

THE AD HOC TRIBUNALS ORAL HISTORY PROJECT

An Interview with

Diederick Zanen

International Center for Ethics, Justice and Public Life

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Interviewee: Diederick Zanen

Location: The Hague, Netherlands

Interviewers: David P. Briand (Q1) and
Leigh Swigart (Q2)

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Q1: This is an interview with Diederick Zanen for the Ad Hoc Tribunals Oral History Project at Brandeis University's International Center for Ethics, Justice and Public Life. The interview takes place in The Hague, Netherlands, on May 24, 2015. The interviewers are Leigh Swigart and David Briand.

Q2: Maybe you can start, Diederick, by just telling us where you were when events were going on in the Balkans and what your awareness was of the response of the UN [United Nations] to create this tribunal.

Zanen: I was studying in Leiden at the time and I was a student of law, doing my specialization in international public law, so I think I was very much aware of what was going on. Studying the subject of international law, you see what's going on and how the UN reacts. That was of interest to us from the point of perspective of our studies, but in a way also emotionally because we'd experienced 1989 with the fall of the Berlin Wall, the unification of Germany. We were a bit in a high spirit, and then this happens, and you're studying law and you say, "Well, this is not how it should be." I think it was one of the triggers that motivated me to go deeper into it, to keep on studying it.

Q2: So at that time there wasn't a field of international criminal law per se—

Zanen: No.

Q2: —so how were your studies incorporating this event into—?

Zanen: We had a seminar within—as a subject, we had a special focus working group on the former Yugoslavia, and I did a little paper on—I must still have it somewhere—about under which conditions the UN could intervene in an international conflict, or in an internal conflict. All students who participated in the seminar were asked to write a short paper and to do a little presentation and this was in 1991 or 1992. We did a paper and we had a long discussion at the university about what was going on, and especially about the UN and the articles of the UN Charter on which the resolutions were based because the UN already adopted resolutions on the former Yugoslavia, left, right and center. So, yes, we studied it.

Then of course you go home and you see on the TV what's going on, and you're very much like, well, this is actually happening. It was interesting but at the same time there was a feeling of frustration—what should be done? It looked quite miserable to us, because you also want to actually do something. Between studying something and actually doing something about what's going on, there's a gap. Maybe that was one reason that triggered me to go try to get work at the ICTY [International Criminal Tribunal for the former Yugoslavia] when it was being established because for me it meant being able to do something, to put something in practice of what you've learned about, and maybe

that's the way to actually do something about a situation that you think is not how it should be.

Q1: Building off of that, as you were in the middle of your studies, how did you view the international response to the breakup of Yugoslavia? The UN response and the response of the international community—?

Zanen: It was very complex for us, and I don't think we could oversee what was going on at that time. I really only started understanding more about what really happened and how the conflict originated and how it evolved when I was already working at the ICTY, because that's when I got to learn a lot more inside information. I met a lot of the people that were actually coming from the former Yugoslavia that I talked to, but at the time, before I started working, I was like most people being informed by reading the newspaper. It was just like these days we're maybe looking at what's going on in Syria and in other places where there are conflicts. I probably didn't understand half of the causes, let alone had an idea how it could be resolved and what the UN should do. We learned what the UN was for and why the UN was established, but if the UN should intervene, who was right? Who was wrong? Is this the question to ask right now? What happens with the refugees? Isn't that more urgent?

I don't remember actually having a solid conviction, "This is how the UN should have responded," or, "This is what's wrong about this." We knew there was a lot of wrongdoing and a horrible war was going on, but speaking for myself I don't remember

having an idea like, I know how the UN should respond, or what the international community should do. Remember that the Dutch sent Dutchbat [Dutch Battalion] to Srebrenica and it went horribly wrong, so this whole thing about the safe areas, the enclaves that were protected by the UN, it was a novelty. This had not happened before, and in some cases it worked temporarily and then eventually it didn't.

Q2: It was a Dutch court that gave a judgment that Dutchbat was responsible, right? That's pretty recent, I thought, that it was found—is it a Dutch appeals court or—?

Zanen: I am not aware of any Dutch court saying that Dutchbat or the Dutch government was responsible for not succeeding. I can't really comment on that.

Q2: I'll have to look into that because I know there was something pretty recent—a determination on it.

Zanen: I do remember one case of an interpreter—I'm working with interpreters these days—who was working for Dutchbat, and he was actually told by Dutchbat to leave the protected compound of Srebrenica. He asked for his father and some of his family to be protected on the compound and it wasn't allowed, so basically he was allowed to stay but his family was not allowed to be protected on the compound. They didn't survive; they were killed. As a consequence, he sued the State of the Netherlands and he asked the Dutch government for compensation, This was a separate trial.

Q2: Maybe that's the case I'm thinking of.

Zanen: He eventually won the case and the Dutch government was held accountable. I'm not aware of another court case. Although there was also a case against [Thom] Karremans, the Dutchbat commander—it was quite recently in the news—that he could not be prosecuted.

Q2: Were you surprised that the ICTY ended up being located right on your doorstep?

