

Official Transcript: Charles Taku (Part 10 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.

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Part 10

- 00:00 **Ronald Slye: I have two more questions. One of the purposes of the tribunal is to promote reconciliation. Do you think that your clients are more open to reconciliation because of this process?**
- 00:14 Wi-, without this process I think reconciliation would still have been possible.
- 00:19 **RS: Would have been impossible?**
- 00:20 It, it would still have been possible if there were a Truth and Reconciliation Commission. It, it would still have been possible. I think the tribunal, the prosecutions have not succeeded in that aspect; they failed. I don't think any (_____) anybody could think about that.
- 00:38 That, that I can say, because the attitudes of the RPF in power towards the trials, the propaganda against the court, the attacking of witnesses, arresting of witnesses, targeting witnesses who came to testify for the defense – I think these has not encouraged reconciliation as the case may be.
- 00:59 And the, the tribunal itself – yes, one of the most effective witness protection units you can find. I think that's one of the legacies we're going to leave for international justice. I think it's the best compared to all the others.
- 01:11 And the witness protection unit has really done a marvellous job in some of the people, protecting in different countries where they now reside to make sure that they don't come in harm's way. But RPF, as soon as they know somebody testified here, the person's name is put on the list of génocidaires. And that being the case, you can now understand that it (____) the way out for reconciliation.
- 01:34 And take note, what I know is that when I go around looking for witnesses and I meet some of the people who are still, who have, (____) arms in the forest in Congo, and when they tell me, "Look, we told the international community we're prepared to lay down arms, we're prepared to go back to Rwanda, provided the international community organizes a free and fair election under their own supervision. If we lose we will concede."
- 02:04 And that is Kagame refusing because a free and fair election under international supervision he cannot win. He will never win, so he will never let that happen. So I think another way of encouraging reconciliation is: tell, let the international community say, "To supplement this, let us organize free and fair elections. We'll supervise it. No intimidation." Are they prepared to do that?
- 02:32 They did that in Sierra Leone and there's peace in Sierra Leone. And the government that emerged in Sierra Leone is accepted by all. They can do that in Rwanda but they are not willing to do that.

- 02:46** **RS: Let me lastly ask you to reflect upon yourself and your experience of this whole process. How do you think working in this capacity at the ICTR has changed you as a person?**
- 03:05 Well I, I addressed this issue on the 18th of May. I was invited by the, the Association of Federal Administrative Judges of the United States in Washington D.C., in the annual, annual luncheon to talk about this tribunal. And I talked specifically about victor's justice. But let me say one thing. This, this process has changed me in many ways.
- 03:37 The first, the first aspect of it is that I've always had opportunity to tell the people here, who came to work here, it is not about money, it's not about career. Let them stop once in a while and think that we are here because thousands, hundreds of thousands of people lost their lives. And those people will never have the opportunity to be heard, so we ought to be their voice. We have to talk for them.
- 04:10 Whether they were killed by RPF or some other person or whatever, whoever responsible. We have to be seen as standing up and talking for them, so that let their death and the reasons for which they died, let that death not go in vain.
- 04:28 The world should know. So whenever we think about that, that has touched me so much. It has also told me, taught me that we should also have in mind that we're here because there's a country that – and people of all ethnicity – that wants just to live in peace under the sun.
- 04:50 And that neither the international community neither the judicial process seems to be offering this. Now what are we left with? We are left with perhaps the goodwill of men and women across the world and that when we leave here we should be messengers, ambassadors of peace. And to say no to war, no to poverty, no to disease, no to all the factors that made the pogrom and the massacres in Rwanda possible.
- 05:25 It changed my perception of politics, s-, changed my perception of the law and international law, but also made me to understand people and understand international situations even better and also to understand international law. I now know when, when correctly applied and it is there for the world to see, when it is wrongly applied what it can do.
- 05:53 And it also tells, tells me that at least there is no alternative to the rule of law and that impunity as it were, is a (____) on the conscience of the world, all of us who help fight impunity and uphold the rule of law. And that peace start from our hearts. When one person is not at peace, another peace is not a peace, this collective situation leads to what happened.
- 06:25 And I think it changed me a lot. In my own country I take the message everywhere and it makes me to scrutinize politicians even more, political discourse. It makes me ask, "Can they be trusted? Can these people be trusted?" I'm leaving this tribunal with a lot of distrust for politicians. Unfortunately so. They ought to be encouraged. I wonder whether they can change. So that, that's what I think.

07:00 **RS: Thank you.**

07:01 You're welcome.