



# Voices from the Rwanda Tribunal

## Official Transcript: Erik Møse (Part 10 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 10 begins on the following page.*

## Part 10

- 00:00 Donald J Horowitz: I want, I want to talk a little bit about the personal side not just the judicial side, if I may, and is there, wa-, was there any training that was available or provided?
- 00:16 DJH: We, you know, different judges came from different backgrounds. Some of the judges were not judges before. They were distinguished lawyers or whatever but was there training offered to the, for the judges to become, to help them do their jobs?
- 00:34 The answer is no. Let me first say . . .
- 00:38 DJH: Sure.
- 00:38 . . . that if one looks more carefully at the membership of the ICTR, there has been a clear dominance of judges a-, at the national level in particular when you look at the period from the second mandate onwards. So . . .
- 00:59 DJH: The se-, the second mandate . . .
- 01:01 Which other words, with other words from '99.
- 01:04 DJH: From '99, okay.
- 01:04 Yes, yes. So if you look at the first – and, and, and there has always been a majority of judges but I think you could say that that majority has become dominating, I mean, almost no one else.
- 01:22 DJH: Okay.
- 01:23 And, and if you look at the trial judges now, the 18 trial judges here in Arusha . . . my recollection is that 16 of the 18 were judges at home.
- 01:39 DJH: Okay.
- 01:39 Which is a part of the answer to your question, "Was there any training?" Because the need for training of course will to some extent depend on whether you have exercised the profession truly under different conditions and in a national context, but still.
- 01:58 DJH: Mm-hmm. Okay. That having been said, and it's not just about, because sometimes a lawyer can immediately become a wonderful judge and, you know, without previous experience as such, but as you pointed out, there wa-, there was a lot, there were, lot that came from the national context.

- 02:16 DJH: Was there any – I gather there was no special training to bring you, you know, in international justice, or wi-, and I, I’m not saying it’s good or bad, I just wanted to understand.**
- 02:27 Yes. You are absolutely right and that’s something I noted. If you look at some of the judges here, some had been very much exposed to international work. For instance like myself . . .
- 02:42 DJH: Yes.**
- 02:42 . . . and some others, but there were others that to a lesser extent have been. And, and that’s where your point comes in. My own response to that would be that as a practical matter, I have been impressed by how fast also those not originally used to the international intricacies and vicissitudes have adopted to a life as an international judge.
- 03:26 DJH: Okay.**
- 03:27 This doesn’t mean that one could not in the best world have envisaged a training program but that has not so far been the case before any international court and we are now talking 2008. And if you look at the elections both in relation to the two ad hoc tribunals – Cambodia, Sierra Leone and the Lebanon tribunal – the UN simply hasn’t done it.
- 03:54 DJH: If you were going to recommend for a future tribunal, we’ve talked before about the design of, you know, if you could make the world as you would like it of course there would be no need for tribunals but would you, would you include some training now on, on the experience of previous tribunals and generally the body of I-, of jurisprudence that has come out?**
- 04:24 Yes. Let me fi-, I th-, I think I would start in a different end.
- 04:28 DJH: Okay.**
- 04:28 First of all, I would start with the selection process.
- 04:31 DJH: Yes.**
- 04:32 I think it's very important that only persons in excellent health are chosen. Secondly, only persons with a certain knowledge of international and national experience. Th-, that’s an advantage, I think. Thirdly, persons with excellent or very good knowledge of as many of the official languages as possible.
- 05:13 In addition to that, I think there is always as, a difference between law in books and law in action in the sense that a CV will not always truly reflect the personalities of those involved.

- 05:32 So I believe in, in, in interview processes and transparency in elections just to make sure that you get those that are totally committed, workaholics with great idealism, if you understand what I mean.
- 05:55 DJH: Of course I do.**
- 05:55 Now, I, I'm not at all saying that any, that we don't have them here. We have them but, but that is how the system should be devised. We are very pleased that we have been so lucky in spite of the shortcomings of the election process. Of course states will usually propose only their best people for these things but there is no guarantee.
- 06:17 So, so I think that is an important way if you look at the future, and for instance in the Lebanon tribunal, I was very pleased when the Secretary General asked me together with two others to be part of an interview panel for the new judges in the Lebanon tribunal. And we interviewed 20 judges and we do think, in all modesty, that that was a useful process.
- 06:41 DJH: How many judges did you choose from . . . ?**
- 06:42 11.
- 06:44 DJH: Okay. Let me ask you about – I'm going to get back to one of the criteria you talked about, but also about diversity, the, the diversity of the judges. Do you have comments about that? Is that a, a desirable quality in terms of the body of judges and, and how would one go about doing that?**
- 07:08 Diver-, diversity is ambiguous. If you mean persons coming from different continents, different legal systems with different experience, then my answer is a clear, "Yes, it is absolutely positive." And I will say a prerequisite for legitimacy.
- 07:29 DJH: Well, that was what I was talking about. And, and, and your answer is clear. I was also interested when you said, when you said to Justice Utter that working with people of different backgrounds was not difficult for you. It was a, an inspiration. I think that's a fair quote.**
- 07:49 DJH: And I, I would only comment that my experience with diversity i-, is that it enables me to think new ways and gets me out of sometimes patterns that are s-, can get a little thoughtless.**
- 08:06 DJH: You know, you do things automatically and that's not a very good thing especially for a judge. So I, I couldn't agree more with, with what you are saying.**