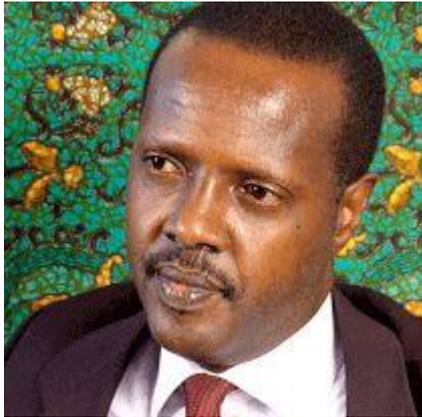




Voices from the Rwanda Tribunal

Official Transcript: Richard Karegyesa (Full Interview)



Role:	Acting Chief of Prosecutions
Country of Origin:	Uganda
Interview Date:	29 October 2008
Location:	Arusha, Tanzania
Interviewer:	Batya Friedman Ronald Slye
Videographer:	Nell Carden Grey
Interpreter:	None

Interview Summary

Richard Karegyesa reflects on the relationship between the ICTR and domestic justice systems, discussing transfer of cases and the capacity of Rwanda's judiciary. Karegyesa discusses best practices for the prosecution, the protection of witnesses and prosecuting rape as a crime of genocide. He draws attention to the differences between prosecuting rape as an international crime and a domestic crime and comments on the importance of creating a historical record to protect against revisionist histories.

The transcript of the interview begins on the following page.

1 **Part 1**

2 **00:00** **Batya Friedman: So I'm Batya Freedman. I'm a Professor at the University of**
3 **Washington. And I'm here with Ron Slye who's a Professor at the law school at**
4 **Seattle University. He's another interviewer. And our cameraperson is Nell Carden**
5 **Grey and we are here with Richard who's going to introduce himself. I'd like to ask**
6 **you to say your name, your role here at the ICTR and your nationality. And today is**
7 **October 29th . . .**

8 00:29 Yeah.

9 **00:29** **BF: . . . 2008. Okay, please Richard.**

10 00:31 Thank you. It's a pleasure meeting you. I'm Richard Karegyesa. I'm the Acting Chief of
11 Prosecution in the Office of the Prosecutor and I'm Ugandan by nationality.

12 **00:41** **BF: Great, can you tell us a little bit – when you say that you're the Acting Chief of**
13 **Prosecution, what is involved in your role here, what kinds of things do you do?**

14 00:51 Well, the Office of the Prosecutor initially comprised the Prosecution Division and the
15 Investigations Division, but now also has the Appeals and Legal Advisory Division. So I
16 head the Prosecution Division that has about 100 attorneys in teams – in, in trial teams
17 and, you know, I coordinate prosecution of cases at first instance, up to judgment, you
18 know, before matters go to appeal.

19 01:31 The Investigations Division was downgraded as part of our downsizing and completion
20 strategy, so it's now a section. So the Kigali office, you know, our investigations office is
21 also under my division and we have maybe about 40 strong staff there, so, you know, I
22 run that as well.

23 **01:58** **BF: So when a case is, a decision is made to pursue a case and a prosecution team is**
24 **assembled for that, do you play a role in assembling that team?**

25 02:11 Well, yes, I do. I mean all the trial staff, trial attorneys report to me and, you know, I'm,
26 I'm responsible for assigning work, executing, you know, policy, and generally, you
27 know, coordinating every aspect of commencement of investigation through
28 prosecution.

29 **02:35** **BF: So what, what process would you go through to create a team, a prosecution**
30 **team for a case?**

31 02:48 The, the teams have actually already been assigned work. You know, in the formative
32 years teams were created – put together as, you know, indictments were confirmed.
33 But the, the, the profile of our cases is either regional or thematic, so you've got a team
34 that is responsible for cases from specific regions.

35 03:22 If it's thematic it's like we've got the military cases, the government cases, the media,
36 the clergy. So you have teams basically structured around those nodes and being
37 responsible for the docket f-, falling under the theme, you know, or the region.

38 **03:41** **BF: So if teams, say, involve the clergy in a certain region, would members from both**
39 **come together or you would find one as primary and assign that or . . .**

40 03:53 If, if, if it's clergy it's clergy but, you know, regardless of which region the clergymen
41 came from.

42 **03:59** **BF: Mm-hmm.**

43 03:59 But because it, it is in a region . . .

44 **04:02** **BF: Mm-hmm.**

45 04:02 . . . you know, my involvement is to coordinate and make sure, you know, that they're
46 not at cross-purposes. You know, we hold weekly meetings just, you know, to compare
47 notes and make sure that we're all singing from the same hymn sheet as it were.

48 **Part 2**

49 **00:00** **BF: So I'd like to take you back now to the spring of 1994. And thinking back then,**
50 **what, where were you in 1994 and, and what were you doing then?**

51 00:16 I was a practicing attorney in Uganda. I'd actually just returned from a three-year stint
52 with the United Nations in, in Mombasa, Kenya, where I'd been a legal advisor on a
53 regional project covering Kenya, Tanzania, Uganda, Rwanda, Burundi and Eastern Zaire.
54 It had to do with international trade, transport freight and customs. So I'd gone back to
55 my law firm in Kampala when the plane went down, as it were, on 6th of April 1994.

56 **00:58** **BF: So were, were you in Uganda at that point?**

57 01:00 I was in Uganda.

58 **01:01** **BF: And how, had you settled back in to this firm and life in Uganda and Kampala?**

59 01:04 Yeah, yeah, yeah, yeah.

60 **01:07** **BF: So what was your life like at that point?**

61 01:11 Well I'd just settled back home. I, I, I'd returned, I believe, end of January and, you
62 know, I was back at the law firm in a commercial corporate practice, yeah, yeah, yeah,
63 yeah.

64 **01:22** **BF: Mm-hmm. And what were you thinking, at that point, what were you thinking**
65 **your career trajectory was going to be?**

66 01:28 Well I'd, prior to that I'd been a prosecutor for eight years, up to the time I left the
67 government service in 1990. And my trajectory then was, you know, mainstream legal
68 practice, commercial corporate and consulting. And what I'd been doing with the UN
69 was part of my consulting practice, yeah. And I did continue consulting for international
70 agencies, UN agencies, the European Union, British ODA, you know, before the creation
71 of the DFID . . .