Zanen: Well, no, maybe because of studying international public law, and you have the Peace Palace; we already have the International Court of Justice here and some other international legal institutions. I didn't give it much thought. I wasn't surprised, no, maybe because of my visits to the library of the International Court of Justice. I went there sometimes to borrow books and to sit there and study. That didn't really surprise me. There was an intention from the municipality of The Hague always—or maybe before, maybe since that time—to promote The Hague as a city of international law, which I think they managed quite well because we had the STL [Special Tribunal for Lebanon]—the tribunal for Sierra Leone—and the ICC [International Criminal Court] has been established here. By now they've managed quite well to attract international organizations focusing on The Hague being the city of international law, and maybe that's been the way to get more international organizations to The Hague. As I understand, it's been a bit competitive between countries and cities to get institutions.

Q2: When the ICTY was established, was this seen by people who were in the field of public international law as an opportunity to look for work, as a way to be involved?

How did this all work for you?

Zanen: I can't speak for everybody but for me it definitely was a factor because if you have an institution—and I was just about to graduate—and you know that the institution is established in The Hague, close to where you live, to me it made sense to try to see if I could make myself useful for this organization or not, because it was close-by, it was in my field. I don't know if there were many more people that were actively seeking to get more actively involved. Having an institution close-by to where you're from is not the only factor.

It attracted more of international attention and there's interest from all over the place—plus that, as a UN organization, there's of course also a policy to employ people taking into account the distribution of nationalities, especially in the Professional category posts. I did not start in a Professional category post; I started in a General Service post, so that didn't strictly apply to me then, but for all the Professional level posts, there is a geographical distribution element that needs to be taken into account, which means you can't have an international court and then have fifty-percent Dutch people working for it. That has to be balanced, and it was pretty well balanced, I think, the overall geographical distribution. That makes it also such an interesting place to work because you have people from all over.

The only people for which this could not be taken into account—at least the people I worked with—were the people from the former Yugoslavia themselves, because we were dependent on the language. All the evidence, all the documentation, the vast majority of it is in a language that the judges do not read or understand, so they're completely dependent on language assistants, interpreters, translators, etc.

Q2: Can you walk us through what it was like to apply for a job and be interviewed and eventually be given a job at the ICTY—your first job, that is?

Zanen: Okay, my first job—after I graduated, I'd done other things. I'd worked sometime for the European Union for Coastal Conservation, which is an environmental NGO [nongovernmental organization]. Then I did an internship for the delegation of the European Union in Mexico City, and I was some time in Spain working for an institute for European-Latin American relations. These were internships. I got paid something but it was not a real job, so I was still looking for something more consistent, and I got the opportunity at the ICTY. I got a three-month contract in a position that was then called data entry clerk, so I thought, well, I've studied. Now I've got a degree in international public law, and I studied Spanish as well, Latin American languages and culture. Should I do this? But at that time, when you're a recent graduate, at least from my perspective, you think, well, I'll do anything, whatever it is, especially in an institution like this. You may only get one chance. So I said, "Then we'll see."

It was initially a three-month job. It consisted of making summaries of documents. Actually, as always, the UN job titles don't really cover what you really do. Then I was extended another three months. For the first half-year I was doing summaries, initial analysis of documentation in English and French and some other languages—the languages that I can read and understand. I was making a summary of the documents highlighting what crime types were mentioned, what names were mentioned, what locations were mentioned for the military analysts and the legal section to analyze whether this actually would serve as evidence in one case or another, yes or no, and to enable the investigation teams to sift the documents.

Q2: Is that in the OTP [Office of the Prosecutor]?

Zanen: That was in the OTP, yes. This evolved, and one thing leads to another. It's a half-year, and then you get an extension. Cases evolved; it became busier; they were looking for more people. I started supervising other staff members doing quality control of the summaries and I took on document and information management tasks in a coordinating role. Eventually I worked twelve and a half years [Laughter] but doing a lot of other things since. That's how it started. It was July 1997 when I started, and the first half-year—the first year even—I met some interns who thought I was another intern. It was light in the sense that the work mode was very informal; there were no trials going on yet. It was all pre-trial phase. We were sitting in an office—basically the whole floor was still empty. You had a small room—these foldable walls set up. We worked with music on. It didn't last long, by the way. Just for the record, this is like the first couple of months. We

had to meet a certain amount of work per day, so we had to make a certain number of summaries.

It was all still quite informal, also in terms of the security. There were no doors yet on every floor that open only with badges and then zoom open. The systems weren't completely established yet, so you could still walk around quite freely. There was one aspect on the other hand—we always had to lock things away. That became more and more serious as time progressed, until the point that I thought it was almost paranoid that we were told to be aware of safety and security and information security. We learned to deal with that a bit later on.

Q2: Were people recruited there for their different range of language abilities?

Zanen: Yes.

Q2: Who were some of the people you worked with, and where were they from, or what languages did they speak?

Zanen: It was the Evidence Unit of the Office of the Prosecutor that did this type of work—going over all the documentation and indexing it. Half of the people who performed this task were from the former Yugoslavia, so they were Bosnian, Croatian, or Serbian, or Macedonian in some cases. The other half—there were sort of two teams. The other team, which I was a part of, was very mixed—there was one from Jamaica; we had

somebody from Iraq; I was Dutch; another one, Dutch; a lady from Scotland, so we were a mix of people that were basically locally recruited. I think most of them were already in Holland and applied.

