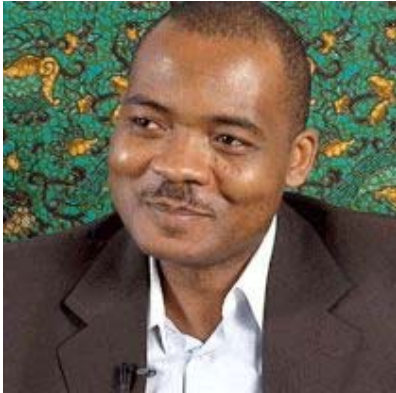




Voices from the Rwanda Tribunal

Official Transcript: Jean-Pele Fomete (Part 10 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.

The transcript of Part 10 begins on the following page.

Part 10

- 00:00 **John McKay: What it sounds to m-, I know you've given thought, it's apparent in your, in many of your answers today to what the appropriate standards are, if you, if you will – not, not so much international law standards, but where is the bar set for justice?**
- 00:17 **JM: And you have in your answers talked about how important it is that, that there be an international standard applied wherever possible and if others don't meet that standard perhaps they will be lifted up to it.**
- 00:30 **JM: Do you have any thoughts about other, other tribunals, other proceedings? And what I have in mind is Guantanamo Bay in, by the United States where the death penalty is allowed, where there are relaxed rules of evidence, where not all important proceedings defendants are allowed lawyers. If you were to go forward and look back on ICTR . . .**
- 00:56 Mm-hmm.
- 00:57 **JM: . . . and compare it for example with Guantanamo Bay, has, does one or the other lift or lower the bar in terms of what the standard of justice is for the world?**
- 01:10 Yeah, speaking about Guantanamo, my understanding of what is going on there might be superficial but, I, I will say from what I know is we've been doing better. I would say we've been doing better in terms of the, the, the rights of the accused, in terms of even publicizing what is going on there.
- 01:49 The little I know about Guantanamo is, is like is an enclave where special laws you know, exception laws are, are being implemented. But I don't want to venture into that one because my mastery of the, that . . . yeah, yeah.
- 02:11 **JM: Well, let, let me ask a different way then and, and we can take Guantanamo Bay out of the equation. You've given great thought and have been personally involved in assuring that we have here at ICTR adequate defense counsel to vindicate the rights of, of the accused that the prosecutors are competent and are people of integrity and who will follow the rules.**
- 02:35 **JM: That the judges are outstanding and that, and that they are supported. How will you feel about your role? Your role personally, Jean-Pele Fomete, your role in the administration of justice here at ICTR.**
- 02:53 Lo-, looking back?
- 02:54 **JM: Yeah, I-, well, or how would you like others not to think of you personally but to think of your role? What, what was done in your office?**
- 03:03 Yeah.

- 03:04 JM: What would you hope they would think of your, your personal efforts?**
- 03:11 Okay. When we began here, defense lawyers, while being part of the judicial process, didn't really feel they were part of the judicial family. I'm sure they still have that feeling that there have been serious attempt, you know, to fill in that gap. It was not easy but we worked hard to that direction.
- 03:36 For example, when the judges sit in plenary sessions to review our rules, the prosecutor is present, the prosecutor can recommend amendments. In the early years, defense lawyers had no say. They could not even be present.
- 03:54 So efforts were made and were part of those effort, you know, trying to make sure lawyers not only feel they are part of – no, to make sure that lawyers, they are making a contribution but make them feel they are part of the process effectively.
- 04:17 So now they can make recommendations for amendments of the rules. They can even be present in the plenary of the judges and defend their case. But when judges are de-, deliberating they are not present but that's something that was achieved.
- 04:33 It's just an example in an area that I feel was not properly addressed. And in my view there's a lot that remains to be done in that area in terms of facilitating the involvement of defense lawyers in the, in the entire process.
- 04:58 From my experience I saw also that some of the criticisms leveled against the, the tribunal have to do with the way we have been operating as an organization. I'm sorry to say that, but the, the tendency was for different organs of the tribunal to operate like in isolation, like the judges saying you know, "We are the judges, we are the only one whose presence is necessary."
- 05:29 You know, "The other ones, what are you doing here? You have been so many, so we don't have this, we don't have that." So it took time to build an ICTR culture where the three principals – the President, the Registrar and the Prosecutor – sit together and think, act as an organization, a judicial body.
- 05:55 So in terms of management of an international criminal justice institution it took us so long. For example, if you bring the typical UN bureaucrat at the ICTR, he doesn't see the relationship between what he is doing as a finance officer and the end result, which is the provision of justice. It took time.
- 06:22 You have a protected wit-, witness travelling to Arusha. A typical UN officer will ask you for the name of the witness. He wants to see his name on the ticket, he wants to see his name everywhere. But doing that exposes the witness if you're trying to protect him. So it took time for us to design a system that is accepted by the UN in order to support the judicial system.
- 06:48 I can take another example. The Prosecutor works with informants. You don't want your informants to be known. They are all over the continent. You know, they can't give

you their names, and so on and so, and our accounting system, the typical one would require that you give the name of the person, and so on and so forth.

- 07:09 So we put in place some systems meeting the UN requirement without jeopardizing the, the, the judicial process. It might be obvious for people coming from national system where everything is structured but remember that we had to deliver while at the same time building an international body without any precedent in terms of management to rely on.
- 07:36 So throughout the years, we try to, to, to make a contribution in, in, in that area. I mentioned earlier also efforts aimed at making sure that the political leaders across the continent and internationally have the ICTR on their agenda. Try to understand what we are all about, how we operate and provide us with the required support but in terms of saying you are doing well. No.
- 08:07 When you know people are watching out, looking at you, scrutinizing carefully what you are doing and trying to see the impact of your activities, it might help you refocus, but I don't think we have been, we have been getting that also.
- 08:23 Another element is I'm sure we would have achieved better success in terms of transferring cases to Rwanda if from day one we started working on building capacity.
- 08:39 It was an element of the preamble paragraphs of the Resolution 955 but we were so busy trying to exist also that I'm not sure we did that and the consequence is, you know, what is happening. And I think it's not something personally I think we should be happy of now, so.