- 72 **02:14** **BF: Mm-hmm.**
- 73 02:15 . . . yeah, i-, in, in Sub Saharan Africa.
- 74 **02:17** **BF: Mm-hmm. So you were mostly thinking about commercial law business . . .**
- 75 02:22 Yeah, yeah, yeah.
- 76 **02:22** **BF: . . . yeah, in one way or another. Then when did you hear about the genocide in**
77 **Rwanda?**
- 78 02:28 Well I watched it unfold, you know, on CNN. You know, in about a couple of weeks, you
79 know, bodies were floating down the Kagera into, into, into Lake Victoria and, you
80 know, the price of fish collapsed. Nobody wanted to eat fish because, you know, it was
81 just horrendous. Yeah, yeah, yeah. And, and we watched it unfold over the next three
82 months. Yeah, yeah, yeah.
- 83 **03:02** **BF: What did you think at the time?**
- 84 03:06 I mean, I mean no memory evokes such horror as – I guess it was the first time we were
85 getting, you know, live coverage from, from an area of conflict. We’d probably had
86 satellite TV for about a year or so, so you know we were getting real time broadcasts
87 and it was just, you know, unbelievable. And then, you know, bodies started washing
88 up on our shores.
- 89 03:35 You know, and I, I, I continued receiving these images. Even I traveled to, to West Africa
90 in, in July round about the time that the U.S., I think it was the Defense Secretary at the
91 time, flew into Kampala because of the humanitarian catastrophe unfolding then in, in
92 Goma – not so much, you know, what had just happened in Rwanda.
- 93 04:11 You know so, so we, we actually got more footage from the refugee camps around
94 Goma. And all the humanitarian effort you know was going to Goma, you know, to the
95 refugees and rather than survivors of this mass murder.
- 96 **04:33** **BF: And what are some of your, your memories from that time? How did you react,**
97 **what, what did you – I mean, was it just something happening around you or**
98 **something, did you became engaged in some way with what was going on?**
- 99 04:49 Not directly. I do remember going to, to Kigali most probably late August or early
100 September and I just couldn’t believe what I saw. I mean the, the smell of death hung in
101 the air and, and, you know, walls were blood stained, you know, buildings were burnt
102 out or pockmarked and y-, you’ve been to our Kigali office.
- 103 05:19 You know refugees were still in the stadium, you know, the Amahoro Stadium, you
104 know, barbed wire and sand bags around it. And I remember the time the government
105 was trying to clear the streets and drains, you know, you know, of rotting corpses and
106 they had to shoot all the dogs in town because the dogs had gotten used to eating
107 corpses.

108 05:48 And, you know, when those were cleaned out of town, you know, they actually wanted,
109 you know, to, to eat people. You know, they'd gotten used to eating human flesh. Yeah.
110 And, you know, I-, I've never quite managed to erase that memory from my mind, yeah.

111 Part 3

112 00:00 **BF: So at what point did you think about working for the ICTR?**

113 00:07 It must have been – I actually thought of it much earlier but didn't join until much later,
114 'cause initially it was said at the time that they weren't recruiting people from within
115 the region, you know, neighboring Rwanda. But I did subsequently in 19-, I believe 1996
116 or '97 respond to a vacancy announcement in one of our regional papers and didn't
117 hear from them until about a year later.

118 00:50 Yes, but I did have a keen interest and, you know, I kept my feelers out there. But what
119 blew me most was actually visiting Arusha. I was, I'd just concluded an assignment for
120 the European Union in Zambia and got an offer from the Commonwealth Secretariat to
121 come and work in Arusha at the East African Community as legal advisor trying to set
122 up the regional trading block.

123 01:28 I hadn't been to Arusha in about ten years and I, I, I wanted to check it out so, you
124 know, I came to Arusha to meet, you know, with officials of the East African Community
125 and they were in the same building, this very same building, just on the 6th floor. And
126 you know I, I, I had the opportunity for two days to sit in and watch two trials.

127 01:56 And I said, "This is what I want to do." You know, to hell with, with consulting and
128 commercial practice. I said, "This is what I want to do." That was March of '98 and I got
129 an offer I believe in August of '98, yeah, yeah.

130 02:16 **BF: What, what was that feeling when you said, "This is what I want to do," what . . .**
131 **?**

132 02:19 Well, I, I, I watched, you know, two prosecutions going on. They had only two
133 courtrooms and it was a trial of Georges Rutaganda, the head of the Interahamwe. And
134 on the stand was Professor Bill Haglund, a forensic anthropologist, and he was being
135 led in evidence by James Stewart, Senior Counsel then. You know and I sat; I sat in the
136 public gallery and watched.

137 02:49 And my prosecutorial instincts just came (___), I said, "This is what I want to do. I want
138 to prosecute these people. You know, I can do it." There was also the trial of Kayishema
139 and Ruzindana. Kayishema was Préfet of Kibuye, and Ruzindana was a businessman.
140 And that trial too was going on. And I watched as Brenda Sue Thornton, she's in the
141 DOJ back in Washington D.C., the Counter Terrorism (_____) right now.

142 03:26 She was leading the evidence of another forensic expert, a handwriting expert. And you
143 know I had been doing, you know, criminal prosecution for eight years and I said, "Hey,
144 I'm, I want to take it to an international level." You know I quit the national level, but

145 this is where I want to be. Yeah, and yeah I, I, I got an offer I believe it was August of
146 '98.

147 **03:54 BF: And then you've been a prosecutor here since or has your role changed during**
148 **that time?**

149 04:01 Well, work is largely the same.

150 **04:03 BF: Mm-hmm.**

151 04:04 I, I started off as a Legal Advisor for about two years and then was promoted to Senior
152 Trial Attorney and since the beginning of this year I've been the Acting Chief of
153 Prosecution Division.

154 **Part 4**

155 **00:00 BF: So one question maybe you could speak a little bit about is the nature of**
156 **evidence. You know, when you have so many people who've been massacred and a**
157 **situation in a country where pretty much everyone you encounter is either been, you**
158 **know, has a family member who's been victimi-, a victim or was themselves a**
159 **perpetrator or has a relative who's a perpetrator.**

160 **00:31 BF: It's very different than a situation where there's been a murder and maybe there**
161 **are several people acting, maybe several people killed but it's, it's a much smaller**
162 **group of people. From your time here, what's different about the nature of evidence**
163 **when you are trying to establish something like genocide?**

164 00:57 First, it's just the sheer intensity in scale. I mean where do you start? A million people,
165 anywhere up to a million people killed in a hundred days, you know, works out to any-,
166 you know, anywhere up to 10,000 people a day, you know.

167 01:15 And then, you know, you had the war, and parallel to that you had the genocide, in a
168 country whose population then was about 8,000,000, you know. A million people is a
169 lot of people.

170 01:31 But remember too that, you know, entire communities were uprooted and displaced;
171 you know, about 3,000,000 in the refugee camps, either in the Congo, in northern
172 Burundi or northern Tanzania.

