



# Voices from the Rwanda Tribunal

## Official Transcript: Charles Taku (Part 5 of 10)



<b>Role:</b>	Defense Counsel
<b>Country of Origin:</b>	Cameroon
<b>Interview Date:</b>	3 November 2008
<b>Location:</b>	Arusha, Tanzania
<b>Interviewers:</b>	Batya Friedman Ronald Slye
<b>Videographer:</b>	Max Andrews
<b>Interpreter:</b>	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 5 begins on the following page.*

## Part 5

- 00:00**     **Batya Friedman:** And so, from your point of view, from the things you've seen and heard, then you would say, "Well, clearly the RPF, the pro-, there, there should be some prosecutions there." And are you also of the view that beyond the RPF there are other parties that should be prosecuted or possibly investigated for possible prosecution?
- 00:21**     I wouldn't put the blame on the Prosecutor here . . .
- 00:24**     **BF:** Yes.
- 00:24**     . . . with the (\_\_\_), countries like Uganda that provided army and arms, and things like that because the Security Council and presumably some of the superpowers, the United States and perhaps a country which is not a superpower but a very, very important country in Europe and the world, Belgium.
- 00:48**     By virtue of being the heart; the depository of the secret of the western world, NATO, European Union, (\_\_\_\_). They're a very small country, but so important, more important than even some of the superpowers for that matter. They play a major role in this; the evidence leads to them at every turn.
- 01:09**     Their own ambassador testified here in open session and said, "We are more interested in getting out our people and that was the right thing to do because we didn't care about the (\_\_\_\_)." That's what he said at the opening session. Those were his transcripts (\_\_\_\_) reading a few days ago.
- 01:24**     My problem is this, they were the ones United States sitting there in the Security Council. They drafted the statute that was brought to us. And we filed a report saying, "Look, this was an internal arms conflict." Now if this an internal arms conflict, automatically no matter what amount of evidence you leaked in regard to this case, with regard to the international character of the conflict, it's not going to be considered.
- 01:54**     In other words they make it impossibility for anybody to enquire into their own role. In Semanza I applied to get one – Professor Max Hilaire of Morgan State University as an expert witness on the role of the international community in the Rwandan con-, conflict. He prepared a report and the court at the end of the day said, "No, we will not allow the evidence." They said, "We'll not allow the evidence." Why? No reason was given.
- 02:28**     And the only reason can be found in the Secretary General report to the Security Council at the time. So when the constituting elements and the travaux préparatoires themselves have limited the scope of the evidence and the, the inquiries, state of the inquiry you can't put that blame on the Prosecutor.
- 02:50**     It is the Security Council and when the Security Council we know means some of the superpowers. I will never know for sure why, for example, the United States would take

that position. But what I can guess now is because Carla Del Ponte, was a former Prosecutor, has said that a lot of influence was put on her not to conduct investigation against RPF, not to indict them even though she has enough evidence.

03:14 Her spokesperson has written a book saying the same thing and whom do I believe? I believe Carla Del Ponte if she says that that influence is there. And if – and that she even says the reason why they removed her as a prosecutor of this court was because she insisted on going ahead with the prosecution.

03:33 If her predecessor takes over, and doesn't prosecute, it will mean that he was a more convenient person through which they could hide this. But the question is, in this particular context, can they actually hide? No.