassador to Delhi, (____).

03:35 So it's always an interesting perspective to get, and h-, “How do you view us,” you know, “defense counsel?” I tried to subpoena him for another counsel so formed a relationship after that. “Colossal waste of money.”

03:52 JM: What should have happened to the planners, and the alleged planners and, and government leaders who are alleged to have participated in planning and, and carrying out the genocide?

- 04:02 I mean I think this goes way beyond the ICTR or anything like that. Firstly, I mean, just from (____), this, this tribunal should have been in Rwanda. There was no reason not to put it there. It would have, it would have firstly – it should have still been an international system but it would have basically put it within, in the middle of things, made it not just accessible but it would have had an effect on the local system.
- 04:26 You know, I, I think they, they really lost – it creates a level of abstraction, and I think this is a problem, one of the biggest problems with the ICC. It creates, it takes the level of abstraction to a new level. Imagine flying 50 witnesses a year to The Hague, it's a ridiculous idea. So but keeping it to the ICTR
- 04:44 JM: What else . . .**
- 04:44 Sorry (____) your next question . . .
- 04:45 JM: . . . what else? No, it's the same thing, you said the first thing would be put it in . . . put it in, in, in Rwanda, but, but what else would you expect to be a, a, a fair system of, of justice? Because I, I'm assuming that you quote, quote the Delhi ambassador with some approval in saying it's been a colossal waste of money. What, what, what should have happened? Would you have left them to the Rwanda authorities?**
- 05:04 (____) . . . What do you do, in the end, you know, you have the UN system and the UN system is an unaccountable system which does everything by wasting a lot of money. So either you get somebody else to do it, or if you're going to have a UN court, you're going to end up with, you know, people, expat salaries, and you know it's just, it's, it's – I don't think it's the ICTR; it's the UN system, you know.
- 05:25 It, it ends up – you know, “we've got to buy 15 Nissan Patrols before we can move,” kind of thing. There, there's a culture of administrative inefficiencies in the UN. And you, you can't expect the ICTR to function any different. It's not ICTR is an isolated case of administrative inefficiency. You know, look at, look at the UN everywhere in Africa; it functions exactly the same way.