173 01:49 So from a pre-war, pre-genocide population of 8,000,000, you know, you've got about
174 4,000,000 people in Rwanda. All severely traumatized whether they're perpetrators or,
175 you know, or victim survivors. Y-, and in a highly polarized society.

176 02:13 So yes, I mean investigating such crimes is a big challenge, you know. Where do you
177 start and, and, and how do you, how do you prioritize? Because it was country-wide,
178 you know. You know, so yeah there, there, there were challenges.

- 179 02:31 We had investigators and prosecutors. Nobody had ever, you know, prosecuted or
180 investigated genocide, you know, since Nuremburg. And even in Nuremburg it was
181 crimes against humanity and war crimes rather than genocide.
- 182 02:48 So yes it, it, it was very difficult; there were challenges. There's linguistic, cultural –
183 because we didn't have Rwandan investigators. You know, the judiciary, members of
184 the judiciary, i.e., the judges, prosecutors and judicial police were either dead or in
185 flight, you know. So, you know, we basically started from scratch.
- 186 03:16 Some areas were no-go because of, you know, rebel in-, incursions from the Congo –
187 you know the, the Western, the Western part of Rwanda, you know, all the way from
188 Goma, the northern tip of Lake Kivu down to Cyangugu the southernmost tip. There
189 were rebel incursions from the Congo and it was sealed off.
- 190 03:48 You know, UN staff couldn't travel there. Able subsequently to travel there in '97 and
191 about two or three got killed and then it was sealed off again. You know, investigators
192 didn't know the elements of the crimes they were investigating.
- 193 04:12 You had to operate through interpreters with no system to check, you know, to have
194 quality assurance of whether, you know, you're actually getting the right version. You,
195 you had witnesses who would cringe at the sight of certain interpreters because of the
196 ethnic polarization.
- 197 04:39 Yeah, I mean there were very many difficulties involved in investigating and putting a
198 case together.

199 Part 5

- 200 00:00 **BF: So from where you sit now, if there was another genocide somewhere else . . .**
- 201 00:06 Mm.
- 202 00:07 **BF: . . . and a tribunal being created, and they were trying to establish the**
203 **prosecution there, what kinds of things would you want the person who is taking the**
204 **lead there to know or think about so that they could, you know, more readily get an**
205 **effective prosecution up and running?**
- 206 00:26 Well, fortunately that's one of the legacies well bequeathed to the international
207 criminal justice system. Starting late 2004, we embarked on documenting best practices
208 in conjunction with other international prosecutors. We, we held a prosecutors'
209 colloquium here in November of 2004. It was the first international prosecutors'
210 colloquium.
- 211 00:59 You know, and, and one of the recommendations was, you know, to develop best
212 practices in light of our completion strategy. So we ha-, we, we, we still are in the
213 process and hope to have finalized a best practices manual by early next year.
- 214 01:21 **BF: So what would, what would some of those best practices be?**

215 01:26 Well, yeah, you've got best practices in investigations, best practices of pre-trial
216 preparation, best practice trial, best practice in appeal, evidence collection, storage,
217 retrieval systems, management systems.

218 01:43 But the primary thing if you're starting up you really need competent staff who know
219 what they're doing. I mean w-, we started from scratch but now there's a, you know,
220 not only is there a large body of jurisprudence, you know, but even expertise.

221 **01:57 BF: Mm-hmm.**

222 02:01 And just to give you an example, the prosecutor of the special court for Sierra Leone . . .

223 **02:07 BF: Mm-hmm.**

224 02:09 . . . is ex-ICTR, he was Chief of Prosecution here, Prosecutor of the Cambodian
225 Extraordinary Chamber was one of our colleagues here. The deputy prosecutor of the
226 ICC, you know, is a former colleague here so, you know, our expertise has been
227 exported in, in, in the establishment of, of these new tribunals.

228 02:37 And, you know, even in the Hariri Commission, the L-, Lebanon tribunal, Chief of
229 Investigation was an investigator here. And actually before we seconded him there, he
230 was involved in the Darfur investigation by the United Nations High Commission for
231 Human Rights. You know, and they all take with them best practice because they've
232 been there done that, yeah.

233 **03:10 BF: Right. One of the things you mentioned, which actually affected you early on was
234 that initially it sounds like there was some decision not to hire from the region and
235 clearly a decision not to hire Rwandan prosecutors. What, what are your views on
236 that?**

237 **03:29 BF: You know, clearly those decisions were made then and, and probably well
238 thought out given the situation but now in hindsight as you look back, for tribunals
239 going forward, if, if you could set the policy what, what do you think is, would be a
240 good way to go?**

241 03:46 No, I think you have to consider it on a case-by-case basis. You know, Rwanda was
242 peculiar, you know, extremely polarized. You know, so, if, if, you know, to, to, to give it
243 a semblance of justice, you know, I think it was, in the initial stages an imperative that,
244 you know, Rwandans be excluded from the decision making process.

245 04:21 I mean we had all the local staff were Rwandans, but none of the prosecutorial st-, staff
246 were Rwandans. You know, you had support staff being Rwandans. Interpreters, you
247 know, were a must. But you know, 14 years on, you know, it's opened up.

248 **04:46 BF: Mm-hmm.**

249 04:48 We have several Rwandan co-, colleagues as prosecutors, you know. We're even trying
250 to get these cases transferred to Rwanda because we believe they've, you know, sort of
251 stabilized in the last four-, 14 years.

252 05:01 At the establishment of the tribunal I mean R-, Rwanda was still relatively unstable and
253 had no infrastructure nor human resources, you know, you know, to, to host and run
254 the, the tribunal in, in Kigali. And that's why, you know, the tribunal was situated in, in,
255 in Arusha. It works differently. There's a tug of war however, I believe, or I've heard, in,
256 in the Cambodia hybrid sort of setup, the Extraordinary Chambers . . .

257 **05:48 BF: Mm-hmm.**

258 05:52 . . . I-, largely again because of the internal dynamic of, of that country. I do know that
259 in the special court for Sierra Leone, which isn't an international tribunal in the sense of
260 the ICTR, ICTY, y-, you've got both foreign and local judges, and foreign and local
261 prosecutors.

262 **06:21 BF: Mm-hmm.**

263 06:22 Yeah, yeah, yeah. So I think, yeah, it's, it's got to be approached on a case-by-case
264 basis, yeah.

