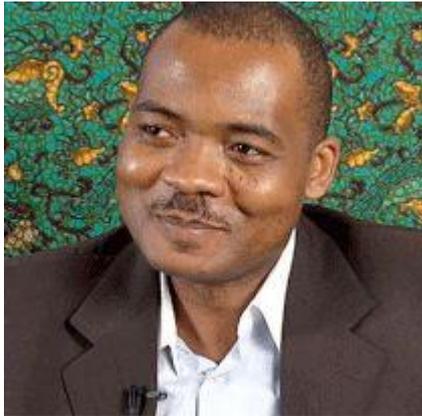




Voices from the Rwanda Tribunal

Official Transcript: Jean-Pele Fomete (Part 13 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.

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Part 13

- 00:00 **Robert Utter: You've mentioned about the need to – in examining the scope of the job that you have – to consider involving the national court. That strikes me as a very important principle when you look at what happened in this particular instance, with hundreds of thousands of perpetrators who could not possibly be tried by the ICTR.**
- 00:24 Yep.
- 00:25 **RU: And yet who if they had to be involved by the ICTR – not as planners but just as perpetrators – would escape completely free unless the country that was involved was involved in their court system as part of the process.**
- 00:41 Absolutely, absolutely.
- 00:44 **RU: I understand at least in your re-, response to Mr. McKay that if you were to design a process for the future, you would design one that would take it into consideration the build up of the national court system . . .**
- 00:58 Absolutely.
- 00:58 **RU: . . . the ability of them to handle these cases more efficiently.**
- 01:01 Absolutely and also, enlist the support of other countries.
- 01:05 **RU: Yes.**
- 01:06 Which, which raises another issue, like the coordination at the international level itself. We had political processes going in parallel to other processes and the bridges between those different element, was not obvious.
- 01:23 You have development agencies in Rwanda but the relationship between what they do and justice nationally and internationally is not clear.
- 01:32 So and when you meet with stakeholders in Rwanda you can feel there's lots of donors' money being poured, but there is no coordination. And so if we had to restart the process also that's something that should be really, really thought through.
- 01:48 **RU: How would you do it ideally? Thinking it through, what would you suggest?**
- 01:54 I-, if it has to do with an international body like the ICTR and ICTY, like I said, from day one, we should have invested as much in building capacity o-, of the judiciary in Rwanda as we have been doing in, with the ICTR.
- 02:13 If we started ten years ago, I'm not sure we'll have better judges, but good students we've got now and if it involved like bringing judges from the region or from elsewhere also working together with Rwanda I'm sure we'll have done more.

- 02:28 And if we were doing few things in terms of building better prisons from 1994 when the tribunal was established I'm sure after so many years we'll have gone quite a, a (___) here.
- 02:47 RU: And building the prisons in Rwanda rather than in Tanzania perhaps.**
- 02:53 Of course, I focused on Rwanda because we've been dealing mainly with, with Rwanda even if in terms of sharing any expertise we have acquired over the year we are doing so with Rwanda but we're doing the same with, with Tanzania.
- 03:09 RU: I understand that.**
- 03:10 We have a capacity building program with the Chief, the Office of the Chief Justice. We are developing one with Zambia. We've been doing something with South Africa also and, and, and Cameroon. So building these bridges, partnerships, letting people know wh-, what we have been doing, trying to know also what they have been doing could have helped.
- 03:32 We are hosting in November a conference with national prosecutors from countries around the world, you know, to let them know what we are doing and what we might expect of them in the framework of, you know, transferring cases or even after we wind down. If we have been doing this regularly I'm sure we'd have achieved more.
- 03:57 RU: Yes.**
- 03:57 So that th-, we are trying to convert into implementable projects, you know, that some of the major lessons that we have learned over the, over, over the past.
- 04:08 RU: You mentioned oversight, which of course is critical for every project. How would you build oversight into this particular concept of yours?**
- 04:18 Okay.
- 04:18 RU: Who would the people be, what would the body be . . . ?**
- 04:22 I, I, my comment will be in the framework of the UN system.
- 04:25 RU: Of course, of course.**
- 04:26 In the framework of the UN system. What happens is almost all UN programs have oversight bodies or some legislative bodies will regularly sit down with the, those in charge of those programs, look at their strategies, review their plans, you know, make some inputs before giving money. So there was none with regard to the tribunal.
- 04:55 What appears to be some is the General Assembly, but the General Assembly of the UN is made of, of closely 200 member state, and the ICTR is just one item on the agenda. They spend few hours . . .

05:08 **RU: Yes.**

05:09 . . . per year dealing with the ICTR. There's no time to deal with the tribunal. The Security Council could have done that. The Council didn't do it, up to 2003, when the completion strategy was adopted. Now the Prosecutor and the President are reporting every six month to the Council on their achievements vis-à-vis the four major objectives of the completion strategy.

05:37 I can tell you this has helped the way the organization operates, because you have to report every six month. What have you done in the area of transfer? What have you done in the area of investigations?

05:50 What have you done in the area of, you know, improving the efficiency of the systems in place? It has changed. So that's why I was mentioning the element of, of, o-, o-, oversight.

06:02 **RU: Oversight.**

06:03 Yeah. So who should sit there? I think it, it, it's a debatable question, but what I've realized is even politicians who initially knew nothing about the tribunal – but because they're reviewing regularly what the tribunal is doing – they have developed some interest on what the tribunal is doing and what they end up telling the judges or the Registrar or the Prosecutor really makes sense to them. Yeah.

06:38 **RU: Yes. That's been very helpful.**