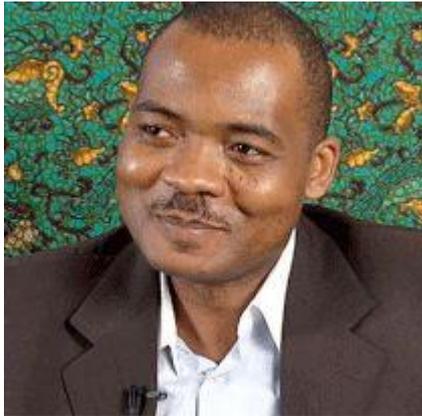




Voices from the Rwanda Tribunal

Official Transcript: Jean-Pele Fomete (Part 5 of 15)



Role:	Program Director
Country of Origin:	Cameroon
Interview Date:	24 October 2008
Location:	Arusha, Tanzania
Interviewers:	Batya Friedman John McKay Robert Utter
Videographer:	Max Andrews
Interpreter:	None

Interview Summary

Jean-Pele Fomete speaks about his role in court management services, overseeing legal aid and capacity building for pan-African justice systems. He highlights the need for civil society support to make the Tribunal a success, which has been challenging in Rwanda. He also comments on the lack of infrastructure in Africa, and the difficulty in mobilizing resources and ensuring adequate access to information about the Tribunal's work. He discusses the positive and negative impacts of the ICTR and international human rights standards on Rwanda's justice system.

The transcript of Part 5 begins on the following page.

Part 5

- 00:00 **Batya Friedman: So I'm very interested in this relationship you've talked about between the civil society and the ability of a tr-, of a tribunal, any tribunal to function well and to deliver justice.**
- 00:13 Mm-hmm.
- 00:14 **BF: And I don't want to be putting words in your mouth, but what I think I've heard is that for the tribunal in Yugoslavia it was supported by a broad civil society, not just, you know, Bosnia and that area but Europe as a whole and somehow was seen as a much broader way of justice for the region and I'm wondering if you can talk about what the situation is here for this tribunal.**
- 00:41 **BF: So there's, you know, civil society one can think about for the Rwandans but one can also think about that in terms of the A-, Africans much more broadly. Is, is there that kind of relationship here? Do people view the tribunal as a vehicle for justice within Africa or – I mean I assume it hasn't been static but you raise a very interesting point and, and you probably have some insights on that.**
- 01:14 The, the way I see things as follows – what happened in Rwanda is, was a failure and when you look at the political situation from the '50s up to the, the genocide you had a cycle of, you know, how do I put it? Social failures. You know, people, their aspirations to more openness, you know, more liberties, it was simply not there.
- 01:45 So ethnic clashes, you know, impunity, continuing – it means in terms of the ability of the social fabric to respond to the aspirations, I think things went, went wrong. So, so the genocide is one of the mani-, manifestations of that failure. The worse way of addressing internal problems, because who were the rebels?
- 02:20 Those are the children (), of those who were expelled from Rwanda for other reasons. You know, there were negotiations to come out with some political settlement, peaceful settlement. They all failed. So you expect after a genocide that people are dreaming of a better society.
- 02:40 So you will expect some involvement from civil societies, from the people of Africa saying, "What happened in Rwanda might, can happen in our own countries." So we should pay attention to the way Rwanda is coming out of the genocide, we should pay attention to one of the critical component of Rwanda's, with the assistance of the international community, community, of Rwanda's attempt to build a new society.
- 03:15 And the ICTR was one of those element – just contr-, trying to contribute through justice, you know, to the return of peace in the Great Lakes region, but also to the return of peace in Rwanda. So my sense was that, that kind of interest was not felt by us who were here at the ICTR trying to do something. That's my feeling.

- 03:47** **BF: And do you think that that makes it more difficult for the tribunal to deliver on justice?**
- 03:56 Substantively no, because if you have good judges, good prosecutors, good defense lawyers, you have the witnesses bringing to the attention of the judges whatever they are called here to do so.
- 04:13 In terms of the delivery of, of justice as a public good, I, I'm not sure you, you, you need the support, but producing judgment is just one element. You have to reach out to, to, to the communities in, in Rwanda. Do they understand what you are doing?
- 04:33 Do they feel what you are doing will have any impact on their present and on their future? And that's where I feel there was a, a gap in terms of reaching out to those communities, making sure they feel we're doing something in their interest.
- 04:50 I'm not sure even today we have been able to properly build that connection with the people of Rwanda let alone with other communities in, in Africa. You see what I mean?
- 05:04** **BF: Mm-hmm.**
- 05:05 Yeah.
- 05:05** **BF: So I guess I'm wondering if the, if the way in which the relationship between justice and reconciliation is the ability of the tribunal to participate in a reconciliation ...**
- 05:18 That, that, that's – it, it, it was an extremely ambitious element of our mandate, that through justice we could contribute to the process of national reconciliation. It's wonderful theoretically, but how do you achieve that as an international tribunal?
- 05:47 And that's why we have also been wondering if, to the tribunal other mechanisms should not have been established, you know, like a truth and reconciliation committee, I don't know. Later on the Gacaca system ca-, came itself.
- 06:09 So we're an international body established outside of Rwanda and supposed to bring justice to the people or Rwanda. I'm saying that connection and our contribution to the national reconciliation is not that obvious.
- 06:27 After the Kambanda judgment – because he pleaded guilty – and we went and tried to listen to a few people in Rwanda. They were saying, "Okay for somebody of that status to recognize that there was a genocide, we as victims somehow feel – not at peace, but that the genocide was recognized by somebody like that sends a message that helps, you know, the healing process."
- 07:02 But more than a decade down the road have we done something in terms of pushing for national reconciliations? There's a lot of questions there.

- 07:16 Because when you look also at the, at the ethnic origins of those who have been tried up to now there's a question, you know – should we because we are supposed to push for national reconciliation, make sure that all ethnic groups are tried by the tribunal also?
- 07:44 **BF: So maybe because people in the future may not know what you're saying, can you be explicit about the ethnic groups you're talking about?**
- 07:52 Yeah. Because the, the, the genocide was against the, the, the Tutsi minority so it's, it's established historically and judicial. But the tribunal is being asked also by its parent body, the Security Council, to ensure that the crimes committed also by the, the former rebel group now in power in Rwanda, be prosecuted also for, for war crimes committed during the, in 1994. But so far all the accused persons we have been able to arrest and bring to Arusha are Hutus.
- 08:44 So, so should we because we are pushing or because of the objective of national reconciliation try to make sure that there's something like a, a sample of criminals from the two groups, Hutus and Tutsi? It's, it's a question.