265 **06:28 BF: Mm-hmm.**

266 **Part 6**

267 **00:00 BF: Well, you've been working at the ICTR, right, gathering experiences here for quite**
268 **a long time. So is there just something from your reflections of that time that you'd**
269 **like to share with us before I ask other kinds of questions, the conversation goes**
270 **another direction?**

271 00:16 It's, it's, there, there's just so much over the last ten years you know. I-, nothing comes
272 to mind. I actually personally haven't even had time to reflect and I intend to take a
273 year off next year when I, you know, leave the tribunal to sit back and reflect, you
274 know, over the ten years. So, you know, unless you ask something specific, it's been –
275 I've been constantly in motion . . .

276 **00:44 BF: Mm-hmm.**

277 00:45 . . . hardly any time to reflect, you know. Because there's, you know, things always
278 happening and you know I, I can't finger anything unless you, you target your question.

279 **01:00 BF: Okay, well then I, I'll ask you about a few, few other things that I've been**
280 **wondering about. Talking about prosecuting for rape as genocide, I think maybe from**
281 **the outside when people look at the record, they see that there was the**
282 **establishment of rape as genocide and its use in one case, and then sort of the**
283 **appearance of it no longer being used as a tool by the tribunal.**

284 **01:31 BF: And I wonder if from the perspective of a prosecutor, how do, how do you both**
285 **see that tool and how do you – what thoughts do you have on, you know, why it**
286 **might look that way from the outside looking in?**

287 01:46 I think we must acknowledge that we haven't been that successful. You know since
288 Akayesu in, in successfully prosecuting rape either as genocide or as a crime against
289 humanity, I, I think most probably only about four, four convictions after Akayesu.

290 02:11 You know, and given that we've, we've had now 36 convictions, you know, you know
291 five convictions doesn't sound a big number. Yes there were problems, problems with
292 pleading, but also problems with investigation.

293 **02:34 BF: Mm-hmm. How so?**

294 02:43 You know, c-, culturally, and I think this is across the board anywhere you know, you
295 know ra-, rape in, in, in some societies is, is a taboo. I mean, you know so there's
296 silence. There's silence and you initially didn't get, you know, victims coming forward to
297 talk about it.

298 03:17 You probably had other survivors who'd watched it or knew about it coming forward,
299 but we had difficulty even when we had statements, you know, convincing victims to
300 come and testify.

301 03:33 You know I, I have a few instances where I, I, I recall during the prosecution of
302 Gacumbitsi way back in 2003 I believe, yeah. We got a conviction for, for genocide and,
303 you know, rape as a, both as genocide and rape as a crime against humanity. And it was
304 largely on the basis of one victim who was believed and two or three survivors who had
305 witnessed rape.

306 04:13 T-, two of the witnesses I believe had lost, lost their wives in the genocide but had seen
307 them gang raped before they were brutally killed. A-, and we, we've been trying to
308 encourage other teams, you know, to, to use that approach.

309 04:41 You don't need a rape victim to prove rape, like you don't need a murder victim to
310 prove, you know, murder. I mean, the victim is dead. But if there's a body and, and, and
311 you know people witnessed the, the killing, they can testify to the fact.

312 05:10 Likewise, you don't actually have to drag these heavily traumatized rape victims to
313 court, you know, if you've got men, women, you know, who witnessed these rapes
314 taking place, because they were actually taking place in broad daylight.

315 05:28 The other difficulty has been establishing a nexus between the acts of an accused and
316 the rapes that were committed. But we do have, I believe, there about 20, 20 or 21
317 cases at different stages of defense. Nin-, nine of them have judgments pending where
318 rape was charged, so we'll see how successful we are in that regard.

319 06:12 But starting round about 2004, we undertook a review of our indictments and, you
320 know, the available evidence of rape to see if we could, for the indictments that hadn't
321 gone to trial, to see if we could actually amend them, if it was supported by evidence,
322 to include charges of rape.

- 323 06:42 But yes I, I, I, you know, must acknowledge that we haven't been to date very
324 successful in securing rape convictions.
- 325 **06:52 BF: Do the – have the prosecutors been talking among themselves about – I mean this**
326 **is a brand new thing, right? To try for rape as genocide, so probably a lot of learning**
327 **needs to go on as to how to do so, how to collect evidence, how to present it.**
- 328 **07:14 BF: And as you've already talked about, doing so in a way that is, well, as un-**
329 **traumatizing as possible to the women and their, and their families involved. So, and**
330 **going back to this notion of better practices or things that you've learned . . .**
- 331 07:34 We, we've specifically got a protocol in our, in our best practices manual on
332 investigating and prosecuting sexual offenses. W-, we had EU funding and held, held a
333 workshop here in the spring of 2005 . . .
- 334 **07:52 BF: Mm-hmm.**
- 335 07:55 . . . and we developed protocol on best practices. And it actually came in handy in the
336 Darfur investigation because we lent them our, you know, expertise as our sexual
337 assault team w-, went to Darfur and, you know, headed the, the investigations relating
338 to, you know, sexual violence, you know, i-, in Darfur.
- 339 **08:22 BF: Mm-hmm.**

340 Part 7

- 341 **00:00 BF: So what are some of the things that you think were learned in this tribunal about**
342 **how to collect evidence here, how to argue with that evidence or make compelling**
343 **arguments for the prosecution around rape as genocide, you know, that, that would**
344 **really be important for others in the future to know about, and, and also perhaps**
345 **things that were tried that you know really others don't need to try those things.**
- 346 00:30 Well, you see there's a tendency in, you know, where you have mass murder, mass
347 killings or there was a tendency to sort of, you know, ignore rape and go, you know, for
348 the less complicated, you know, extermination, murder, genocide.
- 349 00:52 But because we're all aware that, you know, rape is as old as war, you know, there
350 can't be, you know, murder at such scale, you know, without corresponding rapes
351 because, you know, you're talking of conflict situations.
- 352 01:15 Talking of belligerence and, and where there's genocidal intent, you know. You know,
353 sexual violence and rape are, are, are a tool in the hands of the oppressor. So yes, I
354 mean you've got to look out for incidences of rape.
- 355 01:34 So even if you're interviewing witnesses, you know, for mass killings, don't stop at mass
356 killings, try and get leads, you know. You know, and then pursue those leads with deft
357 handling.

358 01:51 As I said earlier, you don't actually need the rape victim to come and testify to secure a
359 rape conviction, if you've got people who witnessed the rape. Because you see the, the,
360 the threshold is much lower than, you know, in your domestic jurisdiction, you know,
361 penetration and, you know, forensic evidence.

362 02:22 I think it was in the Akayesu case where, you know, they said that, you know, rape as an
363 international crime isn't about body parts. Issues of consent, it's been a big debate. In
364 the domestic jurisdiction, the prosecutor has to prove lack of consent.

365 02:51 Again the threshold in conflict situations is lower because of you've established that the
366 circumstances were coercive. You know, any consent is negated. And we also have a
367 provision in our rules; I think it's Rule 96 that suggests that, you know, consent isn't,
368 you know, a defense.

