



Voices from the Rwanda Tribunal

Official Transcript: Erik Møse (Part 8 of 14)



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| 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.

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Part 8

- 00:00** Donald J Horowitz: Judge Møse, I am Donald Horowitz and I'm a retired trial court judge from the state of Washington in, in the United States and I get to have the second round with you. And I think it'll be probably a shorter round, and we'll, we'll touch on some things just as Justice Utter I think covered many, many things that were important.
- 00:25** DJH: I want to go back to some of your earlier before you became a judge. As I understand it, you, you talked about being involved working with the UN and with others and, and, in the Stra-, in Strasbourg and in that general area.
- 00:44** DJH: And perhaps you can tell us a bit about some of the things you're proud of having participated in at that period of time. You mentioned being in Strasbourg which of course was a significant thing. And any other things in your own background that we, you'd like for us to know that you think may be important.
- 01:04** Let me say that before I started at the ICTR, I had never lived permanently abroad except for maybe a year in Geneva for study purposes and a year in Britain to write a book. So, so my human rights work was based in Norway but I travelled to Strasbourg, travelled to Geneva or to New York in order to represent Norway before the international institutions.
- 01:35** And if I were to briefly summarize that in a nutshell I will simply say that first I had the pleasure of participating in the drafting of additional protocols to the European Convention on Human Rights.
- 01:51** I chaired many committees in the Council of Europe concerning human rights promotion, the European Convention on Torture, Prevention of Tor-, Torture which established the Torture Committee which visits prisons and psychiatric institutions in all European countries – that convention was drafted by a committee I chaired.
- 02:18** So that was the legislative aspects of my international engagements. Then, there was also a more pleading or barrister-like aspect in the sense that I pleaded cases before the European Court of Human Rights and the European Commission of Human Rights.
- 02:37** DJH: Was that, let me inter-, was that as a representative of Norway . . .
- 02:41** Yes.
- 02:41** DJH: . . . as an Assistant Attorney General?
- 02:43** I, I, I was what we call in the European vocabulary, I was the agent of the government.
- 02:50** DJH: Okay.

- 02:50 Yes, s-, so – and, and in addition to that, when there were Norwegian reports presented to the Human Rights Committee under the Civil and Political Rights Covenant or the Economic, Social and Cultural Rights Covenant or the Racial Discrimination Convention, very often I represented the country there and presented the position and answered question about legislation and practice.
- 03:24 So that was generally – but, but I had a few interesting trips to, to Africa, Ethiopia, to, to, to assist with the, the constitution there, to Morocco to assist with the human rights program there, and to Russia to assist teaching judges there. It’s been an interesting life and these are just a few of the activities.
- 03:49 DJH: Could you just give us generally the years, like wh-, when were you in Moro-, Morocco, when you were in Africa? Just so we can put a context.**
- 03:58 In the ‘90s.
- 03:59 DJH: In the ‘90s, and likewise with, with Russia?**
- 04:03 In the ‘90s.
- 04:04 DJH: Yes.**
- 04:04 Whereas the Strasbourg, Geneva activities were in the late ‘70s, ‘80s and early ‘90s.
- 04:15 DJH: And let’s even step back a bit further to your edu-, legal education. Where, where, where did you get your education and in what years? And what was the extent of your education?**
- 04:25 I graduated from the University of Oslo as a lawyer in 1976 and later I studied one year in Geneva at Institute des Haute Etudes International in, which is an institution which has a certain standing in humanitarian law and human rights law. I’m also a fellow and an honorary doctor at University of Essex in Britain, so these are I think the three main academic matters.
- 05:05 And of course I’ve been teaching at the University of Oslo since 1977 human rights law and I’ve written the main book on human rights in my country.
- 05:16 DJH: In what year was that published?**
- 05:18 It was published in 2002.
- 05:24 DJH: You are also a judge on the Court of Appeals in Norway. When, what were those years and what were the duties, what were your duties in that court?**

- 05:35 This was from '93 to '99, with other words just until I left for the ICTR. As you may know, the courts in Norway has general competence which means that a Court of Appeal, the Second Instance Courts consider civil cases, criminal cases, administrative cases as well as constitutional cases. We, we, we have all kind of cases brought before us and we sit in benches of three and that's in short what they do at that level.
- 06:18 DJH: Is that the court of last resort or an, or an, or a-, an appellate court that's in the (____) . . .**
- 06:22 It's an appellate court. At, it's a, at, it's the, it's the penultimate court.
- 06:28 DJH: It's . . .**
- 06:28 It's not the Supre-, Supreme Court. It is the Second Instance Court.
- 06:32 DJH: Okay. So an appeal from a trial court, if I may . . .**
- 06:36 Exactly.
- 06:37 DJH: . . . would come to the Court of Appeals.**
- 06:38 Yes.
- 06:39 DJH: And perhaps a special case would go to the Supreme Court.**
- 06:43 Yes.
- 06:43 DJH: Okay.**
- 06:44 And yes, that's the situation.