



Voices from the Rwanda Tribunal

Official Transcript: William Egbe (Part 1 of 12)



Role:	Senior Trial Attorney
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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 1

- 00:00** Robert Utter: For purposes of identification, I'm Robert Utter, U-T-T-E-R. I was a judge for 34 years in the United States courts in the state of Washington. I served as a prosecutor before then and then a trial judge at our highest trial level, Court of Appeals and then Supreme Court for 24 years, some of that as Chief Justice.
- 00:22** RU: It's been an honor to be with judges throughout the world and an honor to be with you as part of this system. I was going to say that when I looked at the photograph on the door, I thought I was entering in a Hollywood studio. It's a marvelous photograph so . . .
- 00:37 Thank you for the compliment.
- 00:38** RU: So with that we will get into the serious business (_____) . . .
- 00:41 All right, thank you.
- 00:43** RU: I thought I'd start and ask how long you've been with the ICTR?
- 00:47 Yeah, this is – I joined the ICTR on the 23rd of June 1997. So I've been here that long. I joined as a trial attorney at the time when the office was actually just beginning to function. And I rose through the ranks both in terms of responsibility and in terms of post titles to where I am today. Today I'm senior trial attorney with responsibilities of a couple of trials, very key trials. I've been through several trials already which have already been decided.
- 01:36 And additionally, I have responsibility today for a very important aspect of the work we are doing and that is S-, what we call the Special Investigations Unit. That deals with the cases or evidence that is coming in regarding offenses that are alleged to have been committed by the other party to the famous Rwanda conflict that is the RPF.
- 02:09 So cumulatively I deal with that and I have hands-on responsibility over two important trials that we are preparing at the moment – that is the trial of Félicien Kabuga and the trial of the military, the soldier Hategekimana.
- 02:29** RU: Tell me if you can about the first one, the Kabuga trial. What's involved in that?
- 02:34 Well, Kabuga is known publicly and internationally to have been the financier of the genocide. He never held any official position both in terms of government or in the community, but his influence cannot be overstated. He was the brother-in-law of the President of the Republic.
- 03:03 He was a very rich businessman. And in terms of every aspect of that trage-, almost every aspect of the Rwanda tragedy where financing is concerned, he was either at the fore-, forefront or not far from the forefront.
- 03:22 So at this critical time when we are looking to close the work of this tribunal, I mean nothing is more important than having to hear the case that the Prosecutor has built up

against someone who is said to have been the one who bankrolled this tra-, tragedy. So in a nutshell that's what I can tell you about the importance of the case that I'm presently working on.

03:53 And as you know he is one of the fugitives. He has not been apprehended. So it's a significant concern for the Office of the Prosecutor especially in relation to how posterity is going to view the legacy that we are leaving behind; that somebody as important as this is actually not tried by this tribunal.

04:18 We can easily draw parallels between someone like Kabuga and Karadžić and Mladić. You know the number of times when our sister tribunal has publicly stated that we will not do justice to the international community or to the victims if we do not end up trying people in this grade.

04:41 So we easily make the same statement when it concerns Kabuga. He is not the only one but I would consider him as one of those who take the front row.

04:52 RU: And the second case you are working on, can you tell me briefly about that?

04:56 The second case is the case of Hategekimana. Well, he was a very important – he is a very important personality in terms of our selection of targets. He was a military commander in Butare in a locality called, called Butare and in the context that he operated upon he had command responsibility over soldiers.

05:23 Now these soldiers, based on the testimony we have heard, were directly responsible for some of the killings in the locality in Butare. And we also have evidence that apart from his direct responsibility, direct superior responsibility over persons who participated in the killings . . .

05:43 . . . in terms of the security committees that were set up which were simply, simply a way of assessing what had been done and what was left to be done, he was always in the center of meetings of the security company; he as well as other high-level members of the government at that time in terms of the prefecture.

06:13 So we believe that that is a significant role he played and when we look at the level of the killings – both in terms of the killings and in terms of his role – we, we think that he is well-placed to be tried in this tribunal as someone of significant responsibility in the genocide.

06:42 RU: Is he in custody now?

06:44 Yes, he is in custody.

06:45 RU: How long has he been in custody?

06:46 He's been in custody . . .

06:48 RU: Approximately?

- 06:49 Yeah, approximately, I think he is been in custody for about a year or a year and a half. He is one of the persons whom we just recently brought into the custody of the tribunal. Yeah, he's been here for about a year.
- 07:07 RU: Do you have any idea where Mr. Kabuga might be?**
- 07:12 I do not have a very precise idea of where he is and secondly, even if I did . . .
- 07:23 RU: You couldn't tell.**
- 07:24 . . . based on the facts that he has demonstrated a remarkable ability to evade capture and sometimes just by a few minutes, it may not be wise for me to actually publish that kind of information at this time.
- 07:41 RU: I understand that.**
- 07:42 But I can guarantee you that our best efforts are being deployed to see that we actually apprehend him.
- 07:52 RU: Is there any provision for a trial in absentia for him?**
- 07:57 We have discussed that in this tribunal and we have been looking at the provisions of Rule 61 of the Rules of Procedure and Evidence, which are the closest we have come. We, we can find two trials in absentia.
- 08:18 And I can tell you confidently that it is one of the options that we are looking at if at some time towards the end of the active life of this tribunal we do not succeed in apprehending him. We have discussed that and we are looking at that as an option.
- 08:36 RU: You mentioned the active life of this tribunal, how long is that now?**
- 08:41 Well, based on the relevant resolutions of the UN Security Council – I'm talking of 1503, 1534 – we are supposed to end all the cases that are at the level of the court of first instance by December of 2008, we're talking of two months from today, and then the appeals will go until 2010. That is the active life of this tribunal.
- 09:09 But certainly you are aware that re-, representations have been made to the UN Security Council for an extension of the mandate of this tribunal to cover certain specific cases. That you know are the cases that would not be transferred to Rwanda under Rule 11 bis, and of course the cases of the fugitives.
- 09:32 If any of the fugitives are caught definitely that would be additional workload for us and it will actually be an argument, supplementary argument for our request for an extension of the life of the tribunal until 2009.