



Voices from the Rwanda Tribunal

Official Transcript: William Egbe (Part 3 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 3

- 00:01 Robert Utter: What solution would you recommend?**
- 00:07 My recommendation would be firstly, to go back to the Security Council and revise Res-, Resolution 1503. Because if we are allowed – if we go by the original spirit which was to set up a tribunal of this nature that would be a serious, that would send a serious message against impunity. If we go back and revise that very idea, I think it would be a wonderful way to start to look at dealing with this aspect.
- 00:46 Failing that, I think the Security Council or the international community should look at creating another court. A variation w-, variation of that would be to vary the mandate of the ICC and let them take over the work that we would not have been able to accomplish.
- 01:09 Either you create – if it's too costly to create another structure of this nature, then find a way of varying the mandate of the ICC that is on the ground and give them the jurisdiction over the balance of these crimes.
- 01:26 That would be a way, that would be a way in my, in my view that would be a way to, to move on and maintain the legacy of this tribunal. Because the legacy I believe can continue to be preserved even if that legacy is not being directed by the ICTR; so long as it is under the control of international justice I think it will still be meaningful.
- 01:49 RU: Impunity as a principle has been one of your major concerns, hasn't it? You don't think someone who's committed the crime should be allowed to go free without at least an appearance before a court. Do you think the pra-, the solutions that you have recommended are practical and will be adopted?**
- 02:11 I, I can only express an opinion as an individual and in the context of discussion between you and I. I do not decide policy.
- 02:21 RU: Of course.**
- 02:22 And I can say that the idea that I have just discussed with you is an idea that we have brainstormed on in this office on several occasions, but I think it takes much more than just brainstorming on these ideas within this office to have the international community, the Security Council move in that direction. It takes a lot more.
- 02:42 And let me state that a couple of weeks back we had the UN Security Council inform our working group here in this tribunal to discuss a couple of issues, a broad range of issues including the issues that we are talking about here. And I would tell you that I had, I had an un-mistaking in understanding from the discussions we had with them that we have actually come to the end of the life of this tribunal.
- 03:19 I recall the statement of the representative of South Africa, which was that –which was, I could just summarize that, that when we set up this tribunal, Rwanda did not have the capacity. That situation is different today.

- 03:39** **RU: Yes.**
- 03:41 Even in terms of what remains to be done to build up the capacity of Rwanda there are countries going into bilateral arrangements with Rwanda today to see to what extent they can assist them.
- 03:58 What does that tell you? It tells you very, very clearly that we have run our cour-, our course. We've run our course . . .
- 04:07** **RU: Yes.**
- 04:08 . . . and it's time to stop wishing too much. Let's see how we can direct our energies. Let's see how we can deal with the balance of what has to be done today. Put our heads together and see if it is the time to hand the baton over, but just be concerned about how effectively it would be done rather than continuing to insist that we are the ones who must do it. So, that was . . .
- 04:37** **RU: That's a hard . . . a hard position to arrive at, isn't it?**
- 04:41 That's, that's, that's what I understand and that is my reading of where we are moving.
- 04:49** **RU: I'm in a difficult position. I have a number of other questions I would love to discuss with you but I have two other questioners here who are equally eager to do that. So let me surrender my spot now.**
- 05:00 Okay.
- 05:01** **Donald J Horowitz: Bob, is there anything important that you'd like to just conclude with before I take over? Feel free, I don't want to stop you.**