Q2: I'm curious about the people who were from the former Yugoslavia. Were they vetted to not have a bias for a particular side or party?

Zanen: That's a good question. At the beginning—and this lasted quite some time—we didn't have access to an internal network from our desks. It was still 1997 and it's not like now that we have Internet everywhere and everything goes through email. This was different then. We didn't have Internet access, for example; it wasn't available to us. Everything that we did was saved on a floppy disk—maybe the last remnants of that time that we used floppies. I think that ended one or two years later already, but at the beginning we worked on floppy disks. Everything you did was just stored on your local PC [personal computer] and you saved it on the floppy. You carried the floppy disk over to the Evidence Unit, their central unit where everything was stored behind lock. That room had a number lock so you had to know the password to even get into the unit, and that's where it was uploaded. All the information was uploaded into a central system where it could be managed, and then the floppies were stored. We were of course not allowed to take anything home. It didn't go like now that it goes through an encryption through Internet or through a protected intranet environment; it went on a floppy disk.

For us it was very natural to work together with our colleagues from the former Yugoslavia, but from the organization's side, you could notice that there was a certain apprehension. What information can be entrusted to employees from the former Yugoslavia? Is it safe for them? Is it safe for the organization? I think this has really been a learning process for an organization like this, to accept that people from the former Yugoslavia were basic to the whole functioning of the court, that they were really needed. For somebody to do that work, they had to be entrusted with work just like everybody else, and not just on the basis of being from Bosnia or Serbia or Croatia they would be unfit to work under the same work conditions as I could, or somebody else could. But this took time.

I know it was difficult for some of my colleagues from the former Yugoslavia. Comments were made, and I think justifiably so, that they felt like second-rate employees. That was very tough because, at the same time, these were the people whose country was affected by the war and whose fellow countrymen had suffered or who had experienced the situation. It was all about the former Yugoslavia, so I think most of the people were extremely motivated, or believed or wanted to believe that this organization would address the injustices that had been done. So this took many years before eventually—at this moment it's completely a non-issue, at least in my knowledge. After a number of years, this stopped being an issue at all because I think any concerns about safety and security of information and people working for the tribunal were eventually addressed, and there was a growing awareness of the needs of the staff employed by the tribunal.

I worked eventually with over a hundred language assistants—only language assistants from the former Yugoslavia, just processing everything in the Bosnian-Croatian-Serbian [BCS] language. Nothing could be done without them. Of course, there was a strict security screening for everybody at the beginning; everybody that worked for the tribunal underwent security vetting, so before being deployed, there was already a guarantee that there was no security or safety issues for anybody working at the ICTY. Initially, they took the cautious and probably even overcautious approach, maybe to rather err on the side of caution. It's something that's become much different over time. In the beginning, the BCS language staff from the former Yugoslavia appeared not to be treated exactly the same as everybody else.

Q2: Were there more people from the former Yugoslavia in the language-related activities as opposed to other kinds of positions?

Zanen: In the language-related activities they were practically all from the former Yugoslavia.

Q2: But there weren't that many people in other organs, were there?

Zanen: There were, but less. Then you fall again under the geographical distribution if you talk about lawyers, investigators, analysts, but still of course many of the specialists would either have a link or a background that had to do with the former Yugoslavia in

one way or another anyway. Also, the former Yugoslavia is—there's a lot of highly educated people, very qualified people. It's not a lesser-developed part of the planet or anything. I could talk most about the language assistants; I would like to talk more about this than about lawyers and other type of categories of jobs because I work with language assistants and translators.

What I can say about them is that, for example, their level of English—I can compare it because these days I work for the International Criminal Court, working at present with African languages. Things are different depending on the language, but the level of English of the language assistants from the former Yugoslavia, whether they had an academic degree or not, generally was very high, excellent English. They were perfectly qualified and trained to translate and to interpret. There was a lot of interest as well, so I think the recruitment was pretty selective—I think the best people were selected, because when there was a position for a language assistant or a translator, there were hundreds of applicants, hundreds of people interested to get involved or wanted to get involved.

Q2: Did some of them apply from the former Yugoslavia?

Zanen: Yes, but we didn't work only in the headquarters in The Hague. Language assistants were also needed in the field offices, and at one point they had field offices in Belgrade, in Sarajevo and in Zagreb. There were three field offices where people were deployed locally because it was more efficient.

Q2: And you oversaw that also?

Zanen: Eventually, yes.

Q2: How did your responsibilities evolve?

Zanen: Yes, that's interesting, because as I said, when I started off I expected maybe to work three, six months to get some job experience in an international organization. I never expected to work that long for the ICTY. But the reason is that it did evolve from doing initial analysis, and as I said, fairly soon our team grew and more language assistants were necessary. We were a team of twenty-five at one point, so we split it up in three or four teams, and I supervised one of those teams doing quality controls, seeing that everything went right and addressing any issues. Then my immediate supervisor, who was the deputy head of the Evidence Unit, went to Arusha to work there for ICTR [International Criminal Tribunal for Rwanda] as the chief of the Evidence Unit. It was sort of a loan agreement because ICTR was also in its initial stages. We did work for the ICTR as well.

