



# Voices from the Rwanda Tribunal

## Official Transcript: Charles Taku (Part 8 of 10)



<b>Role:</b>	Defense Counsel
<b>Country of Origin:</b>	Cameroon
<b>Interview Date:</b>	3 November 2008
<b>Location:</b>	Arusha, Tanzania
<b>Interviewers:</b>	Batya Friedman Ronald Slye
<b>Videographer:</b>	Max Andrews
<b>Interpreter:</b>	None

### Interview Summary

Charles Taku discusses the failure of the ICTR to prosecute RPF members. He refers to a form of 'judicial genocide' through which Hutu victims are denied justice and the Tribunal perpetuates violence through impunity. He notes that the Office of the Prosecutor (OTP) should investigate crimes based on the acts committed rather than on ethnicity or political affiliation. Taku also discusses the controversial principle of joint criminal enterprise which he claims has been abused by the OTP to indict individuals without sufficient evidence.

*The transcript of Part 8 begins on the following page.*

## Part 8

- 00:00** Ronald Slye: Let me, let me shift gears. You, you mentioned that you've also worked at the Sierra Leone tribunal.
- 00:05 Exactly yes.
- 00:06** RS: You also mentioned that you're a traditional ruler . . .
- 00:08 Yes, yes.
- 00:09** RS: . . . and so we have sort of three different types of models that you may be familiar with – the international model, the ICTR; the hybrid model, the Sierra Leone tribunal; and then we have the Gacaca courts, a sort of more traditional form of justice. Do you think that – which, which one of those is better suited to dealing with these sorts of atrocities?
- 00:36 Let me say one thing, the, the model that we have in ICTY (\_\_\_\_\_) have been the best because of the fact that you don't have the, the country in which the crimes took place interfering unnecessarily either with the court or witnesses.
- 00:53 But Sierra Leone has emerged as a more successful model. And surprisingly I would say so because in terms of – I, I mean actual performance, in the sense that the, the prosecutions are taking place in Sierra Leone and the government has not inter-, interfered that much. Why? Because all the parties to the conflict were prosecuted.
- 01:24 You had the Kamajors, CDF Kamajors, you have AFRC and you have RUF and of course lately Charles Taylor. So, probably this is what I'm (\_\_\_\_) about the stability of the proceedings, that the citizens of Sier-, Sierra Leone see the same fairness in that all the parties are prosecuted.
- 01:45 Maybe if they were to prosecute only the AFRC or RUF or the Kamajors, maybe the potential for instability after that would have been there. But I have been there and I find that the government cooperates when they subpoena the, the former president came, the Sierra Leone government.
- 02:08 Even though they had – the, the, the Special Court is very, very unpopular among the Sierra Leone people. Because they had a Truth and Reconciliation Commission and even though shortly before the elections the, the former vice presidential candidate opened the doors of the prison and, and set free all the, all the suspects who were there because they played a major role in the elections and were somehow popular. Especially the rebels played a major role.
- 02:35 That will not be a model that anybody want in any other country because all other African countries are not Sierra Leone and secondly, yes, if this model had all the parties in the conflict, Yugoslavia has been somehow successful also because all the parties to conflict have been prosecuted.

- 02:55 In terms of stability, in terms of the ability of the international community to foresee, to foresee ten years, 20 years from now, is there potential for conflict? They can see. Can you see the same about Rwanda? No, so this model remains the best, but for the fact that all the parties in the conflict (\_\_\_\_\_) and that, that is the difference. So I think the Yugoslavia model remains the best.
- 03:23 RS: And why do you think the Yugoslavia model and the Sierra Leone model were better in that regard than the Rwanda tribunal?**
- 03:30 In the first place, if you find time and, and read some of the proceedings in the, in the Sierra Leonean, the judges are actually, they actually try to be fair. They give all the possibilities for the parties to be heard. They conduct joint trials but they make it known from inception that each accused is being tried as if he were being tried separately.
- 03:57 And they will not let a co-accused incriminate another accused in the course of the trial, because that would lead to a mistrial. Because if they were tried separately that would never happen. If you sit in this court you will find that the so-called completion strategy is a factor that has been taken into consideration by this court. And the court has put a lot of tension, especially on the defense, and the comple-, the completion strategy has done a lot of injustice.
- 04:26 They'll cut the number of witnesses, they cut the cross examination, they (\_\_\_\_\_) even to look for witnesses. I mean of, of course the international community, the defense is not always very, very popular with them. They can provide all the resources with the Prosecutor but with the defense they will not. So they try the completion strategy here.
- 04:43 In Yugoslavia there are few cases, yet the international community have told them, "No, you can close 2010." But here they put a lot of pressure to stop. Stop. Now, come to think about it a problem arises, when Yugoslavia, when the trial in Yugoslavia started, when the trials in Yugoslavia started – when the conflict started, I'm sorry, the international community jumped in and Bill Clinton . . .
- 05:19 . . . the bombing, you remember the bombing and you know very well that at the IC-, at the ICJ, they attempted bringing action against all the states involved but the statute of the ICJ, ICJ did not permit them, that they can bring them collectively, NATO countries – so they had to bring cases against all of them, even though again they didn't succeed.
- 05:42 But, the, at – under the same circumstances in Rwanda they look away and pull out their troops. The same situation now is repeating itself as we move towards the end of the tribunal. Much as they are trying to say, "No, stop Rwanda, end quickly, do everything to end quickly."
- 06:00 They are asking Yugoslavia tribunal, "Take your time. See that you can, justice is done" (\_\_\_\_\_\_). But you ask yourself what informs this conduct on the part of the

international community? In this type of situation I don't have the answer, they have the answer.

06:19 But it's unfortunate because that perception is there, that you were, you weren't there, you left the Rwandan, you abandoned them when they most needed you. Now you are trying to abandon them again to rush the defense of these people or rush other cases, close the case quickly. The Yugoslavia that has few work cases, you give them more money, you give them more time.

06:50 What? I cannot really give you an answer to that because I would be speculating if I were to give any answer to that. But the circumstances are there, the circumstances are there for one to see. At the end of the day, Rwanda, the quality of justice that is here will be rushed.

07:12 They will cut one witnesses to about 50, some who had 100 and something when they cut them to about 50. The Prosecutor has been prosecuting for the past six years, cutting witnesses. Now in under a year you want the defense to end in some of the cases.

07:29 And the ambassador at large, UN Ambassador at large at that time was Pierre Prosper; he came. He held a meeting. I was present in the meeting. Pierre Prosper was telling us, "Oh I came here, nothing else, the end game. Let me know. So what are you people doing in order to close the cases?" Of course it is only now of late that Carla Del Ponte's spokesperson in his book clearly says that (\_\_\_) went to the State Department, met Pierre Prosper, with Carla Del Ponte and he said, "Don't touch these files, the RPF files."

08:04 I'm not the one saying it, it's in the book. So at the time he came here and spoke to us and I was in a meeting, for me it was, it was, I thought that was, was in good faith. I'm not saying that what Carla Del Ponte's spokesperson has written is right, but I'm saying that at least this is the Prosecutor saying this. This has come from the Prosecutor.