369 03:20 Yeah, so, yeah, there's a need to establish coercive circumstances and if, as I said, if, if,
370 if you have witnesses other than the rape victim who witnessed the rape – because
371 most of these rapes are committed in broad daylight. In Rwanda none of these offenses
372 were committed at night, by the way.

373 03:45 It was like civic duty; it'd start around eight in the morning and knock off around 4
374 o'clock, 5 o'clock, go and have a drink, sleep, and, and come back and continue from
375 where they left off and you know.

376 03:58 And the rapes were being committed in broad daylight around public buildings; you
377 know, churches, schools. Akayesu case just outside the, you know, bourgmestre's office
378 where the refugees were. And in such circumstances, they're being committed in broad
379 daylight.

380 04:18 Take for example where the, you know, the rape victim is killed subsequent to the rape,
381 you know. You can't use that as an excuse for not charging or being unable to prove
382 rape if you've got, you know, people who actually witnessed the rapes taking place.

383 04:38 The other thing of course is, is to establish a nexus between the acts of the accused and
384 those rapes. My argument has always been that if, if, if an accused instigates or orders
385 the mass killing or destruction of a group, he or she has undermined the law and public
386 order.

387 05:08 And, you know, if, if, if the physical perpetrator in the process of that destruction,
388 executing the instructions, you know, plunders property, pillages, rapes, you know, it's
389 all done at the instigation of the accused.

390 05:29 And, and remember here we're targeting the leadership, not so much the foot soldiers,
391 but the ideologues, you know, without whose evil architecture these crimes, you know,
392 would never have being committed.

393 05:45 So yes, in the course of investigation you establish the coercive circumstances, or at
394 first establish that there was rape. Establish the coercive circumstances and try to
395 establish a link not only between the murders, you know, mass killing and the accused

396 but also the rapes so that, you know, you can attach liability; criminal liability. Yeah,
397 yeah, yeah.

398 **06:14 BF: Mm-hmm.**

399 **Part 8**

400 **00:00 Ronald Slye: Okay, let me just pick up on the last conversation, talking about the rape**
401 **prosecutions and the, the idea that you don't need the victim present.**

402 **00:15 RS: What, how do you – I mean I guess one of the things that that made me think of is**
403 **that if I were defense counsel, I might want to call the victim. Is that something that is**
404 **allowed or how would you respond to that?**

405 00:29 Well what if the victim's dead?

406 **00:30 RS: Okay, but let's assume the victim is alive. I mean, the advantage that you had**
407 **raised was that the victim doesn't have to testify but (___) . . .**

408 00:38 I think in all fairness, you know as a prosecutor you'd most probably would have taken
409 the statement of the, of the victim and she may well, you know, decline to testify.

410 00:53 But in all fairness you offer – you know, if you're not calling the victim, you know, you
411 offer the statement to the defense. And it would be – I mean ha-, we, we've offered
412 statements. We do have, you know, disclosure obligations, you know, and, and, and
413 indeed i-, in, in Gacumbitsi, you know, the defense didn't go down that line.

414 01:29 Because it's very difficult to subpoena a witness or, or to move, you know, to have the
415 chamber subpoena. They haven't tried it before, but it would be very hard. Would be,
416 even strategically, might play against the defense, you know, trying to subpoena;
417 subpoena a witness, yes.

418 **01:49 RS: And so they've never tried that.**

419 01:51 No, no.

420 **01:52 RS: And would you recommend that defense counsel do that or do you think the risks**
421 **are too great?**

422 01:57 The risks would probably be too great. Yeah, yeah.

423 **02:00 RS: And what sort of risks?**

424 02:10 W-, why would defense counsel want to subpoena, you know, a victim who was raped,
425 you know, to just confirm, you know, the evidence of someone who witnessed the
426 rape? It's a double-edged sword.

427 **02:27 RS: Mm-hmm.**

428 02:28 Mm, mm. What, have her say that, you know, "I wasn't raped?"

429 **02:40** **RS: Let me, you started – earlier you talked about, you were talking about**
430 **investigations.**

431 02:45 Mm-hmm.

432 **02:46** **RS: And how one investigates such a massive crime as occurred in Rwanda during the**
433 **genocide. How do you, or how would you, start to think about setting the priorities in**
434 **terms of both investigating such a large crime and deciding who to prosecute?**

435 03:08 Well, normally you know this tribunal and others and even what’s happening next door
436 in Kenya, the establishment of the tribunal is preceded by some sort of commission of
437 inquiry that does, you know, as it were, a, a crime base investigation.

438 03:34 And you’ve got indicators of who the potential suspects are. Now because the, you
439 know, international tribunals can’t really, you know, prosecute everyone, in the case of
440 Rwanda, I mean, you’ve got over 100,000 potential suspects.

441 03:52 The, the priority was, as it was in Nuremburg, you know, to go after the leadership to
442 the extent that there’s evidence I mean, you don’t create it. But, you know, once a
443 tribunal is established, it builds on whatever work has been done by the commission of
444 inquiry, by civil society, you know, these human rights NGOs.

445 04:23 And, and, and the, the evidence will generate, you know, who the targets should be de-
446 , depending on, on the strength of the evidence. And as I said, if you prioritize – we had,
447 we had a list of well over 300, possibly more, you know, generated by the initial
448 inquiries.

449 04:56 But there’s no way, you know, an ad hoc tribunal with limited mandates and resources,
450 you know, could pursue that number of people. So we settled down to the odd maybe
451 hundred or so. And even then we haven’t been that successful. I think probably around,
452 you’re talking about 94, 94 indictments in all.

453 05:21 But we have transferred files of cases we’d investigated but hadn’t indicted. We’ve
454 transferred files to Rwanda; we’ve transferred files to Belgium, yeah.

455 **05:46** **RS: And how did you decide which ones to transfer to Belgium or to Rwanda?**

456 05:52 I think it was following the Security Council Res-, Resolution 1503 which asked us to go
457 for the most senior, the most responsible. So we did a culling exercise here, you know,
458 and, and took into consideration, you know, you know (____) of seniority but also
459 notoriety, egregious nature of the crimes, the extent, intensity, and strength of
460 evidence.

461 06:34 Yeah, and then, you know, ha-, having reviewed, you know, our docket, decided the
462 ones which we could keep and hope to finish, you know, by December 2008. It’s not
463 been possible but – so yeah we’re expecting, you know, an extension. An-, and I must
464 draw a distinction between a transfer of files and a referral of an indictment under 11
465 bis.

