

Official Transcript: Charles Taku (Part 6 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.

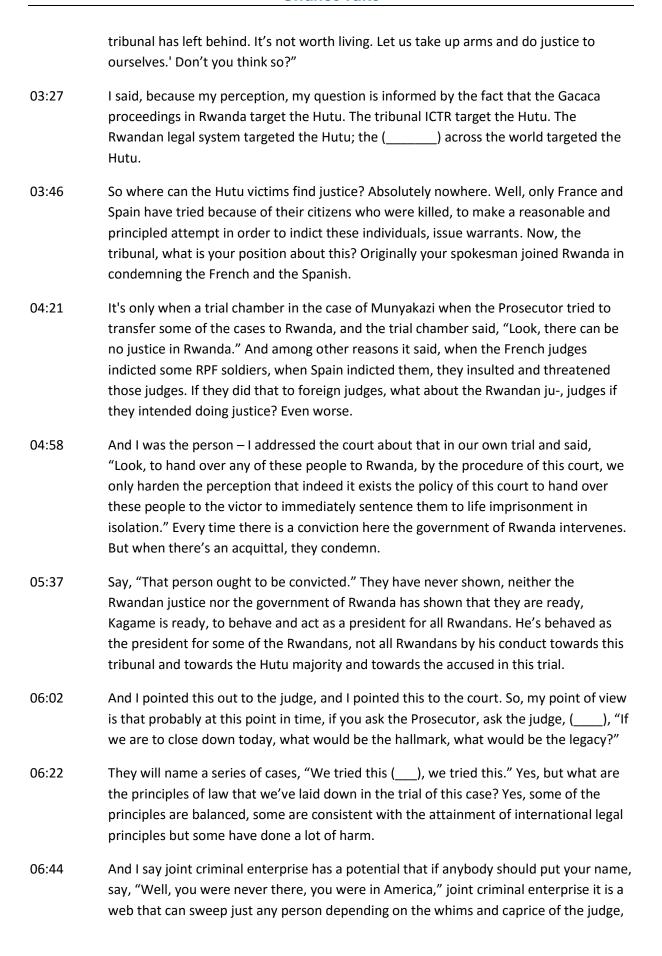
The transcript of Part 6 begins on the following page.

Part 6

00:00 Batya Friedman: So one last question before I will turn to my colleague. Is your perception that of your colleagues very broadly here at the tribunal – so not just the defense but among the prosecutors, perhaps judges, Registrar's office - do you think the vast majority of your colleagues in some way share your view that, th-, that a broader prosecution would have been better for the tribunal? 00:27 Well, in answer to that question let me just give you one promise. When the tribunal closes down, in order to prove that they share my view, wait and see what many of the prosecutors are going to write. I'm perfectly aware about the position of most of the prosecutors who are very good lawyers; ordinary prosecutors, very good lawyers. 00:47 And some of them who have said, "Look, when we started these trials, we didn't know that this where the evidence leading to." And some of them have said, "No, this inadmissible." And, and I, and I promise you this, that most of them are very, very fine lawyers, good lawyers and they said, "Look, we cannot be seen as being complicit in this." 01:05 And probably even before the end of the trial, most of them must have left because of this. Also try to talk to some of the investigators because you find many are in America, some in Canada and among the, the, the prosecutors, talk to some of the African prosecutors and others, and also some from Europe. 01:25 And now they are covered by the six months. The UN, after six months when you are still (_____) you cannot talk. But let me tell you. They share these views. I think we talked to the Prosecutor and put the question to him, "Why have you not prosecuted RPF?" I don't know how he is going to respond, but maybe he'll tell you, "We are still investigating," because he cannot reverse himself on that. 01:49 And I think that most of us are very, very frustrated. I, coming from the continent, from Africa, I being a traditional ruler in my community, I know very, very well that this impunity will just exacerbate the conflict. Not necessarily only in Rwanda but in the sub-region. There's absolutely no doubt about that. 02:11 The indicators, the elements that led to the conflict is this, if anything that's been exacerbated by the fact that the end structure put in place to redress these crimes has failed woefully in its mandate. Now, ask, I asked, I put this question to the former President of the court Judge Møse. I said, "Look, Judge, how do you think, rightly or wrongly, the people who are indicted, there are some people, probably so many people out there looking, thinking that they are their leaders. 02:46 They now symbolize the identity of an-, any group to the extent that the prosecution is ethnic-, is, is influenced by ethnicity, or perceived to be so. What do you think Judge if this tribunal should close down one day, would I say to a Tutsi? Why don't you think

that these people would just say, 'This world, this Rwanda, this new Rwanda that the

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that particular judge where he stands. No, that is not a legacy. That is not even the principle that can help the world. It would do more harm.