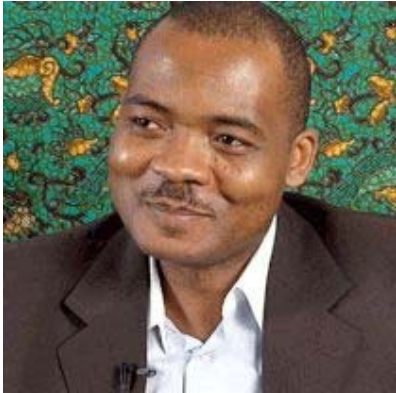




Voices from the Rwanda Tribunal

Official Transcript: Jean-Pele Fomete (Part 3 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 3 begins on the following page.

Part 3

- 00:00 **Batya Friedman: Well, before we ask any more specific questions, you've been working well, both at the ICTY in Yugoslavia, the tribunal there and then also for a long time here. Is there anything as you reflect on those experiences that you would just like to share?**
- 00:20 Yeah. I, while being at the ICTY I, I was in a position to, to have a first-hand experience of something that I feel was missing and still missing, you know, a process here and in, in Africa as a whole. At the ICTY while we were trying to do our job you had the Dayton Peace process going on.
- 00:47 And at some point the idea of sacrificing justice for a political settlement of the situation in the Balkan came up and it was in the media. And I remember the President of the tribunal receiving thousands of letters, just telling him if he agrees to that that will be the wrong way to go.
- 01:16 So my – the, the message I got was even for, for justice to be in a position to do its job, you need the support from the people or from the civil societies.
- 01:28 When we were going through some difficulties here you, you couldn't feel that you had some support from the civil society, be it national or international, because as we, we might, we might exchange on the topic but this tribunal from day one was systematically lambasted, criticized.
- 01:53 In some cases for the good reasons, but in other cases for very bad reasons. And for something that was nascent you need it, you will e-, you will have expected a kind of support from some stakeholders to say, "Yes, the process in terms of management might be wrong, might not be moving on smoothly but the end goal, which is justice, outweigh those punctual difficulties so we need to support the process so that we move forward."
- 02:26 I didn't see that. I didn't see it – I didn't see any civil society support of the process. So when I got here we tried to build something like that. One, trying to make sure there's a media presence at the ICTY – at the ICTR – that could send out to the world just facts about what is going on and leave it to the others to, you know, to, to make their own opinion.
- 02:57 That, that, that was the, the first point. The second one is also I saw a very strong and organized support from, at the European Union to the ICTY. So in 1994, we had only one case, Tadić, and thousands of people, let's say, hundreds of people were, were available researching on the challenges that the court might face, researching on every single aspect of this and that.

- 03:30 In 1995 here, there was no office, there was no staff, but we already had an accused person. So there was no time to structure ourselves as an, as an organization let alone as an international organization dealing with criminal matters with no precedent to rely upon.
- 03:56 So while at The Hague we were so many; we had lots of money from the European Union, young graduates from all universities coming. I remember working with a colleague from, from Ecuador for months, just on one provision of a directive.
- 04:13 So that's the other message. You, you, you need support from external stakeholders. You need support from the civil society to make you probably focus on the reasons why the body was established, but also to help you swim through the difficulties.
- 04:37 So of course in terms of the actual management of the operations there's a lot I, I took from them, you know, and that we, we try to, to, to bring here and including the inter-tribunal cooperation initiative that we were able to launch to ensure that both tribunals could exchange on their experiences and, you know, and show that their job is successful.
- 05:08 BF: So, just to clarify, you were at the ICT-, -TY from what years?**
- 05:13 1995 to end of 1996.
- 05:16 BF: And – so a year or so?**
- 05:18 Yeah.
- 05:19 BF: And then you came here in 1996?**
- 05:20 Yeah, yeah.
- 05:21 BF: And when you were talking about the places where you think the tribunal here should have been supported and then other place-, other aspects that you think were appropriate criticisms . . .**
- 05:32 Mm-hmm.
- 05:33 BF: . . . can you say a little bit more about the kinds of things that you think were going on that needed to be supported? And then also talk a little bit about, from your perspective, the criticisms with the idea that for future tribunals we'd probably like to avoid those things.**
- 05:50 Yeah. I think that the, the, the major point, that the, the, the major element that was not available at the time was the support from the UN headquarters and it's documented now.
- 06:10 What happened is in 1994 the UN had just established its own office in charge of oversight services. I, I believe they were looking for – I should say they were looking for

- another African failure and that's how they, they, they characterize the ICTR at the time.
- 06:32 What happened when the ICTY was established, the UN headquarters sent a team of administrators in The Hague to help put in place the structures and they were at the ICTY for more than a year looking at the environment and help really build the systems.
- 06:56 It didn't happen here – whereas this organization was in a more difficult environment. In terms of media coverage there was nobody here. At The Hague, you had CNN. CNN was there for other purposes. There was a European office already.
- 07:19 So the IC-, covering the ICTY was simply – it was interesting but just an addition to, to something. You had the Dutch media itself. You have the European media present. You didn't have anything here.
- 07:31 So in Arusha at the time, I remember just making a phone call to Kigali where the Office of the Prosecutor was located could take you three days just to go through. Just getting a lawyer from Alaska – at the time we had one from, from Alaska. It was very difficult.
- 07:52 You had only one flight between Europe and Arusha a week, meaning if a counsel misses his flight the proceedings will have to be postponed for, for another week or so. So in terms of infrastructures this place was very poor. We knew nothing about emails and you had to feed the media with what we were producing here.
- 08:22 What I'm saying is this tribunal needed more support in terms of management, in terms of kicking off its operations because it was operating from a poor country than any other body. And I think we didn't get that support and as I said, it's documented by the UN itself.
- 08:47 So we started on the wrong foot and it has taken many years, lots of effort to try and correct. Because any time they write about the tribunal maybe it's the past now, they will say, "Okay, the tribunal has delivered the first judgment on genocide, so they have been trying to convert the genocide convention in something judicial, but as you know they started with blah, blah, blah. There was mismanagement," and so and so.
- 09:16 It took almost eight years to begin reading something different in the, in the media. I should not sound that negative. It's really the past but it's important to, to, to say that and that's at least how I felt it.
- 09:35 BF: Mm-hmm.**
- 09:35 Yeah.