- 466 **07:04** **RS: Right. Mm-hmm.**
- 467 07:07 Transfer of files are files of those we hadn't indicted. And that's at the discretion of the
468 prosecutor. Referral of indictment is on application, you know, to the chamber. And we
469 haven't been successful with regard to Rwanda.
- 470 07:25 We were successful in respect of two transfers, two referrals to France. We had an
471 aborted referral to the Netherlands that couldn't take off because the district courts in
472 The Hague, you know, found they didn't have jurisdiction. Yeah.
- 473 **07:48** **RS: Do you – some, some look at both those sorts of referrals to Europe or the, you**
474 **know, the Habré case and sort of the, a, a sort of tug of war between Senegal and**
475 **Belgium, raising questions about where justice should appropriately be seen to be**
476 **done.**
- 477 08:10 Mm.
- 478 **08:11** **RS: What are your views on that?**
- 479 08:13 Well, I believe it should be done where the crime was committed, period. But of course
480 circumstances in Rwanda didn't permit, you know, in 1994. But 14 years later and
481 we've put in, you know, some good work with the Rwandans, the prosecution service
482 you know trying to ensure that their, you know, laws, you know, meet minimum
483 international standards of due process.
- 484 08:40 You mentioned Article 14 of the ICCPR; our Article 20 was replicated in their legislation.
485 All the guarantees are there. And the prosecutor you know was satisfied that Rwanda
486 could take on these cases.
- 487 08:57 Let me perhaps also mention that there weren't any other takers. We visited several
488 African countries a-, and European countries and there were limitations you know.
489 They either didn't have the jurisdiction or if they did, you know, weren't willing or
490 weren't able because, you know, they had their own backlogs or other resource
491 constraints.
- 492 09:33 One or two African countries said they'd probably be able to provide resources if, if, if
493 the cases were transferred to Rwanda. They didn't want the cases transferred to their
494 countries, but (____) considered technical assistance to Rwanda if the cases are, you
495 know, transferred to Rwanda.
- 496 09:52 So yeah, at the end of the day, Rwanda was and remains the only willing taker of these
497 cases. Belgium, you know, has a large Rwandan diaspora and is dealing with its own,
498 you know, prosecutions where they're exercising universal jurisdiction.
- 499 10:14 Britain has jurisdictional limitations and is trying to extradite. Extradition was granted a
500 couple of months ago but it's on appeal and the appeal is being argued in, in December
501 in respect to four Rwandan fugitives.

502 10:36 You know, a-, and we had transferred those files to Rwanda. Norway, we had an
503 unsuccessful attempt to have an indictment referred there. They didn't have
504 jurisdiction but they recently, I think early this year, amended their legislation and I
505 believe they have an active investigation going on of a Rwandan who is resident there,
506 thus giving rise to jurisdiction.

507 11:09 And who knows, now that we've been unsuccessful in our bid to refer cases to Rwanda,
508 we may want to revisit Norway which had exhibited willingness at that time but didn't
509 have jurisdiction, but now has jurisdiction so we might want to revisit it.

510 11:27 And the, the Special Prosecutor, you know, for international crimes is going to be here
511 on a conference next month. We might take it up with her while she's here.

512 Part 9

513 **00:00 RS: So do you, do you see the role of your office and of the tribunal as building up the**
514 **capacity of a country like Rwanda so you can transfer these cases, or is that**
515 **something that . . . ?**

516 00:12 Yes, I mean you see, we did have EU funding for capacity building in Rwanda. We had
517 European Union funding, you know, for outreach programs. We also got, you know,
518 Rwanda requested it.

519 00:36 And over the last two years I've been running courses for prosecution service, you
520 know, investigation, evidence management and handling, international criminal law,
521 procedure and practice, and trial advocacy, you know. You know and it was at Rwandan
522 request but funded by the European Union and we used to go there and run, you know,
523 courses, anything from one week to two weeks.

524 01:08 So yes we do have a role, because we acknowledged and, well, Rwanda acknowledged
525 its limitations, and was preparing itself, you know, for the reception of these cases and
526 wasn't trying to say so. And said yeah, you know, "Y-, you guys have been there done
527 that. Can you come and, you know, hone our skills?"

528 01:33 And, and, and we do have, you know, several Rwandans employed here in the Office of
529 the Prosecutor, you know, who most probably after the closure might take their
530 expertise back home.

531 **01:53 RS: What's . . .**

532 01:53 And one of the, one of the things we'll be looking at, at this conference is, is, is those
533 countries, you know, in Sub-Saharan Africa that may want to take on these cases
534 because of, you know, if they have jurisdiction, if, you know, we need to identify, you
535 know, capacity limitations.

536 02:24 We may not be able to, to, to engage in capacity building but I'm sure we can mobilize
537 resources and there are NGOs out there. There's International Criminal Services,
538 there's an NGO that is actually focusing on capacity building.

- 539 02:50 The Open Society Justice Initiative in East Africa in particular with which I've worked
540 closely, is – has an active program in capacity building.
- 541 03:00 We're trying to get the teaching of international criminal law on the core curricula of
542 universities in the region. You know, and there, there are live issues like the Ugandan
543 situation. I think the pretrial chamber is sitting this week or possibly next to consider
544 whether the ICC should defer to, to Uganda to try the Joseph Kony case.
- 545 03:35 They have capacity issues and their Director of Public Prosecutions has engaged our
546 Prosecutor here. So yes, there's a role we could play in terms of capacity building for
547 those who, you know, acknowledge the need and ask for it.
- 548 **03:52 RS: What do you think still needs to happen in order for a case to be successfully**
549 **referred back to Rwanda?**
- 550 04:01 We lost on two things, and one can be corrected legislatively or judi-, judicially. There's
551 a question of, there's some ambiguity on sentencing regime. In Rwanda it wasn't clear.
- 552 04:23 Conflicting pieces of legislation you know and the, and the doubt was resolved in favor
553 of the accused. There was a potential threat that if sentenced in Rwanda he may be
554 held in solitary confinement.
- 555 04:38 We didn't buy that, but that was what the judges, both the trial chamber and the
556 appeal chamber, thought. The more complex matter that seems incapable of resolution
557 is this whole issue of witness availability.
- 558 04:57 I don't know whether you've read the appeals chamber decision in Munyakazi but
559 basically it comes down to the appeals chamber saying the determinant for a fair trial is
560 at the, you know, whims of an unidentified witness, you know, saying, "Hey, I'm afraid
561 of going to Rwanda." You know. And that's what it comes down to. Yeah, yeah, yeah.
- 562 **05:35 RS: And is there anything that can be done about that or the . . . ?**
- 563 05:37 Well no and I mean, you know, the, you know, the, neither the chamber, you know, the
564 trial chamber nor appeals chamber really conducted sufficient inquiry.
- 565 05:58 Rwanda has facilitated witnesses, defense witnesses to come to the tribunal and safely
566 return to Rwanda. I'm yet to hear of a defense witness who's been bumped off. It's our
567 prosecution witnesses who get bumped off.
- 568 06:22 But Rwanda too has facilitated the travel of witnesses to Belgium, to Canada. You know
569 for the trials Belgium has held to date, I think about four trials; the Butare four, the
570 Kibungo two, Ntuyahaga, yeah – four, yeah about seven, seven, eight accused
571 defendants.
- 572 06:59 And Rwanda has facilitated the travel of both prosecution and defense witnesses,
573 who've safely returned home. We don't have any capacity for protecting witnesses in
574 Rwanda. It's done by, you know, the, the, the Rwandans.

