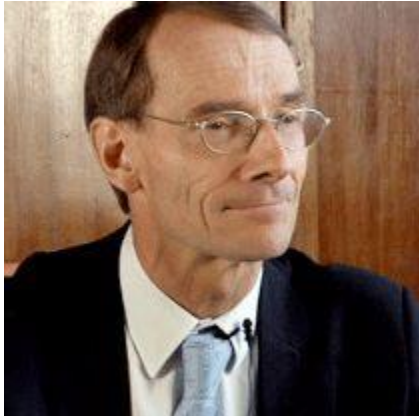




Voices from the Rwanda Tribunal

Official Transcript: Erik Møse (Part 9 of 14)



Role:	Judge
Country of Origin:	Norway
Interview Date:	22 October 2008
Location:	Arusha, Tanzania
Interviewers:	Robert Utter Donald J Horowitz
Videographer:	Max Andrews
Interpreter:	None

Interview Summary

Erik Møse addresses the mission of the ICTR, his role and contributions as both judge and Vice President of the court. He speaks about the various lessons learned by the institution; the need to increase efficiency by adding trial judges and establishing a separate prosecutor dedicated to the ICTR and not shared with the ICTY, and amending the court rules of procedure and evidence. He discusses the relationship between common and civil law, and between judges and court interpreters. He speaks about the cases he has been involved in, and about the role of victims in the justice process.

The transcript of Part 9 begins on the following page.

Part 9

- 00:00** Donald J Horowitz: **Where were you, if you can remember, in April 1994?**
- 00:06 That's . . .
- 00:06** **DJH: And what were you doing?**
- 00:08 That is a question I've asked myself many times because, and I can't tell you. I have no idea and I think, and the reason why I've asked myself that question is we have all been struggling with the fact why the international community did so little and I've been asking myself, "What was your own attitude in that period? Did you notice?"
- 00:34 And I can't really remember noticing so much what was going on. There was all these bombardments of other matters happening at that point in time, so I can't say that the genocide in Rwanda was so close to me when it happened that I can tell you what I did on that day.
- 01:00 It's different with the murder of Kennedy. You can tell what happened, where you were, but, but when it comes to that huge event, I mean a genocide there, astonishing enough, I cannot recall what I did that month or that year.
- 01:14** **DJH: Okay. What were some of the, to put it in context, what were some of the other, as you put it, bombardments that were going on at about that time in 1994? In your memory?**
- 01:25 There has been research on this and I think that if we look at some of the articles written about it, in particular by Thompson, the professor from Canada and some others I think, you will find a very good overview of what the other matters were. If you ask me now to list them, I will be amiss.
- 01:47** **DJH: (___).**
- 01:48 I don't remember now.
- 01:49** **DJH: Okay.**
- 01:49 But, but of course one had had Somalia the year before . . .
- 01:53** **DJH: Yes.**
- 01:54 . . . and there were other matters going on but apart from remembering that of course I was in the Court of Appeal and busy with the everyday work there, and human rights work, et cetera. The exact competition in the media between the genocide and other matters, I'm not able to, to be precise there.

- 02:15 DJH: Okay. When did the genocide or the Rwanda situation first come big in your, in your attention, big to your attention, approximately? I don't need exact.**
- 02:28 It became close when I was asked to contribute. I think that is the answer. I knew of it as a human rights lawyer but it was more distant, theoretical, not close emotional. So it was really from 1998 when the election question arose and from the elections in November ni-, '98 and onwards until taking up the position here in '99, those months were when I gradually became immersed in it.
- 03:12 Of course with detachment and objectivity and neutrality, but that's when the distance between a theoretical event, that we all knew of, to something which you had to become more interested in. That's when the change happened.
- 03:31 DJH: It would be helpful for us to know the process by which a person, whether a person like yourself or others, becomes a judge or be-, or became a judge of the ICTR because you mentioned election and et cetera, et cetera. And it's a, it's a unique situation I think, or maybe not unique but at least not a usual situation.**
- 03:56 DJH: Can you tell us – now you were approached, I think you said, by your Foreign Ministry of, of, of the government of Norway to ask would you be interested in, in, in becoming a judge here at the ICTR. What is the process? Others may have gotten to that different ways but the ultimate process of becoming a judge?**
- 04:19 Well, it's partly the formal aspect of the question . . .
- 04:23 DJH: Yes.**
- 04:23 . . . and partly the reality of the question.
- 04:25 DJH: Okay, and I'd like to hear both.**
- 04:26 Now the formal aspect of the question is that the country of which you are a national proposes you to the, for election at the General Assembly. There will be discussion amongst member states and the General Assembly will then by a majority of votes decide on which judges to choose, and there are always more judges than, or more candidates than actual judgeships positions, so there is always competition. That is the short story.
- 05:02 And of course the, this is a process which involves both the Security Council and the General Assembly so it starts with pr-, proposals, I think, being sent to the Security Council which is the father organ of this tribunal. But the elections take place in the General Assembly. So that's a formal thing. The substantive approach to that question is that – and now I'm speaking more about my own experience . . .
- 05:31 DJH: Good, okay.**

- 05:32 . . . the – you are approached because probably your country think you could be useful. It, there will be contact between your own country and like-minded countries to see whether, for instance, there would be Nordic support for the candidate. And once that is settled, may be even more generally European support.
- 05:57 I'm happy to note that I was the main European candidate during those elections and I'm also pleased that it was a successful result from all continents of the world and that's of course an expression of confidence for which I was grateful.
- 06:19 **DJH: Okay, so you were actually, in a way you went through, you were nominated. Your qualifications and so forth went through the Security Council. You were then sent, I guess your candidacy was sent to the General Assembly. There was in the nature of discussions about the various candidates by various countries and then there is a vote and the top X number become judges of the court.**
- 06:47 **DJH: And, and permanent judges. And then there were all – there are also the ad litem judges . . .**
- 06:52 Yes, and that came of course later in the sense . . .
- 06:54 **DJH: Yes.**
- 06:55 . . . that we were at that stage nine trial judges to be elected for the ICTR and it was only around 2003 and that was during the presidency that I suggested that also the ICTR should have not only four, five ad litem judges but nine ad litem judges and that we should get them and, and, and then they were elected. But the process is very similar.
- 07:38 **DJH: Yes, that's what I was (_____).**
- 07:39 Yes, the process is similar.
- 07:40 **DJH: Yes, and in the term of offices is different but then they can be renewed, I gather, the ad litem judges.**
- 07:50 Both permanent and ad litem judges are elected for four years but because of the completion strategy, there has been a change towards the end of the tribunal's mandate with yearly extensions.
- 08:03 **DJH: Okay, and again to clarify terminology, you were Vice President of the court from '99 to 2003 and then you were President of the court for a four-year term from 2003 to 2007. Is that, that's correct?**
- 08:21 Yes, and you are elected for two years so I was first elected for two years and then reelected for the other two years which is the maximum period.

- 08:30** DJH: In each case as Vice President and as President, in each case you're elected, reelected . . .
- 08:36 That's true.
- 08:36** DJH: . . . for the maximum term. In our c-, in our courts, we don't call them President Judges that's why I wanted to make clear. You would be a – when you are President of the court you'd be like our Chief Justice. Is that c-, . . .
- 08:49 Yes.
- 08:50** DJH: . . . that's correct . . .
- 08:51 Yes.
- 08:51** DJH: . . . is it not? Okay.