Q2: Oh, okay. On documents?

Zanen: On documents, yes. Because my immediate supervisor left there, I became his liaison in The Hague for the ICTR, so I liaised. I organized a small team of four or five people to go over all the relevant material in French—the documentation for ICTR. This

was like a half-year project, but it was basically my first experience of being in charge of a project team at the tribunal. From The Hague, I supervised the indexing of evidence in the French language for the ICTR, so I had a direct link with ICTR. Then he returned and I sort of got back to what I did before. In the beginning, this work was done as part of the Evidence Unit.

Then, because this evolved so much and so many language assistants were needed, we became our separate unit, so a separate unit was created called the Document and Video Unit. It was initially called the Document and Video Indexing Unit. As we kept on doing the initial analysis and doing the summaries, after a while it turned out to be more efficient to do full translations of the documents instead of the summaries because doing the summaries, we were requested to put in so much detail that the actual analysis of a document took almost as long as just simply having it translated. Also, the demand on translation couldn't really be handled anymore by the language section of the Registry. We were sort of helping out with documents that maybe they're not going to use in trial but there was so much demand of having everything translated just to see what things were about that we started translating, so the "I" was dropped and it became the Document and Video Unit.

Q2: So just to be clear, the OTP created its own translation unit separate from the Registry?

Zanen: Yes, and this grew. Also, this unit set up separate units in the field offices so at one point we were over a hundred staff, and I think at its top we were about a hundred and twenty language assistants. Some of them got to be detached directly into an investigation team within the OTP. Most investigations teams would have two or three language assistants to sit directly on the team and the rest would work for all cases according to the priorities, because we had to set the priorities and what needed to be done first for which case. The number of cases grew so we got more and more work to do, and needed to be more and more organized.

Q2: And you'd be deployed across a whole group of cases?

Zanen: Yeah, I started deputy-ing for the chief of that unit, who was my former supervisor of the Evidence Unit, so his job also evolved. I started deputy-ing, so I basically started having supervisory duties for all the language assistants who then started translating. Then I was on loan for half a year to what was still the Evidence Unit as the deputy chief of the Evidence Unit. For a while, there was nobody else there because there was a hand-over. So I worked as an evidence custodian managing all the information flow within the OTP and I headed the Evidence Unit for a short period of time before going back to the Documents and Video Unit. When the head of the Documents and Video Unit left the tribunal, I was left in charge, so that was I think in 2004. So for about six years I was the head of that Unit.

This is the way my job evolved, and it didn't strictly match with job titles. It was a bit of a struggle because the ICTY was a rapidly evolving organization. It was new; it didn't really fit in the UN structure but it still worked under the UN rules, so in terms of job titles there were all these grading issues and job titles issues, so my job title changed four times in that period. Although I didn't really apply for different positions, they were sort of bestowed upon me, so you carry additional responsibilities. I became a reviser.

Although I was supposedly revising, I was also coordinating the workflow and supervising the staff within the Unit. Then eventually my job title was changed to supervisor—that was the job title. Also, the whole unit started doing full translations, whereas some of the people were recruited and employed to do summaries, so a lot of changes had to be made. That went at a very slow pace. However, I got to do a lot of different things, and learned so many things, and after what became twelve and a half years, this was a great experience.

Q1: And in those twelve years, how did you view or observe the evolution of the tribunal?

Zanen: First, of course, it was growing rapidly. By the time I started we were a little bit over three hundred staff. By the time I left the so-called Completion Strategy had already started—the downsizing of the tribunal. I think since 2002-2003 they were actually already talking about downsizing and how this is going to end.

Q2: When did you leave?

Q1: 2009?

Zanen: End of 2009. December 2009.

Q2: So by then they already had the Completion Strategy.

Zanen: Yes, they were already five years into the Completion Strategy. They were just thinking about, what if there are no more court cases? And of course, what if [Ratko] Mladić and [Radovan] Karadžić are not caught? This happened afterwards, and this of course is one of the reasons why it still goes on, because some of the cases that maybe few people thought that would ever happen did happen, which is amazing. At the time, nobody really counted on it. There was also a one or two year budget cycle, so you had to budget for a year, or maybe for two years. You were able to look two years ahead and you had to make your plans with that horizon in mind, and that of course you depend on the contribution of the parties and of the support at the UN, so it had to be constantly justified that there's a reason for it existing. [Laughs] And that continues.

At the time I left, I think it was just about that it started getting serious, the downsizing. Of course, we could already see from 2003-2004 that people were thinking ahead, people that had a bit more ambition and thought, well, I want to stay working in another organization like this. This is the line of work I want to pursue. They were already looking at what was happening; for example, the International Criminal Court was being

established in The Hague, so at the time there were already people looking—"I can use my experience. Let's look for something that's maybe a longer term for me."