575 07:15 We protect witnesses when they're in Arusha by driving them around in bulletproof
576 cars. But when they go back to Rwanda you know, the actual protection is a duty of the
577 state.

578 07:30 You know, and when threats are reported we don't have the capacity to, you know, to
579 do the policing, we refer the matter to the Rwandan authorities, you know, who take
580 care of security of witnesses.

581 07:44 I was just looking for example at the, the, the Canadian statistics where the defense
582 had seven witnesses fly in from Rwanda and took depositions of another seventeen,
583 you know. So the, the, the judge, the single judge in the Munyaneza case in Quebec,
584 you know, didn't get to meet the seventeen. They didn't have any video link testimony.
585 No, it was, I don't know whether you're familiar with depositions taken on a
586 commission rogatoire.

587 08:36 Basically prosecution and defense, you know, with an officer of court go to a country, in
588 this case Rwanda, you know, and take, you know, record the testimony, you know. So
589 the testimony of seventeen witnesses was paper testimony, I mean the judge didn't
590 meet them. The same thing applies to the current trial against Joseph Mpambara in the
591 Netherlands.

592 09:12 The investigating judge went to Rwanda, heard all the evidence by deposition. It's, it's
593 like a mini-trial; you've got the prosecution, defense represented and the investigating
594 judge, you know, asks all the questions and if, you know, if either party wants to
595 intervene they're free to do so.

596 09:34 A-, and he's carried all this paperwork back home. No witnesses traveling to, to The
597 Hague, you know, for the classical, you know, adversarial hearing as we know it here.

598 09:46 Now this is so, you know, the point I'm trying to drive home is that the judge or judges
599 determining the matter don't actually have to have physical contact with the witness.

600 10:06 Same thing happens in France. They're most probably if, you know, the two cases
601 they're prosecuting, they'll probably send, you know, an investigating judge down to, to
602 Rwanda who, you know, will bring back the papers and . . .

603 10:26 So if it's good for other countries, for other legal systems, why not for Rwanda, which is
604 a hybrid between adversarial and inquisitorial? Assuming for a moment that not all
605 defense witnesses would be willing to come to, to Rwanda they can have an
606 investigating judge go, you know, with defense and prosecution to take depositions.

607 10:53 We have it here; I mean it's the exception to the rule. We have video link and so do
608 they in Rwanda; they made provision for video link testimony which is becoming very
609 common now. And they've got provisions for taking deposition evidence.

610 11:14 So yes, I think, I think the decision was very harsh on Rwanda and it's ridiculous to the
611 extent that the determinant of a fair trial is, is left to the whims of, in this case,
612 unidentified witnesses.

- 613 11:35 The-, there was no witness list, you know. There was no evidence that the witnesses,
614 the purported defense witnesses would be reluctant to go. Nobody had interviewed
615 them to find out, you know. I mean, at least no evidence was presented to, to the trial
616 chamber.
- 617 11:56 So you know, h-, how do you correct that? There's, you know, we can't – there's no
618 provision for appeal against, you know, appeals chamber's decision. It's final. S-, s-, so
619 how, how do you correct that? It's, it's basically ruled out any transfers to Rwanda.
- 620 12:20 So even if – and this is what is happening right now, I think they're trying to get a
621 judicial or legislative interpretation of the, of the applicable law with regard to
622 sentencing. Even if that is sorted out and clarified, still you know you, you know, y-, you
623 can't have a fair trial because some witnesses would be reluctant to go.
- 624 12:44 And yet, you know, there's no evidence, you know, from the witnesses. You know we'd,
625 we'd applied in the alternative that, you know, this matter be remitted to the tr-, trial
626 chamber for further inquiry, yeah.
- 627 **13:01 RS: Not done.**
- 628 13:02 Not done.

629 Part 10

- 630 **00:00 RS: Let me shift gears a bit. One of the purposes of the tribunal, or at least one of the**
631 **stated purposes of the Security Council, was to foster reconciliation in Rwanda.**
632 **There's a couple of questions related to that. How do you think – well, I guess the**
633 **first question is do you think that's an appropriate goal of a tribunal like this?**
- 634 00:23 I think it's – and I stand (_____) – but I think it's to contribute, contribute to peace and
635 reconciliational, reconciliation and peace.
- 636 **00:37 RS: Mm-hmm.**
- 637 00:39 I think it's a legitimate expectation because the primary objective, you know – and this
638 isn't in the statute or the rules, it's in the resolution nine, nine, 955 – the dual
639 objectives, you know, accountability and deterrence, reconciliation and peace,
640 contributing.
- 641 01:01 Now the, the, the mistake is to look at the tribunal as the sole contributor, you know,
642 you know, the sole dynamo for, for reconciliation and peace. No. This is just part of, you
643 know, broader transitional justice measures, you know. This is re-, retributive justice.
644 They've got – this conflict has been going on since 1959 for Christ sake; it's 50 years.
- 645 01:27 And, and, and, you know, prosecuting an odd handful, you know, 100 perpetrators, you
646 know, isn't in itself going to bring around reconciliation and peace. There have to be
647 other mechanisms to redress, you know. You know, what the current coinage is I think
648 you know, restorative justice. We don't have any of that in our tribunal. It's beyond our
649 remit.

650 02:03 Yes, and, and the whole host of, you know, decades of discrimination, victimization – so
651 all we’re doing is we’re contributing by bringing perpetrators to account, ending the
652 cycle of impunity. We’re contributing to the restoration of the rule of law. Y-, y-, you
653 know, it’s a building block, you know, peace-building rather than peacemaking, you
654 know, and hopefully reconciliation.

655 02:43 I have no empirical evidence of whether we’ve succeeded in that regard but what I do
656 know and, i-, is that, you know, on the initial objectives, the primary objective of
657 accountability and deterrence I think we’ve scored very highly.

