Q1: This is an interview with Richard J. Goldstone for the Ad Hoc Tribunals Oral History Project at Brandeis University's International Center for Ethics, Justice and Public Life. The interview takes place at Brandeis University in Waltham, Massachusetts, on March 9, 2015. The interviewers are Leigh Swigart and David Briand.

Q2: Richard, as you know, we formulated this project to look at the early years of the ad hoc tribunals because we are afraid that some of the personal viewpoints about the establishment of the institutions and how they got pulled together will be lost.

Goldstone: Only ICTY [International Criminal Tribunal for the former Yugoslavia] or ICTR [International Criminal Tribunal for Rwanda] as well?

Q2: ICTR also. Since we don't have very much time I think we should just jump right in. Perhaps the way to begin is just to ask you where you were in the 1990s when events were going on in the Balkans and how much was the whole dilemma in your sights?

Goldstone: I was investigating violence in South Africa between October 1991 and April 1994. I read the media reports about the establishment of the ICTY, but I knew very little
about the former Yugoslavia. It wasn't an area that particularly interested me. I had a very superficial knowledge about this tribunal that had been set up by Security Council. I wasn't aware of the details or the problems of the Security Council in finding a chief prosecutor.

Q2: Walk us through how you were brought into this very important position.

Goldstone: At the end of the Goldstone Commission, Noleen [Goldstone] and I took a well-deserved holiday to Tuscany for three weeks.

Q1: It ended in October of 1994?

Goldstone: No, this would have been June of 1994. When I got back to my chambers at the Supreme Court of Appeal, one of the things waiting for me was a fax message that day from Nino [Antonio] Cassese, the president of the ICTY, who I didn't know, inviting me to become the chief prosecutor of the Yugoslavia tribunal. I regarded the invitation as being somewhat ridiculous. I've never prosecuted, I knew next to nothing about the former Yugoslavia, and I knew nothing about humanitarian law. On each of those grounds I was not the appropriate person. If you added them together it became ridiculous.

Then there were two phone calls in very quick succession. One was Noleen who said, "Any interesting mail?" I said, "No, but this ridiculous invitation to become the chief
prosecutor." I read it to her and she said, 'Well, wouldn't it be wonderful to go and live in The Hague for a few years and get away from our security?" I had very heavy security. I had been under a serious death threat and I had two security guards twenty-four hours a day, seven days a week. The same guards. On a Sunday, for example, I knew they went to church, so I put myself under house arrest. On beautiful days in Cape Town I would've given anything for a walk on the beachfront. I was stuck because I couldn't go out. So I said, "It'd be great to be in The Hague."

She said, "We'd be in the middle of Europe."

I said, "But not for this. It's just not the job for me," and she understood. I put the phone down and I was drafting a polite reply to Judge Cassese when the phone rang. There was the unmistakable voice of Nelson Mandela, who was then president. He said, "Richard, I understand you've been invited to become the chief prosecutor of the Yugoslavia tribunal."

I said, "Yes, Mr. President, and I'm just in the process of refusing."

He said, "Why?" I gave him my reason, and he said immediately, "Don't be in a rush to send off your refusal."

I said, "Why?"
He said, "Because I just told Secretary-General [Boutros] Boutros-Ghali that you will do it." My heart entered my stomach. I said, "What about the Constitutional Court?" I'd been told a few days before by the minister of justice that Mandela wanted me to be one of four existing judges to go onto the Court. He said, "Don't worry about that. The cabinet met earlier today and we decided to amend the Constitution to make it possible for you to go to The Hague for two years. I've told the secretary-general that we will spare you for two years, not for the full four-year term. That is acceptable to him." That's how I came into it. It was a dive into the deep end. He added—and I remember laughing to myself—he said, "You're a clever chap. You'll learn it all very quickly." [Laughs]

Q1: That's something that we're always curious about because the ICTY and these ad hoc tribunals were new enterprises in terms of international criminal law, being the first tribunal since Nuremberg. How did you dive into it? What was the process? What was the learning curve?

Goldstone: I started reading. If you come to my study in Johannesburg you'll see a lot of books on the history of the former Yugoslavia, biographies of [Josip Broz] Tito, and many others. I started reading books on humanitarian law. I replied to Cassese and said I was prepared to accept the position, and he was obviously delighted. At midnight that night the phone rang—Noleen and I were fast asleep—and it was Ralph Zacklin, the then assistant undersecretary-general for Legal Affairs. I'd never met him. There was this very English voice saying he was calling to inquire whether I'd be prepared to become the
chief prosecutor of the Yugoslavia tribunal. I said, "Mr. Zacklin, are you aware what time it is?"

