



# Voices from the Rwanda Tribunal

## Official Transcript: William Egbe (Part 8 of 12)



<b>Role:</b>	Senior Trial Attorney
<b>Country of Origin:</b>	Cameroon
<b>Interview Date:</b>	30 October 2008
<b>Location:</b>	Arusha, Tanzania
<b>Interviewers:</b>	Robert Utter Donald J Horowitz Batya Friedman
<b>Videographer:</b>	Max Andrews
<b>Interpreter:</b>	None

### Interview Summary

William Egbe discusses the ways in which the Office of the Prosecutor (OTP) has evolved during his ten years at the ICTR. He describes the OTP selection processes for determining which perpetrators should face trial. He also compares the sentencing processes at the ICTR with those at other international tribunals such as the ICTY. Egbe identifies the limitations of the ICTR Statute and discusses the impacts of these on the Tribunal's work. He highlights best practices for new international tribunals.

*The transcript of Part 8 begins on the following page.*

## Part 8

- 00:00** Donald J Horowitz: I have many questions but I'm only going to ask two more.
- 00:03 Yeah.
- 00:04** DJH: Number one is a question I couldn't, I wouldn't have known to ask a few days ago when we met.
- 00:09 Yeah.
- 00:09** DJH: And that is there are some things going on today now in the Congo. And how does that bear on, if at all, on your thinking about the tribunal, what you're doing and what might have to be another tribunal at some point, which if you are to design it what would you do?
- 00:33** DJH: Those are broad questions . . .
- 00:34 Yeah.
- 00:35** DJH: . . . but you're, you are one of the most qualified people I know to answer those questions.
- 00:39 Yeah. Our legacy has a direct impact not only on Rwanda, but on the Great Lakes Region generally. And Congo and what is happening in Congo falls within what we are doing. We expected that with the message that this tribunal is sending out, there are people out there who should be paying attention to it but I don't know to what extent they are paying attention.
- 01:13 But what I know certainly is that there is work to be done there but we, the international community must take its responsibility. If we, if a structure were created today to deal with the issues of Congo I would readily be part of that.
- 01:33** DJH: You would like to?
- 01:34 I would readily be part of that.
- 01:36** DJH: Yes. Okay.
- 01:36 I would certainly be part of that. On a personal level I think there are atrocities being committed in the Congo today that defy imagination. The atrocities that we believe should not have been committed at this time, at this, at this situation in the history of the continent. And Congo is not unique. There is Darfur.
- 01:58** DJH: Yes.
- 01:59 There is Ethiopia.
- 02:00** DJH: Yes.
- 02:01 Sorry, sorry. Not Ethiopia.

- 02:02 DJH: Sudan.**
- 02:02 Somalia.
- 02:03 DJH: Somalia. (\_\_\_\_) . . .**
- 02:03 Yes. Darfur is in, Darfur is in Sudan.
- 02:04 DJH: (\_\_\_\_), right.**
- 02:06 There is, there are things that are happening and it will take the will of the international community. And what I would say is that the talent is available today. The professionals are there today. The international community just needs to make up their mind and create the structure and there will be no shortage of lawyers who are up to the task to deal with that kind of situation.
- 02:29 DJH: And you would, I assume, have ideas to remedy some of the imperfections that occur here at, at ICTR?**
- 02:36 Certainly.
- 02:37 DJH: Whe-, whether it's the statute's limitations or other things?**
- 02:38 Certainly. Certainly. I would be in a position to make proposals . . .
- 02:42 DJH: Yeah.**
- 02:42 . . . as to how I think we can do it better. First proposal I would do would have to do with the jurisdiction, with the mandate.
- 02:51 DJH: Go ahead, tell us.**
- 02:52 It usually starts from the mandate, starts from the mandate. And I, I would even go ahead and suggest that – it may be a little bit far-fetched and I'm going to make this suggestion based on the experience we had, we had with this tribunal.
- 03:06 Recall that this tribunal, like – unlike a national j-, unlike a national prosecution, prosecution authority has no force of its own, no police force.
- 03:20 DJH: Yes.**
- 03:20 We depend on cooperation. There is a lot we can do with that aspect of cooperation in, in new dispensation. There are lots of proposals we can do. Go beyond the issue of cooperation. Give a more, a force to a new dispensation to be able to operate.
- 03:39 Once we have the signature of a country as a member, they should gi-, be able to give us the independence to send our people there to do certain things.
- 03:48 See what NATO did in the former Yugoslavia. To be able to – they had a robust, robust arm that was able to achieve a lot of things both in terms of protection of witnesses and in terms of actually physically arresting people.

- 04:07 Today the reason why we have the mandate – why we have – sorry, the reason why we have the fugitives, that many fugitives is because we lack the muscle.
- 04:16 I’m not saying we should create a force but there is a way that we can integrate our unit with INTERPOL and create that mechanism where we have the ability to go into a country without actually being subservient to the local investigation authorities like the police or the gendarmerie and be able to achieve results.
- 04:35 There are a couple of other areas that I think if we actually sat down and we put our heads together and we wanted to make proposal, we can make very, very concrete proposals.
- 04:45 For example there is no reason why we don’t have a component for compensation of victims, yet the international community is spending millions of dollars just to ensure fair trials of accused persons. There is no component of compensation for the victims.
- 05:02 That is a very serious issue, especially victims of serious sexual crimes. You destroy whole humanities. No amount of justice can bring solace to somebody who has been completely damaged in that nature.
- 05:16 But these are things that we should (\_\_\_), if we are able to fashion a new tribunal and we spread our thinking and actually building from the examples of these two ad hoc tribunals, we can make a better functioning system and we can actually associate, connect more with the people that we are serving than has been the case here.
- 05:35 We had an outreach program here but it was like an afterthought. It didn’t have a very significant impact but if we have a new dispensation I think we don’t lack the talent to make significant proposals that can make it more effective, more effective both for international justice and for the people that the justice is supposed to serve.
- 05:58 DJH: Yeah.**