658 **03:01 RS: If you were starting this whole process over again with those objectives, would**
659 **you structure the tribunal differently or would you add or recommend adding**
660 **something like a truth commission?**

661 03:14 Yes.

662 **03:14 RS: Like in Sierra Leone?**

663 03:15 Yes. Truth commission hand in glove with the tribunal, you know, and, and other
664 restorative mechanisms, yeah.

665 **03:29 RS: And how would (___) . . .**

666 03:29 I mean it worked quite well in South Africa without – or s-, so we believe. Maybe tell
667 me, you know, has . . .

668 **03:38 RS: You can interview me later.**

669 03:39 Okay, yes, no, no, but I, I, I, I – you know given the sheer numbers we’re dealing with
670 here and, you know, with 20/20 hindsight, yeah, a truth and reconciliation commission
671 may have complemented, you know, the, the, the core role of the, the criminal tribunal
672 which is – first of all it’s, it’s away from Rwanda. This would have had to be situated in
673 Rwanda. Easily accessible, you know, a-, and dealing with a larger mass, you know, of
674 victims and perpetrators alike.

675 04:30 And in a sense – I’m no authority on this but you know – Ga-, Gacaca does have an
676 element of truth and reconciliation. Not so much reconciliation but alone, it’s truth, a
677 bit of reconciliation and, and a bit of retribution.

678 04:52 I, I think it provides an avenue for neighborhoods to come to grips with what
679 happened. I remember being told that, you know, at the lo-, the local level the, what
680 used to be the (___) . . .

681 05:14 You know Gacaca started out trying to establish what happened to the Tutsis who used
682 to live in that area and, and you know, people were encouraged to tell the truth.

683 05:27 And people were offered an amnesty of sorts by reduced sentences or, or, or labor, you
684 know, for killing several people. You know, as long as you confessed and sought
685 apology, you’d just be sentenced to community work.

686 05:46 I-, it's apparently the deniers I think who get heavy sentences but, you know, those
687 who cooperate and tell the truth and ask for forgiveness are indeed forgiven. It's, there
688 are reports of it being mismanaged. I, I can't comment. But I think yes, a truth and
689 conci-, reconciliation commission would have worked very well with, with the, with the
690 tribunal.

691 **06:20 RS: If you had a commission like that, would that change how you would approach**
692 **your decision about what cases to prosecute before a tribunal like this? I mean would**
693 **you take into account issues of reconciliation in making that decision or the existence**
694 **of these other processes, or would it be a similar sort of calculation that was used**
695 **absent those institutions?**

696 06:52 I think, I think – y-, you know you're dealing with mass murder here. You're dealing
697 with the mass slaughter of a million people and, and I think, I think to end the culture –
698 you see because the-, these crimes are largely, you know, state inspired and state
699 driven, you know. And that's, that's, that's where you've got to nip it in the bud you
700 know, a-, at the level of the state, you know.

701 07:22 You know, so if, if, if you've got, you know, senior leaders in the state apparatus clearly
702 implicated you know in the, i-, i-, in the planning and execution of these egregious
703 crimes, there should be no compromise. The, the, the truth and reconciliation, I think
704 applies to the second tier of executioners.

705 07:57 I would still go for the leadership to the extent the evidence justified it, yeah. And of
706 course there are resource limitations and things like that.

707 **Part 11**

708 **00:00 RS: We're, we're getting near the end of our time. Let me . . .**

709 00:02 Are we?

710 **00:02 RS: . . . Yes. Let me ask you, if you were speaking to a group of Rwandans today about**
711 **the tribunal, what would you want them to take from the tribunal? What would you**
712 **want to say to them about what the tribunal has accomplished?**

713 00:24 We have brought to account leaders that would otherwise never have been brought to
714 account. In the last 14 years Rwanda only got one rendition. Frodouald Karamira,
715 leader of the Hutu power faction of the MDR party was renditioned or rendered from
716 Ethiopia. I don't think there's an extradition treaty. Given a fair trial and shot in, you
717 know, in a public square.

718 01:09 You know, so there haven't been any extraditions to Rwanda. You have an Interpol
719 wanted list of 93 key, you know, fugitives, all in positions of leadership. In fact actually
720 one was picked up yesterday in Réunion. Head of the military intelligence in the office
721 of the President, Captain Pascal Simbikangwa, you know. And – but, but, you know,
722 Rwanda hasn't been successful in getting, you know, its extraditions from France.

- 723 01:53 Or from anywhere for that matter. So to the extent that we've managed in the last 12
724 years or so to arrest 75-plus, you know, fugitives from about 36 countries, we-, we've
725 been able to neutralize or incapacitate, you know, the extremist element you know,
726 who'd be out there if there wasn't a tribunal, probably in the Congo trying to make a
727 comeback, you know.
- 728 02:47 But more importantly we've documented judicially what actually happened. I'm sure
729 you're aware of the denials of the Armenian genocide, you know. That's a result of the
730 failure of the Constantinople prosecutions after the war. We still have revisionists and
731 deniers of the Holocaust. It's been criminalized in several countries but deniers abound
732 and it's the same thing.
- 733 03:18 We have puerile theories being peddled, you know, by defendants here. Denying the
734 genocide or minimizing it. But yes, we've, we've, we've documented the horrors that
735 took place. You know, even in the cases where we've had acquittals, it's not so much
736 that the events didn't happen; it's just either a question of poor pleading or failure to
737 prove that a particular individual was involved.
- 738 03:54 So there's, you know, there's an historical record of what happened. And you're
739 contributing to this, you know, by, by capturing the heritage of the tribunal. It's hard of
740 course to, you know, to say much more to the Rwandans on either side of the divide.
- 741 04:30 But I think, you know, I'm, I'm proud of the little we've accomplished a-, and the legacy
742 we leave to, to international criminal justice; a large corpus of jurisprudence. Probably
743 without us, the ICTR and ICTY, the ICC may never have come to life.
- 744 04:55 So it was a watershed moment, the establishment of these two tribunals, for
745 international criminal justice. And they're not a fix-all but I think they've substantially
746 contributed to the development of international criminal law. And, and y-, you have
747 countries asserting universal jurisdiction, criminalizing these, you know, offenses and,
748 yeah, yeah.
- 749 **05:39 RS: Is there anything we haven't touched upon that you think would be useful for**
750 **future generations to know about this process?**
- 751 05:47 Well, I'm sure you've talked to many people and you've still got many more people to
752 talk to. I must run but if you do think of something you can always give me a shout
753 before you leave and, yeah, yeah.
- 754 **06:01 RS: Okay, great, thank you very much.**
- 755 06:03 Thank you very much, too, yeah.