He said, "Yes, I know it's midnight, but it's urgent. The secretary-general will like the Security Council to vote on this tomorrow."

I said, "Are you aware that about eight hours ago I informed President Cassese that I was prepared to accept the position?"

He said, "Yes, I know that too, but President Cassese had no authority to ask you and I do." This was my introduction to the petty bureaucracy of the UN [United Nations].

Q2: How much time elapsed between your acceptance and arriving in The Hague?

Goldstone: The Security Council met the next day and agreed unanimously to my appointment. This was after eight vetoes of other nominees for the position. You know the story. I was then told by Zacklin that even though it was a unanimous resolution of the Security Council, it doesn't become effective until I have a medical clearance by a UN-appointed doctor in Johannesburg. I duly went to the UN-appointed doctor in Johannesburg and got a clean bill of health.

Q2: More UN bureaucracy.
Goldstone: Yes, and Zacklin then asked me to come to New York as soon as possible to meet with the secretary-general, to meet with the people in the OLA [Office of Legal Affairs], and to be briefed, etc., and also after New York to travel home via The Hague and meet with Graham Blewitt, who'd been already appointed by the real first chief prosecutor—you know the story—as deputy chief prosecutor, and to meet with a skeleton staff that was there.

Q2: Graham Blewitt, is he Australian?

Goldstone: Yes. There were about forty people in the office, "illegally." The only legal one was Graham because he was appointed by [Ramón] Escovar Salom, who was the chief prosecutor and appointments to the OTP [Office of the Prosecutor] could only be made by the chief prosecutor.

Q2: What other kinds of staff people did you already find there?

Goldstone: There were twenty-three Americans that Madeleine Albright sent as a "gift," and they included computer programmers, an international lawyer, prosecutors—a wonderful group of people. There were I think five Australians, and there was Patty [Patricia] Sellers and Catherine Cissé [vanden Muijsenbergh] and a few other people who were there.

Q2: Catherine, she was there right at the beginning. I hadn't realized that.
Goldstone: Yes, yes. In fact I remember when I got there being very impressed with Catherine and Patty, who were giving lectures to the skeleton staff about humanitarian law and gender crimes and all sorts of things.

Going back, when I arrived in New York, I was confronted with my second introduction to the bureaucracy. It was explained to me that the UN had no money and funds hadn't been voted yet for the tribunal, and they were very sorry they couldn't reimburse me for the airfare. They told me to pay for my own ticket and that I would be reimbursed in New York.

Q2: Did that lead you to have any misgivings?

Goldstone: Yes, absolutely. I was damn annoyed; it was really chutzpah. They said by the time I arrived in The Hague they hoped there will be sufficient funds and you'll be reimbursed. I was! Anyway, I met with Boutros-Ghali and he was very pleasant and thanked me for doing it. It was very formal. Hans Corell, the then recently appointed UN legal counsel, was away at that time. That's why I was dealing with Zacklin, his deputy. Then I went to The Hague. I remember being met at Schiphol Airport by a very nervous Graham Blewitt. Graham had put together office charts and he had mapped out the whole way the office would be staffed, how many we'd need, their positions and so on. And thank goodness, because this was out of my league. Graham was nervous; he had thought that I would reject everything he'd done and start again.
Q2: [Laughs] And you were grateful instead.

Goldstone: In ten minutes I made it clear to him that I was overjoyed and grateful to him for doing this, and whatever he had mapped out would be acceptable to me. Graham is the most important, and most pleasant, and most impressive person I've ever worked with. Very competent, highly experienced and unbelievably loyal. Are you seeing him?

Q2: He's still at the—?

Goldstone: He's in Sydney.

Q2: He's in Sydney.

Goldstone: He's a family court magistrate.

Q2: Oh, is that what he's doing now? He would be a very interesting person to—

Goldstone: You know why he'd be good? He kept immaculate diaries, volumes, of every single thing that happened, and a beautiful manuscript. He wrote down everything, the minutes of every important meeting that we held, because he was with me at just about all of them.
Q1: How many years was he there?

Goldstone: It must have been for about fourteen, fifteen years. He was there well into Carla Del Ponte's term of office, and then he left because she treated him so badly. Oh, she treated him abysmally. He found out important decisions she took from the newspaper, which was just no way to treat such a great guy.

Q1: So the wheels are already in motion so to speak, or at least the structure is already there.

