



Voices from the Rwanda Tribunal

Official Transcript: Erik Møse (Part 3 of 14)



Role:	Judge
Country of Origin:	Norway
Interview Date:	22 October 2008
Location:	Arusha, Tanzania
Interviewers:	Robert Utter Donald J Horowitz
Videographer:	Max Andrews
Interpreter:	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.

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Part 3

- 00:00** **Robert Utter: Trying to think of some other issues that I'd stumbled across. Was the issue of translation of documents a challenge to this court?**
- 00:14 Translation and interpretation has of course been huge challenges. When it comes to translation it should be recalled that many of the legal terms we use did not exist in the Kinyarwanda language originally.
- 00:34 So they had to be invented in Kinyarwanda and then translated into English and French having been adapted to be – there is a whole legal vocabulary which, which had to be worked out in Kinyarwanda and that translation area is certainly supplemented by very many problems concerning interpretation.
- 01:11 You know in the beginning – in the beginning we had consecutive interpretation. It means that the witness spoke Kinyarwanda, one Kinyaranda interpreter sat next to the witness, took notes on a little notepad and when the witness had completed a little sequence of say four to ten to 15 sentences, the interpreters or the interpreter gave, have, the Kinyarwanda interpreter gave the French version of what the witness had just said and that was then translated or inte-, interpreted from French into English and then we got it in our headsets.
- 01:58 Now that was of course an extraordinary cumbersome procedure, so the next step was to have a system where the Kinyarwanda interpreter could sit in the booth but this required knowledge and experience. It had never been done before.
- 02:16** **RU: Yes.**
- 02:16 It to-, required practice, training. So, so the next step was that the witness was sitting there in the witness box, he spoke and then the Kinyarwanda interpreter will gradually start translating simultaneously with the witness talking Kinyarwanda.
- 02:37 And then the English interpreter takes over. But still it's a two-steps procedure. And then the third step was where we had achieved a level where the witness speaks Kinyarwanda and there are now two teams of Kinyarwanda interpreters who can then, or two persons who can then manage to hear the Kinyarwanda version and con-, simultaneously interpret that into both English and French.
- 03:07 I found that a marvelous huge step forward and, and I think our, the time for each question and each answer probably was reduced with 60, 70 percent.
- 03:26** **RU: Mm.**

- 03:27 It's still more slowly than in the national level where we are all only operating in one language but, but it's now quite workable. So this tribunal has come an enormous way. We've gone a long way in order to simplify and increase our efficiency and it took time.
- 03:46 RU: Did you have to set up a separate training process for interpreters . . .**
- 03:51 Yes.
- 03:52 RU: . . . to reach this level (___)?**
- 03:52 Yes, and I'm absolutely certain that if you talk with some of our pillars in the translation department, they will tell you about training projects. There was a lot of time invested in that process.
- 04:10 RU: It's a remarkable skill. I've had the privilege of being in a number of different countries. One particularly was with Iraqi judges and going through the process of interpretation of Iraq to Czech to English and the same marvelous quality that these interpreters produced is miraculous. They sit in the booth, they listen intently and sometimes signal you to speak more slowly.**
- 04:40 Yes, yes. And that's coming back to how to conduct trials.
- 04:44 RU: Yes, yes.**
- 04:45 Speed, clarity, brevity. We all want clarity, brevity, simplicity in life but in the international context it's vital. And if people don't observe the rules for good courtroom behavior at the international level there will easily be confusion and the transcripts will be unclear, the interpretations will not be correct, et cetera.
- 05:11 Let me share with you, let me simply say that I totally share your, your praise of interpreters. Our interpreters here are, are just extraordinary. You know, they don't only interpret. They also listen . . .
- 05:25 RU: Exactly.**
- 05:26 . . . and if they realize that the witness is in the process of revealing his identity, the interpreter will say, "And the witness is about to tell his location," or "the witness is just about to tell his profession. I don't know whether I shall interpret that."
- 05:44 Of course he shall not, so they take responsibility because they've been here so, for so long. And another example, if, if someone makes a mistake in the courtroom, our best interpreters will then in a very gentle diplomatic way add, "Says the witness."
- 06:03 RU: Ah.**

- 06:03 It being understood that this is what he says but it's not correct what he's saying. And that is also some kind of a contribution to the process and it, it will be reflected in the transcripts as a new paragraph, "The English interpreter, colon, 'Says the witness,'" and for posterity, it will be very easy to see that a mistake was made.
- 06:29 And as a presiding judge, I've been presiding judge in very, very many cases, the cooperation between the bench and the interpreters and also with the court reporters by the way is extraordinary, inspiring.
- 06:45 RU: How do you educate the judges about the problems of cooperating with the interpreters in a way that both can function?**
- 06:55 Well, I think the main wa-, way, or the best way of, of learning the tricks of the game, as always, is by practical experience. Gradually, one will realize that there is a better way of doing it. In addition, there is institutional knowledge floating around and we talk with each other, so I, I, it is my feeling that generally the knowledge is circulating.
- 07:33 I'm sure you will hear from some quarters that there are individual differences like every, in every profession about how people go about both in the courtroom, room and outside the courtroom, but it's nothing special with that. But let me come back to experiences and what we have learned. Something I'm very pleased with was the fourth courtroom.
- 08:03 When I was President I realized that not only was the problem the number of judges, so in my time we increased the number from nine to 18. We added the ad litem judges. But I also realized that because of the fact that we only had three courtrooms – and by the way, in the beginning there were only two. The third courtroom came in '99.
- 08:30 The fact that we only had three courtrooms also slowed us down. So I got in touch with my own government, the Norwegian government, and also with the British government to where I had a very dear friend from the time when I was working, when I was negotiating treaties for Norway and pleading cases in Strasbourg, y-, you, you knew people.
- 08:53 And, and, and the British and the Norwegians funded that courtroom through volunt-, voluntary contributions. And, and that courtroom, which is now on the ground floor, is, has really been a tremendous contribution to our completion strategy. Suddenly we could go on and we de-, de-, deliberately created it in a low cost way.
- 09:21 So we will see there is no luxury there but it's quite nice, absolutely functional. There is no video there in order to save money but the fourth courtroom was a, a good experience. And th-, they still haven't got that in, at the ICTY. Yes. No, that was, that was another learning experience. More capacity was needed.