



Voices from the Rwanda Tribunal

Official Transcript: Linda Bianchi (Part 5 of 6)



Role: Appeals Counsel

Country of Origin: Canada

Interview Date: 5 November 2008

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 5

00:00 Lisa P. Nathan: Have you been to Rwanda?

00:02 Yes, yeah.

00:04 LPN: Can you tell me about your – have you been there multiple times? Can you describe one visit there, or?

00:09 Yeah. We have a policy in our appeals section that when we're working on a case, that it's really important to go to Rwanda. Even though we're not dealing with bringing in new facts or evidence, we're dealing primarily with the record, we've all agreed and it's a, a policy that it's important to go and see the sites and understand what happened on the ground.

00:36 You know, to see how, what the lay of the land is, understand what happened in the case if you can, being there. And, and I find in the cases I've done this, it's been incredibly useful. The first time I went to Rwanda, I was struck with so many different impressions. You know, it's the most beautiful country. One of the most beautiful countries I've ever seen.

01:02 But the first time I went, after having read numerous judgments, trying to understand the way things worked, the different massacre sites, how accused could move from one site to the other and trying to put everything in perspective, it wasn't until I went there that I actually started to understand the way things could have happened, how close massacre sites were, one to the other in a, any particular region.

01:28 How accused persons would have been able to garner so much authority and respect in these small communities, how they could have used that, how they could have travelled easily. I'm just thinking about the early cases that I worked on. One of the first cases I worked on was the Cyangugu case, which involved two acquittals.

01:50 One of the accused was convicted but the genocide conviction was overturned on appeal. But yeah, going to Cyangugu was incredible in the sense of just understanding the way in which the accused could have worked together in that region. Seeing how all the different sites, how close they were to each other.

02:20 You know you would read about someone standing on a hill and being able to see someone's house and you think, "How can that . . ." but then you go and you see that it's very clear. So in that sense, it lent a further understanding to the cases and it also lent a further understanding to the whole issue.

02:42 You know, y-, you, when I went I was like I said, overwhelmed with the beauty of the country but also overwhelmed with a sense of sadness in the country. The first time I went was 2004 and so, you know, there was a lot going on in Rwanda at the time. It was the ten-year Anniversary. There were a lot of memorials.

- 03:03 And we went to the memorials, we went to the sites. We s-, we, we did a, a, a tour of the, as much of the country as we could at that time. I think we were there for ten days, the first time I went, and so you got a good sense of what was happening. But I remember clearly coming away with a real sense of sadness; the country being in a – you know, very different for example than living in Arusha and in Tanzania.
- 03:31 And that sense has always stayed with me about the country and it's something that always informs the way I think about Rwanda's path toward reconciliation and moving on and getting past what's happened if that's possible. But, yeah.
- 03:52 LPN: Can you speak to how this experience has affected you as a human being? You, you mentioned it earlier when you were talking about how difficult it is to deal with this material . . .**
- 04:02 Mm-hmm, mm-hmm.
- 04:02 LPN: . . . objectively because you become – the human nature . . .**
- 04:07 Yeah.
- 04:07 LPN: . . . I think is to become involved in these things that you have read about, you've seen the country, you've met the people. How do you feel about this experience? How has it changed you?**
- 04:18 Oh, yeah . . . It's changed me in a way I think that's so fundamental that it's hard to even pinpoint. But I think when you live in the West, you are aware of what's happening. At least I can speak from my own personal – I was aware of tragedies happening in the world and problems faced by so many countries.
- 04:51 Having come here and since reading the first trial transcripts in the first case I worked on, it's never, I've never been able to see anything in the same way again. Everything has a little bit more of a heaviness for me. Everything – I think in a way, you do become a bit more cynical, a bit more jaded. It's very hard to understand how people could do that to each other.
- 05:26 The fact of the genocide is one thing. When you s-, for me, when you started reading the brutality and what seemed like unnecessary use of torture and cruel treatment, it just made you start seeing things in a different way. And I don't want to be overly pessimistic and cynical; it's just that it suddenly makes you think very differently about human contact and what is important in life and how you, how you deal with conflict.
- 06:08 It's, you know, soon after I arrived here, Sudan became very big, very – the international community started talking about Darfur. And so, you know, my approach to those situations is very informed by now what I've learned here. I need to have water again, excuse me.
- 06:47 Yeah, in a personal sense, I mean it strikes me over and over again when I drive anywhere in Tanzania and you go cross a banana plantation. I always come back to

certain evidence given by a particular rape witness in the Kajelijeli case, where the trial chamber didn't believe that she was able to see or hear the accused, Kajelijeli, give certain orders to the Interahamwe, with respect to the rape that subsequently ensued against both her and her daughter.

- 07:27 And that particular testimony has haunted me for the last four or five years. And so, she was hiding in a banana plantation. I think I should have said that, I'm not sure if I made that clear, so every single time I pass a banana plantation, I think about her and I think about the trial chamber making that decision, without ever having particularly been in that particular banana plantation and to say whether the woman could actually have heard and seen what she said she heard and saw.
- 07:57 So in that way, you know, the particular testimony, certain particular testimonies stay with me and it's very difficult, you know, certain times to – you don't want to forget about it but it is difficult to put it aside sometimes. It's very difficult to put it aside.
- 08:20 And I think that's one thing that maybe this tribunal could have done better was, the professionals working here who are traumatized by what they're dealing with every day because of course the situation is very difficult and it's challenging. And dealing in criminal law, generally you often are dealing with very difficult facts, gruesome details. It's never pleasant.
- 08:48 But when you're dealing with crimes committed on the scale they were committed and the brutality with which they were committed, I think a lot of times, secondary traumatization happens and that's something that going forward, the international community needs to take into account for their professionals working in the field.