This was a big problem for the ICTY to retain the best people that had case knowledge, that had knowledge of how things worked at the ICTY, that had learned and grown as professionals, to keep them in the organization. They started all these efforts to try to keep the best people, and at the same time they couldn't because everybody knew that this was going to end, so we had to also think about what we were going to do with our lives after this. Does everything depend on the ICTY? A lot of people stayed and a lot of people didn't, depending on what their own personal considerations were. It was not about people not wanting to continue to work for the ICTY, because generally the working atmosphere was really good. It was very motivating at the time where you could see that people were very dedicated to the work and to the organization. Eventually, you could start seeing that this downsizing impacted on the motivation of people because if you don't have any job security—.

Speaking for myself, I feel like after ten years of reading about and being in a situation that you're dealing with war crimes, and it's always about the former Yugoslavia—I've met so many nice people of the former Yugoslavia. I had the chance to visit the field office a couple of times; I went to Zagreb and saw what it was like. At one point I wanted to stop thinking about the former Yugoslavia as a war zone. It's also about, maybe I knew too many people and at one point I had enough. I didn't want to know or read only about crimes, and only the former Yugoslavia.

It was like knowing a country, Serbia or Bosnia and Croatia, like the palm of my hand. I knew where all the villages were, I'd looked at the maps, but always in a context of conflict and war crimes, and every place name is related to a murder, a crime, atrocities. At one point it also got a bit to me. Personally, for me, I thought maybe it's good to make a change—not because I think it's unworthy work. On the contrary, I think this is very important work and I really feel motivated to continue with this, but to shift the focus of your attention, because it's really day in, day out. Especially being a language assistant, you see everything; it's not just related to one case but to all cases.

Q2: What was it like for you to visit the field offices after having read about these places on paper?

Zanen: I only visited the Zagreb field office; unfortunately I didn't go to the other field offices. It was important because it changed my view; what was before I knew only on paper. When you're somewhere real, when you meet the people, and you breathe the air that the people breathe there, then it's different. It was a very positive experience. I worked with a team of between fifteen to twenty people that were working from the Zagreb field office. Of course, we communicated every day by mail and by phone, but when you actually get to see how the people work, what are the conditions of work—. They showed me the city; one of my colleagues who was actually originally from Serbia who was working in the field office showed me around in Zagreb. So I felt very welcomed. But he also told me how difficult it was because of his ethnic background,

living in Zagreb at a certain period of time when all this ethnic tension was palpable there and how people dealt with that.

Q2: This is just a question of my ignorance, but a Serbian living in Zagreb—how would his identity be indicated? Would it be from his speech, or his last name?

Zanen: People know from last names. People generally knew or learned this, and what I've learned is that before the conflict, this was much less if not irrelevant as what people's background actually were, but because of the conflict, this became an issue now—where are people from? Are you Bosnian, Croatian, or Serbian? People were put in boxes. There were quite unpleasant things happening, but it could be simple things like maybe the mirror of your car being broken or something and it looks like vandalism, but there was the underlying current of unpleasantness between the different groups still.

Q1: What year was that that you were in Zagreb, initially?

Zanen: The first time I went it must have been like 2004-2005, and then I went two times after.

Q2: Were the working conditions really different in the field office, or are you talking about the conditions—the general environment was different from The Hague?

Zanen: They worked in sort of a house; they worked in practically an attic, so it was quite informal, but no, not much different. The atmosphere was good. There was a good field office manager. Of course, it was much smaller. The field office was manned by about thirty people, twenty-five people, including the project people, but you had constant visits from investigators and analysts visiting the office, doing their work there, interviewing witnesses. Those things happened in the field office then.

Q2: Did they have a big sign that said they were the field office—?

Zanen: No. No, no.

Q2: —or did they try and keep the whole thing low profile?

Zanen: No, no, it was low profile. But it was a UN compound so there were UN vehicles.

Q1: Did you say that you were on loan to Arusha at one point?

Zanen: No, that was my supervisor, my boss at the time. I was liaising for him.

Q2: So you never went to Arusha.

Zanen: Unfortunately not yet, no. [Laughs]

Q2: So you were there for twelve years. The OTP during that time had three different chief prosecutors?

Zanen: It was Louise Arbour and—

Q2: So [Richard] Goldstone was already gone when you were there.

Zanen: Yes, I think Goldstone left in 1996, so it was Arbour and then it was Carla Del Ponte. At the very end it was [Serge] Brammertz.

Q2: Okay. Was there a palpable difference in environment that came from the different personalities of the prosecutors? Or for you it didn't make any difference.

Zanen: Not so much. At my level or where I worked it didn't. Carla Del Ponte came relatively soon. I think the period of Arbour was not so long for me when I was there—1999 or so?

Q2: Yes, something like that.

Zanen: One of the things that changed overall that didn't affect our unit so much was there was a bit more French speaking going on.

Q2: That's Carla Del Ponte, yes.

