



Voices from the Rwanda Tribunal

Official Transcript: William Egbe (Part 4 of 12)



Role:	Senior Trial Attorney
Country of Origin:	Cameroon
Interview Date:	30 October 2008
Location:	Arusha, Tanzania
Interviewers:	Robert Utter Donald J Horowitz Batya Friedman
Videographer:	Max Andrews
Interpreter:	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.

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Part 4

- 00:00** Robert Utter: Two questions.
- 00:01** Donald J Horowitz: (_____) . . .
- 00:03 Go ahead.
- 00:04** RU: (___) . . . **What has been the most satisfying part of this job for you?**
- 00:07 Oh. The most, the most, the most satisfying part of this job for me is the fact that I feel that I have contributed to something very important, something groundbreaking. I left my country in 1997 and joined the tribunal. On a personal level I was looking for something different. I was looking for challenges.
- 00:38 When I joined the tribunal I had moments when I felt that I had actually been asking for too much because we joined the tribunal at, tribunal at a time when the jurisprudence was not clear. We did not have the capacity to do what we had to do. We were under enormous pressure from the international community to deliver results.
- 01:01 At the time when Akayesu was sent to trial – 1998 – we were just going there, all of us were at this, we, were at, we, we felt that we were actually experimenting with something. If I see how far we have come between then and today, I feel proud that I have been part of something that is historical.
- 01:26 I remember one of the things that took off from the Akayesu case, even though it was the first, just at the beginning, was Akayesu was one of the early cases that defined the parameters of the issue of responsibility for war crimes. Remember the issue of command responsibility.
- 01:52 Prior to Akayesu it was difficult to imagine how you can allege the theory of command responsibility in a civilian setting. We went beyond that. Through that we went again to Rutaganda that now interpreted the entire concept and required the tribunal now to look at the purpose of command responsibility broadly rather than in the strict military sense of a superior and a subordinate.
- 02:23 Beyond then we went right across the board breaking the grounds. You remember the decision of Akayesu in terms of sexual violence and rape, how that now becomes an embodiment of genocide. I feel proud that I'm part of this. I feel extremely proud that I'm part of this.
- 02:42 Throughout our lives in this tribunal we went into another mode which was also dictated by the completion strategy emphasis on guilty pleas. We certainly got criticisms, but I found that a very challenging experience as well.
- 03:02 So I, on a very personal level, I think I have come of this tribunal with, with a lot, with a lot. I'm richer in terms of knowledge of international humanitarian law. I feel as an individual that I have contributed to something significant.

- 03:20 And I keep telling myself what happened to Rwanda in 1994 could have happened in my own country. We came close to that. We came very close to that with the, with, with, with a regional radio station that was spewing the same kind of hate messages that RTLM was spewing out and which contributed significantly to the genocide.
- 03:43 So today I can go back to my home and proudly speak to the evils of the press where the press is manipulated by politicians who have a very narrow view of humanity, where nothing counts but just propelling themselves to power, and they see the press as an instrument that they can use. It is dangerous. And now that we have examples to show what the consequences can be, I feel I'm proud.
- 04:15 And I will tell you that I was part of the media trial, the trial of Fer-, Ferdinand Nahimana, Jean-Bosco Barayagwiza, Hassan Ngeze and Ruggiu, the only non-Rwandese who was involved in that as a journalist.
- 04:30 I was in the center of th-, that trial and I think I contributed significantly. Not only in terms of the result but in terms of the general impact of what this tribunal has done to, to, to the people of Rwanda and to the elaboration of certain principles in international humanitarian law when it comes to genocide, when it comes to incitement in terms of the relationship between hate crime and direct incitement to killings. So it's been a rich experience.
- 05:05 And I would also add that on a personal level I've had the, the, I've had the wonderful opportunity to work with beautiful people, challenging people, people who devoted themselves entirely to the tasks that we had in this tribunal. And of course the leadership as you know – if there, if a trial attorney like me leading significant trials am able to succeed, it is because I was enabled by the top people of this tribunal.
- 05:37 I mean it's right across the, right across the board it's been a very rich experience with me and I take away personal satisfaction as I, as we come to the end of our work in this tribunal.
- 05:49 RU: Thank you and congratulations.**
- 05:50 Thank you, judge.
- 05:52 RU: Let me at this point leave my last question to my friend Don Horowitz which is, "What is the most frustrating part?" Thank you so much.**