



Voices from the Rwanda Tribunal

Official Transcript: Erik Møse (Part 5 of 14)



Role:	Judge
Country of Origin:	Norway
Interview Date:	22 October 2008
Location:	Arusha, Tanzania
Interviewers:	Robert Utter Donald J Horowitz
Videographer:	Max Andrews
Interpreter:	None

Interview Summary

Erik Møse addresses the mission of the ICTR, his role and contributions as both judge and Vice President of the court. He speaks about the various lessons learned by the institution; the need to increase efficiency by adding trial judges and establishing a separate prosecutor dedicated to the ICTR and not shared with the ICTY, and amending the court rules of procedure and evidence. He discusses the relationship between common and civil law, and between judges and court interpreters. He speaks about the cases he has been involved in, and about the role of victims in the justice process.

The transcript of Part 5 begins on the following page.

Part 5

- 00:00 Robert Utter: Is there anything else in the administrative area that you would like to comment on before we go to some other subject?**
- 00:14 I can't think of anything. Well, first of – well, I could mention many things in particular in view of my work as President and Vice President if you are interested to, to, to hear about that.
- 00:34 RU: Please do. This is for history. The small matters are . . .**
- 00:39 Alright.
- 00:39 RU: . . . are, are not small at all.**
- 00:41 Yes. Well, in addition to rules and, and, and statutory changes which we have talked about now, I think that so much in life does not only depend on rules but on practice, on way, how people behave, on how we interact in everyday life. And, and with that perspective in, in mind that there is a need to make processes smooth.
- 01:15 Just a few catch words, we sat down a translation facilitation committee a few years ago where we gave advice as to how we could best accelerate the translation process because in an extraordinary complicated tribunal – with three branches, prosecution, chambers and the registry – and in our branch, the chambers, three chambers and even more benches, how do you prioritize?
- 01:49 How do you ensure that the most important cases are translated first or the documents that are urgent? You need some kind of a, of a system for that so – and, and, and you need, you need some kind of, of, of a close cooperation between the, those who want translation and those who provide translation.
- 02:13 RU: Yes.**
- 02:14 So our translation working group, which I felt it was a privilege to be part of, came up with suggestions as to how to make that process better. Style – how do you write in a tribunal where people come from all these different traditions?
- 02:36 RU: Exactly.**
- 02:37 The establishment of a style guide. It's not obvious when you have American, European and many other different ways of writing, and I'm not thinking only about the, the issues of spellings and superficial things like that . . .
- 02:55 RU: I understand.**

- 02:56 . . . but many other things. There must be, even if you have diversity, some kind of common style in an institution. These are important points. Courtroom behavior – people t-, has, have a tendency to think that what they are about to say is the most important in life. We are all egocentric.
- 03:20 RU: It's a universal rule.**
- 03:21 It's a universal rule but actually, you have to speak one by one.
- 03:25 RU: Yes.**
- 03:26 You have to speak slowly. You have to be, speak clearly. You can't suddenly mix languages just like that and maybe even with a little wish to show that you know many languages. You confuse not only the interpreters but also the court reporters and everyone involved.
- 03:47 Now, one initiative I took together with others was to improve the rules for courtroom behavior. If you go to the courtroom you will see a list of how you act, "Don't speak two at a time, don't – remember to switch on your button, remember to do . . ." Now, these are so simple things but I can tell you that you would lose so much time if they are not followed.
- 04:17 And I've seen this through experience that if in some courts you don't follow these rules, the efficiency is reduced immediately. Let's take court reporting, an extremely important part. I come from a system where we do not have court reporters, unlike for instance the American system.
- 04:46 We are sitting like judges making our own notes. Here, everything is recorded. I don't know how we could survive without it in these extremely complicated cases. The multi-accused cases, I've been in one case 405 days in the courtroom, I mean, impossible to remember all this of course. It all has to be, all has to be jotted down in two languages.
- 05:13 And the revolution that happened when the court reporting system accepted real time, it came from their own registry branch, namely that we can look at the screen in the same moment as the word is spoken and see what was said.
- 05:34 In the beginning here, I remember there were often discussions about what was said five minutes or ten minutes ago, all these ridiculous discussions where everyone was saying "According to my notes, he said," and the other one said, "No." Totally, it's been all abolished. We just scroll back and we say very nicely, "Well, if you look at, at 9:44:27, at that time indication you will see what was said." And then the debate is over.
- 06:05 RU: Yes.**

- 06:06 Increased our efficiency again. These are just a few of the administrative changes which I think have added to our efficiency and also to our fairness.
- 06:22 And also the introduction of video system in the courtroom. When I came in '99 there was no video system. I remember in my case, Bagilishema, we were the first, we were the first to start using it. When Bagilishema started, it was new. Of course in the beginning, people were a bit confused suddenly to be on the screen but, but, but that becomes a habit.
- 06:50 And, and the fact that it can be communicated out to the press and to the persons working around in their offices and more generally, when there are important events, by satellite to Rwanda and the outside world, in-, that too has been an important innovation.
- 07:14 RU: Is the basic principle there, one that courts belong to the public . . .**
- 07:18 Yes.
- 07:19 RU: . . . not the judges?**
- 07:20 . . . yes.
- 07:21 RU: And that seems to me to be one if you take that view point . . .**
- 07:24 Yes.
- 07:25 RU: . . . then a number of things change.**
- 07:26 Mm. I like that expression.
- 07:28 RU: Well, it's encouraging to hear that it is recognized . . .**
- 07:31 Yes. Yes.
- 07:32 RU: . . . in other (____) as well.**