Zanen: Yes. I always thought she was great. I thought she was a fantastic woman; I had a lot of respect for her, as I had for Louise Arbour as well. However I did not have direct rapport with the prosecutor. I eventually reported to the deputy chief of investigations, Bob Reid, but I had no immediate exposure to the prosecutor. I had not much of a clue of what went on at the prosecutor's level until later when Carla Del Ponte was there and I had assumed supervisory responsibilities within the OTP. About Carla Del Ponte, I didn't have personal contact with the prosecutor, but indirect of course I was informed through the chief and deputy chief of investigations. Everything trickled down to our level. One of my colleagues who did the photography, for example, as part of my unit, ended up doing all the official photography for the ICTY, including the pictures of the judges and the prosecutor. He always told me about his visits to the prosecutor and how the sessions went. He showed the pictures and—

Q2: Did she want the picture to be a certain way?

Zanen: Yes, and he did a fantastic job. She was apparently always very happy with the pictures that were taken.

Q2: So despite the tribunal having two official languages, was English pretty much the dominant language among the staff?

Zanen: In our office, yes. Even with Carla Del Ponte, overall the dominant language—all the meetings were basically in English, so that was definitely the dominant language. French was an official language as well of the ICTY. With hindsight I can now compare it a little bit with the ICC where more French is spoken, though English is still the tendency. There are probably more English speakers that do not speak French than French speakers that do not speak English. That might be one of the simple explanations. It wasn't that there was no policy because all translations were done into French and into English. At the Registry you had a French translation unit. The booth interpretation was only French and English, so overall there was French as well as English, but internally within the Office of the Prosecutor it was predominantly English spoken. Not to say that there weren't occasions where French was spoken, but in my experience that was the exception.

Q2: Having worked with, for example, judges for years at the ICTY and coming into contact with a lot of people, it's clear that people work very hard and the whole ICTY project sort of takes over their lives. I was wondering, for someone in your position, were you able to do your work and leave it at the tribunal and come home and have your own life, or did it really sort of take over your existence?

Zanen: No, I was pretty well able to deal with it, but I must say there were maybe a few instances where—it's the type of work when you're dealing day in and day out with atrocities, hearing about war crimes, reading witness statements, and working with the people directly from the former Yugoslavia—although I didn't work directly with the

witnesses, I did work mainly with the staff who were from the former Yugoslavia—so of course what you hear day in and day out is extraordinary and very hard at times. There are other professions and other lines of work where you have to leave things where they belong at work and not take things home; sometimes it's easier said than done. Generally I had no problems coping because it's maybe an element of professionalism. You say, "Okay, I can put it aside," but you do notice it.

The first time when I really noticed that it was getting difficult was in 1999 when Kosovo started because I was already working at the ICTY, and of course what happened in Kosovo became a part of what the tribunal was about. We started to get to receive statements from people that were affected by what was going on in Kosovo. Until then, we processed statements and documents and there may be four or five years in-between the statements and the related occurrences; it was a bit of history already; it happened in the past. We were looking into what happened, who's maybe responsible, and there was sort of a psychological barrier because, okay, it's horrible what happened but it's no longer happening. But this time we were reading statements and we were reading materials and knew it was happening—

Q2: Right now.

Zanen: It was happening, and you go, wait a minute. This statement was taken just two weeks ago or just last month. That made things different. Yes, it was difficult, when I think about it. Even now when I think back of it, it still grips me.

Q1: Maybe you can talk about your transition between ICTY and moving on to the ICC, and reflect a bit on how the institutions compare in your experience?

Zanen: You can really see that ICTY has been a precursor to the International Criminal Court and that the International Criminal Court has been to a certain extent modeled on this experience. For me what was different is that, well, I got a lot more responsibilities. At the ICTY, my main job ended up being supervising the distribution of work, who was doing what when, setting the right priorities, making sure things got done on time, making sure the quality was all right, so I was sort of managing the performance of the unit and its service delivery.

The deputy head of investigations would tell me, for example, "We've got some money remaining in our budget. Can you arrange a project? We can recruit fifteen additional language assistants until the end of the year," for example. Maybe there are three months. He said, "Look, can we set up another project to make things go faster, or to process things that so far we didn't have time to process, or to process a backlog of material that has not yet been processed?" I made the project proposal and was then given the green light for the language assistants to be recruited. I organized for a test, conducted the interviews with candidates, deployed the temporary project team and set them to work. But I didn't have budgetary responsibility, for example. I wasn't the one.

Now at the ICC, I do have budgetary responsibilities and I do need to know how things are paid, how much money is needed, what is being spent for which purpose, etc. The main difference for me is that at the ICTY we worked of course with the same language combination throughout—Bosnian-Croatian-Serbian, which was called BCS. Why it's that order I don't know, but—

Q2: I think it's alphabetical.

Zanen: Yes, alphabetical probably—BCS. But that's what was accepted as politically correct, because there are some differences between Croatian, Serbian and Bosnian, which are for some people more important than for others. The differences between the languages also became a bit bigger because of the conflict. But basically we worked with the same languages. That's why we worked with staff. People had a staff contract. Some of them are still working there; they worked there for ten years, twelve years, even longer.

