



Voices from the Rwanda Tribunal

Official Transcript: Lee Muthoga (Highlight)



Role:	Judge
Country of Origin:	Kenya
Interview Date:	4 November 2008
Location:	Arusha, Tanzania
Interviewers:	Robert Utter Donald J. Horowitz
Videographer:	Nell Carden Grey
Interpreter:	None

In this highlight, Lee Muthoga speaks on...
the responsibility of sentencing

The transcript of the highlight begins on the following page.

- 00:00 It's a very heavy responsibility coming to the appropriate sentence.
- 00:06 Donald J Horowitz: In this – in the ICTR?**
- 00:07 In the ICTR.
- 00:09 DJH: Tell us about that.**
- 00:10 It, it troubled us quite a bit when we were trying, sentencing Muhimana. I think, in fact, we were locked in differences for more than, than a week. We were, we were having sentence combinations that we were not able to get unanimity for some time and we had to do a lot of searching. And the reason is this: You have the maximum sentence, which is life imprisonment.
- 00:47 A person is charged with rape, with, with genocide, with crimes against humanity, with all those other crimes and you have to tell yourself which of these offenses is the more, the more severe, more serious offense than the other one. And really it is, you have to look at the enormity, you have to look at the involvement, the quality of involvement because in trying genocide, you will have people who have been involved in it for various reasons.
- 01:34 One, they may be involved because they are (_____) genocidaire in their decision. They are the ones who went hunting and looking for people to go and “work” as they called it. Then the others who were found to go and work, they, they would never (__) had the initiative to go and do anything.
- 01:53 They even thought it was a bad thing but it was a situation where either you go and do it or you get killed yourself so a lot of them went to get, to avoid getting killed, or so they said when they are, they were eventually brought before you. And the others who were doing it out of duty: “I am the local administrator here, it is government policy that these Tutsis be eliminated and there is a job, we go and do it,” and so on and so forth.
- 02:26 And they are (______). So all these kinds of things, these motivations come into your mind when you are thinking about what to do with the person you have found guilty.