



# Voices from the Rwanda Tribunal

## Official Transcript: Erik Møse (Part 12 of 14)



<b>Role:</b>	Judge
<b>Country of Origin:</b>	Norway
<b>Interview Date:</b>	22 October 2008
<b>Location:</b>	Arusha, Tanzania
<b>Interviewers:</b>	Robert Utter Donald J Horowitz
<b>Videographer:</b>	Max Andrews
<b>Interpreter:</b>	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 12 begins on the following page.*

## Part 12

- 00:00 **Donald J Horowitz: In your years here, is there some, are there one or two things that have surprised you, that you – what you didn't expect both as a person and as a judge? You know, you came here with a hope of contributing, I think as you put it, to, to a just and proper process and, and outcome. Is there anything that surprised you?**
- 00:24 I think there are two matters I would raise which may be (\_\_\_), at a level of principle. The first that ap-, su-, surprised me when I arrived here was how normal a genocide court is compared to a court at home.
- 00:47 In spite of the subject matter, you come here with your idea as to how it is to judge genocide. You enter the door of the courtroom. You sit there and suddenly you realize that even if this is a mixed system, different rules slightly, it's amazingly similar to normal court proceedings at home or in any other country you have been in.
- 01:19 Now that is in itself not surprising. It should be that way because this shows that we are simply a normal court at the international level. But the reason why this is fascinating is that I think that there is this thinking that maybe, because the reality is – we are confronted with – is so inhuman and special, that this will have an impact on the proceedings and with other words, the procedure in the courtroom and the way people behave in the courtroom, et cetera, and it isn't.
- 02:02 People behave professionally. That is an observation I think is useful to convey.
- 02:12 DJH: Okay.**
- 02:13 The other observation is maybe drawing in the opposite direction. I now just said how similar it was. Now I'm going to say how different it is compared to the national level. And that is how much more complicated the assessment of the evidence is here. That was I think the second surprise of a principled character.
- 02:40 At home when you walk out of the courtroom after a day in court or proceedings that have lasted for say three to five days as a maximum . . .
- 02:51 DJH: Mm-hmm.**
- 02:53 . . . I think you w-, we were all pretty certain about which way the case was blowing, and, and we, we thought we had a pretty good idea about all the issues in the case and exactly which result we were going to reach when we met with the first drafts after sh-, a brief conference a few days later.

- 03:14 Here the situation is much more complicated because when you have heard say 240 witnesses and if you have on your table say 15,000 pages of exhibits or more, the exact combination and weighing of the evidence is quite different.
- 03:35 So you cannot in this, y-, of course after witness you can say, "A-ha. I think this way or that way," but th-, when it comes to the totality of the evidence and, and, and comparing witnesses against one another, that is a more complicated task here. That's my second observation.