At the ICC, for every case different languages are relevant because it's a different country and it's a different situation. For example, in Kenya, people may speak Swahili, or Luhya or Kikuyu. In Côte d'Ivoire they speak Jula or Bambara or French, or another local language. In the Central African Republic, Sango is an important language. In Libya, they are going to speak Arabic. All the languages change, which means that the requirements are different for each case. That's why we have very little—there's only staff for those languages in cases that are either at the trial stage or for languages that are

needed for a longer duration, languages that are widely spoken that are maybe relevant to several cases. A lot of the languages that I work with now are only relevant to one situation country or maybe even unique to one case, or maybe even for one or two witnesses. We do recruitment constantly for different language combinations in different countries. Preparations need to be made for when language services in these combinations may be needed, but they may be needed for one day, for one week, for one month, or for one year. We often don't know that until much further in the investigations.

Q2: What's your exact title at the ICC?

Zanen: I'm operational interpretation coordinator. Basically it's field interpretation coordinator. I coordinate, as I said in the beginning—the recruitment, testing, training and deployment of interpreters in the field, so not the interpretation that is done in the courtroom or during conferences from a booth, but the interpretation that is done during face-to-face meetings, for example—meetings between Court staff and witnesses who do not fully understand either English or French, the working languages of the Court. The training and the recruitment for field interpreters is done jointly with the OTP to support all these activities.

Q2: Right. You're in the Registry at the ICC, right?

Zanen: Yes, I'm now in the Registry, whereas at the ICTY I worked for the Office of the Prosecutor.

Q2: As I'm trying to remember now from the workshop last fall, the OTP depends on you for its field interpreters, right? They don't have their own language unit?

Zanen: The OTP does have its own unit. There is a language services unit in the OTP. We have a joint accreditation program. This is interesting to compare with the ICTY where there was no such thing as a joint accreditation or any accreditation program for field interpreters. We worked with language assistants, with people from the former Yugoslavia whose language abilities were generally of an outstanding quality and who gained a lot of experience over time, working within the organization often for many years, so maybe the need for an accreditation program was also less. Field interpreters at the ICC do not usually work for long periods of time, but mostly work on the basis of freelance on very specific short-term assignments. In regard to the languages that need to be supported, there are not always schools where those languages are taught. There's no academies where you can learn how to interpret from Zaghawa or Ngiti into French, for example.

Q2: They don't write those languages, either.

Zanen: And some of the languages are not even written, so this is a different ballgame altogether.

Q2: How do you go about accrediting somebody or evaluating their competence in a given language?

Zanen: Right now, as we do it in ICC, we look for a qualified tester first, for example. Depending on the language, we may need to contact an expert in the field—a university expert, a linguist if they exist; if not, a native speaker of the language that could assist in testing the language. Then we work with a scenario so we have an interview based on a scripted scenario. The candidates are evaluated on their performance in this exercise and on the accuracy of their interpretation. That's how we test candidates for field interpretation. If they pass the test, they're being invited for training for a number of days. Once they're trained and they have passed a security clearance and a medical clearance and another couple of conditions, then they're fit for deployment.

At the ICTY, basically we already had this pool of staff who had started out by indexing or summarizing material, then went on to translate material, and many of them at some point then also interpreted in similar settings and face-to-face meetings. But there it was more managed by who was good at what. It was sort of, you prove that you're doing well by doing it. Then there was a bond of trust built and most of the time it would be the same people interpreting for the same investigators or for certain people. We got the feedback from the people who they interpreted for, and if it was positive, it was more likely they would be given another assignment if there was another requirement to do an interpretation. If it wouldn't go well, it would quickly become clear so they would not get

these assignments; they would get a translation assignment or they would do some other things.

There were a lot of different types of language assistant jobs. One of the things, for example, that language assistants did was to sit together with investigators and then just cull through all the material that has come in and say, "Is this a McDonald's menu or is this a military order to make the difference?" Sometimes there were documents collected in the former Yugoslavia, and Bosnia, for example, from archives they had only temporary access to. They went there, and came back with boxes full of material. This happened *in situ* someplace, or people had to go with the team, and they went there—went quickly and maybe they had to make copies of everything and they came back with all the copies.

Q2: Interesting.

Zanen: The documents were processed at the headquarters. The issue with copies was that some documents were copied maybe three, four, or five times. All documents that come in get a unique number—Evidence Registration Number, an ERN—so with this number it gets a stamp and it enters into the collection. Having a different stamp means that every document submitted is unique, but if you have twenty copies of—well twenty is a bit of an exaggeration, it would be the exception, but say you have two or three copies of the same document. If they had different numbers, they were treated as different documents, which means that these documents were being looked at two or three times

and they could be translated once, twice, maybe three, four times, which of course is a waste of time. Eventually a separate office was established to avoid duplication of work because there was a lot of duplication going on.

Q2: What kinds of concrete lessons have you been able to take from the ICTY to the ICC?

Zanen: Oh, so much. I think it's been the basis for me to be able to do what I'm doing at the ICC. One thing is coping with the work.

Q2: Are there actual systems for dealing with language issues that have been exported to—?

Zanen: No, there are still a lot of differences between both organizations and consequently my work experience dealing with language issues is also different, because in the ICTY we built a system, for example, to process incoming requests from the different investigation teams, because there were so many investigation teams and there were some that were handling different cases. We had a way to prioritize requests and how to keep track of what was translated. We had to split up documents and put them back together in a logical order and make sure that the translations were done consistently, etc.

