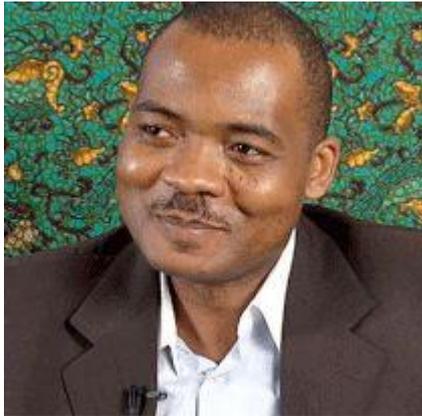




Voices from the Rwanda Tribunal

Official Transcript: Jean-Pele Fomete (Part 12 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 12 begins on the following page.

Part 12

- 00:00** Robert Utter: We've talked about two things so far. "Justice delayed is justice denied," "No impunity for people who have committed offenses."
- 00:07 Of course, yeah.
- 00:08** RU: Are there other basic principles that you believe should apply to tribunals that act on crimes of genocide?
- 00:16 Yeah, the, the next one will be, "Justice should not only be done but must seem to be done."
- 00:23** RU: (___) be done, yes, of course.
- 00:25 Yeah. And I said earlier if, if we were to s-, begin the tribunal right now I'm sure in terms of letting our constituencies know what we have been doing and making sure there is a connection between what we have been doing and the people of Rwanda and the people of the world at large, I'm sure we'll be doing a better job.
- 00:56** RU: So we have three things so far to look at as basic principles. Can you think of any others that might apply?
- 01:07 I'm not sure it's a principle as such but it has an impact on all of us – making sure that the cause of justice is supported institutionally, structurally by people equipped to do so.
- 01:31 You have the faces of justice, the judges, but behind those one you have so many other things without which the judges, the prosecutors, the defense lawyers might not do their job properly.
- 01:46 That hidden part of justice is critical and is not ob-, always obvious at the international level to make sure that hidden part of justice, that that hidden part of justice in my view has not – we have learned a lot through this process, but we have to share with others and I, I don't feel we have been doing enough in that area in order to come up with principles for the management of, of international criminal justice.
- 02:25** RU: Perhaps one of those principles you speak of might simply be the providing those who attempt to implement justice the tools they need to achieve that.
- 02:35 Absolutely.
- 02:36** RU: Both in terms of infrastructure, personnel, training – you can name those issues far better than I can.
- 02:43 Yeah, absolutely. Absolutely.

- 02:45** **RU: The reason I go into that is to make use of your experience at this point and say if you could design the ideal system for an international tribunal, working on your experience here at the ICTR, what would you suggest?**
- 03:06 In terms of structure, I will make sure there's a somehow an oversight body. That's one. Two, we'll make sure all stakeholders involved understand that justice is a business also. Justice run through an organization – you need to apply some management principle.
- 03:45 If there's no vision of what you're doing, if there's no business plan, for example, or . . . there's very little you can expect. You might be surprised, but I'm saying we, as tribunals, ICTR and ICTY, we had no clear business plan.
- 04:05 The only opportunity given to ourself to think as organizations, was in the framework of the budget process. In the framework of the budget process you just say what you need – “I need more judges, I need more courtrooms, I need more cars.”
- 04:23 But in terms of planning, how do we do this? How do we ensure that we add value to the processes we're involved in? It took many years for us to do that. When were we forced to do it, I say forced, is when we were working on our completion strategy.
- 04:44 So we started saying, “Okay, if we have to try 20 people from 2003 to 2008, it means this is the number of court hours we'll spend per case. Is it possible for a single accused case, for multiple accused cases?” Then, you, we did all those basic computations. They seem normal in, but that's not the way the place has been operating – the places, ICTR and ICTY.
- 05:18 So I, maybe I, I'm overly insisting on that support element, it's because when this happened we saw the impact on our ability to deliver.
- 05:29 When it was not happening, when the principals were not speaking the same language, the impact was also clear in terms of delivery of judgment, in terms of the time it takes for a motion to be addressed, in terms of the way you get defense lawyers involved and things like that.
- 05:47 So the management aspect of the international judicial process has something that was not attended to properly. And I believe for future endeavors it's a critical element that should be looked into.
- 06:07** **RU: As I listen to you and to my colleague, John McKay, it reminds me of the American idiom – we're talking about “The tail that wags the dog.” And if you focus on just budget rather than on planning you're talking about something that is not really a first product, you're talking about end product that should be the result of good planning.**