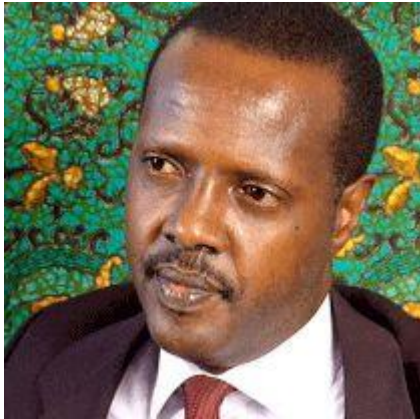




Voices from the Rwanda Tribunal

Official Transcript: Richard Karegyesa (Part 10 of 11)



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| Role: | Acting Chief of Prosecutions |
| Country of Origin: | Uganda |
| Interview Date: | 29 October 2008 |
| Location: | Arusha, Tanzania |
| Interviewer: | Batya Friedman Ronald Slye |
| Videographer: | Nell Carden Grey |
| Interpreter: | None |

Interview Summary

Richard Karegyesa reflects on the relationship between the ICTR and domestic justice systems, discussing transfer of cases and the capacity of Rwanda's judiciary. Karegyesa discusses best practices for the prosecution, the protection of witnesses and prosecuting rape as a crime of genocide. He draws attention to the differences between prosecuting rape as an international crime and a domestic crime and comments on the importance of creating a historical record to protect against revisionist histories.

The transcript of Part 10 begins on the following page.

Part 10

- 00:00 **Ronald Slye: Let me shift gears a bit. One of the purposes of the tribunal, or at least one of the stated purposes of the Security Council, was to foster reconciliation in Rwanda. There's a couple of questions related to that. How do you think – well, I guess the first question is do you think that's an appropriate goal of a tribunal like this?**
- 00:23 I think it's – and I stand (_____) – but I think it's to contribute, contribute to peace and reconciliational, reconciliation and peace.
- 00:37 **RS: Mm-hmm.**
- 00:39 I think it's a legitimate expectation because the primary objective, you know – and this isn't in the statute or the rules, it's in the resolution nine, nine, 955 – the dual objectives, you know, accountability and deterrence, reconciliation and peace, contributing.
- 01:01 Now the, the, the mistake is to look at the tribunal as the sole contributor, you know, you know, the sole dynamo for, for reconciliation and peace. No. This is just part of, you know, broader transitional justice measures, you know. This is re-, retributive justice. They've got – this conflict has been going on since 1959 for Christ sake; it's 50 years.
- 01:27 And, and, and, you know, prosecuting an odd handful, you know, 100 perpetrators, you know, isn't in itself going to bring around reconciliation and peace. There have to be other mechanisms to redress, you know. You know, what the current coinage is I think you know, restorative justice. We don't have any of that in our tribunal. It's beyond our remit.
- 02:03 Yes, and, and the whole host of, you know, decades of discrimination, victimization – so all we're doing is we're contributing by bringing perpetrators to account, ending the cycle of impunity. We're contributing to the restoration of the rule of law. Y-, y-, you know, it's a building block, you know, peace-building rather than peacemaking, you know, and hopefully reconciliation.
- 02:43 I have no empirical evidence of whether we've succeeded in that regard but what I do know and, i-, is that, you know, on the initial objectives, the primary objective of accountability and deterrence I think we've scored very highly.
- 03:01 **RS: If you were starting this whole process over again with those objectives, would you structure the tribunal differently or would you add or recommend adding something like a truth commission?**
- 03:14 Yes.
- 03:14 **RS: Like in Sierra Leone?**
- 03:15 Yes. Truth commission hand in glove with the tribunal, you know, and, and other restorative mechanisms, yeah.

03:29 **RS: And how would (___) . . .**

03:29 I mean it worked quite well in South Africa without – or s-, so we believe. Maybe tell me, you know, has . . .

03:38 **RS: You can interview me later.**

03:39 Okay, yes, no, no, but I, I, I, I – you know given the sheer numbers we’re dealing with here and, you know, with 20/20 hindsight, yeah, a truth and reconciliation commission may have complemented, you know, the, the, the core role of the, the criminal tribunal which is – first of all it’s, it’s away from Rwanda. This would have had to be situated in Rwanda. Easily accessible, you know, a-, and dealing with a larger mass, you know, of victims and perpetrators alike.

04:30 And in a sense – I’m no authority on this but you know – Ga-, Gacaca does have an element of truth and reconciliation. Not so much reconciliation but alone, it’s truth, a bit of reconciliation and, and a bit of retribution.

04:52 I, I think it provides an avenue for neighborhoods to come to grips with what happened. I remember being told that, you know, at the lo-, the local level the, what used to be the (___) . . .

05:14 You know Gacaca started out trying to establish what happened to the Tutsis who used to live in that area and, and you know, people were encouraged to tell the truth.

05:27 And people were offered an amnesty of sorts by reduced sentences or, or, or labor, you know, for killing several people. You know, as long as you confessed and sought apology, you’d just be sentenced to community work.

05:46 I-, it’s apparently the deniers I think who get heavy sentences but, you know, those who cooperate and tell the truth and ask for forgiveness are indeed forgiven. It’s, there are reports of it being mismanaged. I, I can’t comment. But I think yes, a truth and conc-, reconciliation commission would have worked very well with, with the, with the tribunal.

06:20 **RS: If you had a commission like that, would that change how you would approach your decision about what cases to prosecute before a tribunal like this? I mean would you take into account issues of reconciliation in making that decision or the existence of these other processes, or would it be a similar sort of calculation that was used absent those institutions?**

06:52 I think, I think – y-, you know you’re dealing with mass murder here. You’re dealing with the mass slaughter of a million people and, and I think, I think to end the culture – you see because the-, these crimes are largely, you know, state inspired and state driven, you know. And that’s, that’s, that’s where you’ve got to nip it in the bud you know, a-, at the level of the state, you know.

- 07:22 You know, so if, if, if you've got, you know, senior leaders in the state apparatus clearly implicated you know in the, i-, i-, in the planning and execution of these egregious crimes, there should be no compromise. The, the, the truth and reconciliation, I think applies to the second tier of executioners.
- 07:57 I would still go for the leadership to the extent the evidence justified it, yeah. And of course there are resource limitations and things like that.