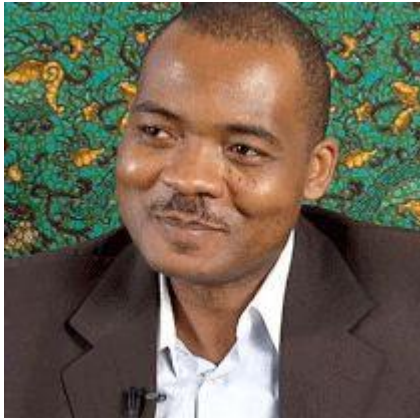




# Voices from the Rwanda Tribunal

## Official Transcript: Jean-Pele Fomete (Part 7 of 15)



<b>Role:</b>	Program Director
<b>Country of Origin:</b>	Cameroon
<b>Interview Date:</b>	24 October 2008
<b>Location:</b>	Arusha, Tanzania
<b>Interviewers:</b>	Batya Friedman John McKay Robert Utter
<b>Videographer:</b>	Max Andrews
<b>Interpreter:</b>	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 7 begins on the following page.*

## Part 7

- 00:00 **John McKay: It sounds like you're not really optimistic that there can be a significant transfer of individuals who've been indicted here or those who are being currently detained in other countries. Are, are you, are you pessimistic about that?**
- 00:16 I'm, I think it's important that cases to be transferred but so far the level of success has been relative. But in the case of Rwanda, for example, the judges are saying you know, "Rwanda has met some of the standards but not all."
- 00:35 I'm really hopeful that Rwanda will end up meeting those requirements so that cases could be transferred to Rwanda. But more importantly I, I believe many other countries including from Africa should come over and accept to try those cases.
- 00:56 I come back to the point I made earlier. This issue of trying those who were involved in the genocide in Rwanda should be a common cause for many countries but I don't feel that's the way it is perceived. This sense of – it's a strong word but there's a sense of like hypocrisy from member state.
- 01:19 When they go to the UN they say, "Okay, you should transfer and of course we support you." But when you enter into negotiations with them they come up with hundreds of other reasons. "You know, our own docket is full," and so on and so forth.
- 01:36 I can understand but I'm saying some other countries might be in a position to accept if they received the required support, you know, to deal with complex cases. The cases are complex. But I'm not sure we also, as tribunal, have been forthcoming enough to say, for example, "Country A, are you willing just in principle to host these cases?"
- 02:05 Don't talk about your capacity to do so." If the country says, "Yes, politically, I'm willing to do so, but I don't have the resources," then we can move to the next step. Why do I think so?
- 02:18 Because when we were trying to secure the agreement of countries to host our convicted persons, all African countries told us, "We don't have the resources. We can't implement international standard. We can't give a cell to each person. We can't provide them with a balance diet. We can't give them access to medical facilities. Our normal citizens don't have those facilities."
- 02:45 But what did we do? We went out, found money and we helped them to beef up their correctional services and they accepted to host our convict. So I'm saying, if we go to some countries with very serious project, ( ) telling them, "We can train your judges to get acquainted to the, the nitty-gritties of international humanitarian law. We can do ABCD to help you try the cases," I'm of the opinion that maybe we could have been more successful in selling to them the idea of, the idea of accepting this ( ).

- 03:26 **JM: But your time will be limited at some point. I mean you, you know, the, the, the ICTR will cease to exist.**
- 03:32 Yes.
- 03:33 **JM: And at some point if there are outstanding indictments, even of persons who are residents in another country not being held by international authorities is, has thought been given to the idea that the ICTR would simply dismiss its indictments?**
- 03:49 We, we, we – the thought is that this should not happen because the, the winding down of the ICTR should not equate to the end of the quest for justice and that’s why we should pursue this project of making sure we get the acceptance of countries to try those other people.
- 04:10 Otherwise, what does it mean? It means an accused person with connections like Kabuga, with resources like Kabuga, can simply escape. He knows the tribunal is closing very soon. So with his friends he can make sure he hides and when the tribunal winds down, he’s a free person, but is that what we want? Is that what the international community wants?
- 04:35 The message we’re getting from member state is that that’s not the message. That’s why that there is this idea of establishing a very lean structure after the ICTR and the ICTY closes, a very lean structure that should be in a position to reconvene if required to deal with high-level criminals like Mr. Kabuga.