Since I'm working at the ICC, I see more interpreters than translators. I'm no longer working so much with documents and putting back documents together and making sure documents are consistent. I'm much more working with policies and how to make sure field interpreters can perform to their best abilities in support of the Court's activities. We're working on a manual on best practices. What is best practice when you're interpreting in the field? There's so many different type of situations. We have learned over time that different types of situation trigger different needs and different requirements, even sometimes different skills. My background in ICTY has made me much more aware of how different situations trigger different type of needs. It's not all just about investigations or about witnesses coming to testify. A lot of the complexities are even more complex at the ICC; there's an increasing complexity because each situation country has its own unique cultural and linguistic context.

In the beginning, I was only partially aware of what was going on overall in the field and in the former Yugoslavia; it all seemed very complex and difficult to comprehend. Over time, the longer you work in an organization, the more you see what's important, and what's noise and what's actually been going on. Conflicts are complex, and the conflicts in Yugoslavia were extremely complex, but in Africa they're no less complex as for the causes and who's responsible or who can be held responsible for what. Although I admire and respect the professionals who figure out who may be guilty and who's not guilty, my concern and my first interest has always been that a fair trial can be conducted. You need the conditions for a fair trial, eventually to have international justice that is credible.

At the ICTY, of course there's a lot of media attention and a lot of people saying, "It's never fair. It's biased because it's only about the Serbs, or it's only about the Croats, or only about—." This is the last thing you want to be true. Being a credible tribunal means you have to have equality in justice. It should be about legal issues and not about politics, but for politics not to get involved at these international tribunals, I think that's the biggest challenge of all. And it's been at the ICTY, and I think it's done a much better job than anybody could have thought at the outset. I think it's been a very successful tribunal.

The ICC is in a phase—because the ICC is of course still a young organization, although it's eleven years into its existence—but it still hasn't had many cases finalized, so it's still building this credibility. Because there are different situations, there's also different politics. There's a long way ahead of establishing a tribunal that is really accepted internationally. You want it to be a UN-typed organization that is supported worldwide. ICTY of course did get much wider support until now than the ICC has gotten, and the ICC is still struggling to get the support of some of the main players on the globe. I do believe, of course, in ICTY as I do in the ICC; otherwise I wouldn't be working here. This is a big challenge, and that's maybe for me more difficult than the gruesome stories or the conflicts that you're reading because you can say, "Well, that's why we're doing this. That's the reason of the existence of these tribunals. We want justice to be done."

In the ICC, I think it's also a good thing that they're looking at ways to focus more on victims and victims' compensation, reparations. That whole phase is sort of new. It didn't exist in ICTY. That's the key issue. What makes it difficult is—it's more difficult coming

home and reading in a newspaper how tribunals are exposed to criticism as to "This is not working" and "It's unfair." Of course, you read all that and I think, well, what's true and what isn't? Am I in the right place here? Or you're constantly working on your belief in the institution—is it worth it? Do I work for an institution that is there and doing the right thing? Because I would never want to work for an institution that is indeed not partial or heavily influenced by one party or another. That's not my motivation. That's what I look at most.

It's interesting how it's looked at, but a lot of the criticism of these tribunals also comes from people for whom these tribunals are not really in their own interest. It's very inconvenient to many people. But that's of course the nature as well of the tribunal; it's inconvenient to some people, but these same people can still hold a lot of power.

If a witness, for example, comes to testify for one court or the other, then they may need a lot of courage because they or their family that is still living in an area which is conflict or post-conflict may be exposed to certain risks, even though the Court does everything to protect them and to mitigate such risks. It's something very big and courageous to do. You can see that, for a lot of people, it is important and then they do it. When you see that that's happening, it's really rewarding. Then you realize that you do it for the people who have suffered, and that these institutions are eventually there to have these people listened to, to have these people heard.

Even if nothing happens at the end—unfortunately some of these cases are so complex and they take so much time that they eventually may collapse, or maybe there's a non-guilty verdict. I'm fine with non-guilty verdicts as long as the proceedings are fair. Of course, it's logical. There have been investigations teams and it's logical when a case is finalized after many years and the OTP has "won" this case and somebody is sent twenty years to jail, that there is this sense of success. However, for me, that's not a reason to celebrate. You go on and do your work. It's sad enough that somebody is jailed for twenty years. But on the other hand, when a case was finished, sometimes there was also some relief felt in the Office of the Prosecution—"Okay, the case is over. Let's have a drink." I always felt a bit in two minds about having a drink at the end of a case for this reason, because to me it's sort of immaterial whether a case ends in a guilty or non-guilty verdict, or if somebody will be let go for lack of evidence, as long as the proceedings are conducted in a fair manner and a just verdict is reached.

Q1: I think this is a good place to stop and break for lunch now.

Zanen: Yes.

Q1: Thank you very much for all this time you've given us today.

Q2: Yes, thank you.

Q1: Thanks very much.

Zanen: Okay.

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