

Official Transcript: Charles Taku (Part 4 of 10)



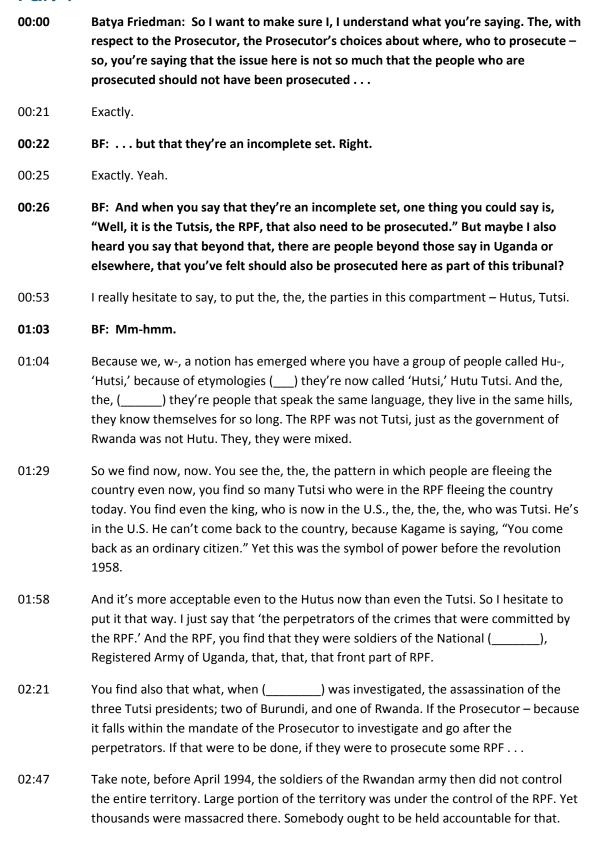
Role:	Defense Counsel
Country of Origin:	Cameroon
Interview Date:	3 November 2008
Location:	Arusha, Tanzania
Interviewers:	Batya Friedman Ronald Slye
Videographer:	Max Andrews
Interpreter:	None

Interview Summary

Charles Taku discusses the failure of the ICTR to prosecute RPF members. He refers to a form of 'judicial genocide' through which Hutu victims are denied justice and the Tribunal perpetuates violence through impunity. He notes that the Office of the Prosecutor (OTP) should investigate crimes based on the acts committed rather than on ethnicity or political affiliation. Taku also discusses the controversial principle of joint criminal enterprise which he claims has been abused by the OTP to indict individuals without sufficient evidence.

The transcript of Part 4 begins on the following page.

Part 4



Charles Taku

03:07	The United Nations tried to organize an election there, and all the Hutus who won elections – the RPF lost – all of them were killed. And in the course of this trial you had many RPF officers coming to testify in closed session for their own protection. "Yes, we were asked to killed these number of people."
03:31	Or, in Burumba, Kagame 250,000 people in the stadium, Kagame asked to kill all of them. Or immediately after the, the, the shooting down of the plane, Kagame left Mulindi the north, and came to Mosha, near Kigali. Kigali (). And he sent a company of 160 soldiers that cleared this corridor. "Any person you find, clear the corridor," for him to be able to come close to the capital, to ().
04:04	Now this is evidence which the Prosecutor was hiding for so long. You must have heard about the decision we had on the 23rd of September, 2008. Exculpatory evidence that the Prosecutor was hiding.
04:20	Trial Chamber II ordered that this exculpatory evidence should be disclosed to the defense forthwith, and held the Prosecutor in contempt by saying that, "You are the minister of justice, you should be seen as doing justice, not only in this trial but to international community." And that he should be () personally.
04:39	Now he has disclosed some of the material. What does the material contain? Crimes of the RPF. Why has he not prosecuted them?
04:47	BF: Mm-hmm. And then ()
04:49	Crimes ascribed to the accused in this case; you committed these murders. This disclosed material now shows that that witnesses from whom we took statements in 2002 are saying that he got statement from them, statement about the perpetrators of the crime by the RPF.
05:06	The assassination of Habar-, Habyarimana. The evidence matched. The witnesses come in closed session, "we were the ones who were on the spot. We were the ones who took part in the assassination." He kept the information. Why has he not prosecuted them?
05:24	The only answer is this: that he's submitting himself to political influence. There can be no other, no other explanation for this. At least officially, the tribunal is going to end, perhaps this year, perhaps next year.
05:42	The official statement from the, heard from the Prosecutor every day is that, "We are investigating the RPF. Do not mind, we (), the indictments will come." That is the official statement. If he said that, "I've found no evidence at all," one would understand. But that's not the case here.
05:56	So we're not saying that the Tutsi or Hutu – no. We're saying that the perpetrators – crimes have no ethnicity. Criminal is a criminal. There's a presumption of innocence though, for everyone until they're found guilty. But if there's any () of, leads to the

Charles Taku

	fact that crimes have been committed, or may have been committed, (), we want at least the prosecution to be able to say no.
06:22	BF: And from your
06:22	The Prosecutor should be accountable to someone. If he didn't do this.
06:25	BF: Mm-hmm. And
06:26	It cannot be, it cannot be independence of the Prosecutor's office. Cannot, cannot () impunity on the part of the Prosecutor.