Goldstone: Well, sort of. They were looking at some of the reports that the Mahmoud Cherif Bassiouni Commission had put out. No appointments could be made until I was there. This would have been late June, and my appointment became effective August 15. That was my first day in office. This was all preliminary.

Q1: So then you started making the appointments and filling out the staff?

Goldstone: Yes, and it was difficult to get staff because the sort of people we needed were not exactly unemployed. We wanted people with at least ten years experience in whatever field. I was told in no uncertain terms we had to have wide geographic and gender representation in what was to be a UN office. It was difficult on both counts to find people who had the experience and who were available, and particularly to find appropriate women. There was one country in the world that had women investigators
with ten years experience and that was the United States. It was a very male dominated investigation section. We appointed women wherever we could and after the first year I was very happy to be told we had the best gender balance of any office in the UN. Admittedly, a number of them were in secretarial positions. It sounded better than it was but still we had a number of senior people. Minna Schrag came fairly soon after. Are you speaking to Minna?

Q2: To who?

Goldstone: Minna Schrag? She was one of the senior lawyers. She lives in New York. She's terrific.

Q2: Okay. I've never even heard that name.

Goldstone: She was one of the three senior members originally that I appointed to head the three teams of lawyers—one for each trial chamber and one for the appeal chamber. Minna was one of those three.

Q2: Had you ever done anything remotely similar to creating a whole new enterprise like this?

Goldstone: I think the Goldstone Commission was similar but smaller, and that was a useful experience. I had to set up an office. It wasn't nearly as big—it was maybe forty,
fifty people—but it was an organization and with investigators, foreign police officers. Also what was very useful preparation was I had extensive contact with the media—media interviews, TV [television] interviews daily, which was extremely useful preparation.

Q2: What about the language diversity in the prosecutor's office?

Goldstone: Well, it was English.

Q2: It was English.

Goldstone: There were some French-speaking people but they all had good English. Even though it was an official language, the working language in the office was English. I didn't have French, Graham didn't have French, and very few of the Americans did. Very few of them spoke French.

Q2: What did you do about the language barrier in terms of documents that you had from the Balkans?

Goldstone: We didn't have any staff from the Balkans other than in the interpretation sections and they all spoke English.

Q2: How were they vetted for neutrality, for example?
Goldstone: I wasn't involved at that level. I don't remember frankly who was. I think Graham may have been, I don't know. But a number of them had been appointed by the time I got there. It was obviously one of the first things they did.

Q1: After the Office of the Prosecutor had been staffed, how did cases start to come together and indictments start to go out?

Goldstone: We set up investigation teams; there were I think seven investigation teams consisting of a number of investigators, one or two lawyers, a computer expert. They went out and did discreet investigations that Graham and I decided on in conjunction with the chief of investigations, Al Milroy, who was also Australian and a former deputy head of the Australian National Police Force—a very experienced police officer. We had a good international lawyer, a Canadian, Bill Fenrick. A number of the people on the staff had worked with Bassiouni on his commission—Bill Fenrick was one of them, Morten Bergsmo was another. Did you know Morten?

Q2: No.

Goldstone: Do you know who he is?

Q2: I've heard that name.
Goldstone: He ended up in the ICC [International Criminal Court]. A very bright chap. So we decided who we needed and we had no shortage of applicants. It was a very desirable position to get, unlike Rwanda, which we'll come to, where it was difficult to get people to come to a smashed up country, which was a dangerous post. They couldn't bring their families.

Q1: Right, you were in Kigali.

Goldstone: The Hague was a very desirable place. They could bring their families and the UN gave them sufficient funds to set themselves up in decent accommodation and so on. In Rwanda the people had to stay in second-rate hotels. There were only two hotels operating.

Q2: The investigators that you had, for example, from the United States, presumably they had only had domestic experience?

Goldstone: Right, correct.

Q2: Was it a pretty clean translation into the international sphere?

Goldstone: It wasn't that difficult because it's the same sort of exercise. Obviously everybody brought in their baggage their own procedures and laws and so on. Part of the excitement was putting together new approaches and amalgamating the approaches of
different countries. But it was quite difficult recruiting and expensive to bring people. Obviously we wouldn't hire anybody without a personal interview; you do it by telephone but seldom only on paper. When we needed people, we were short of Asians, and Graham and I decided to put together a team of three of our senior people and send them to Bangladesh, Pakistan, India to interview people there, which made a lot of financial sense. Obviously we relied on their judgment, and we got a number of people from Asia in that way.

Q1: Pakistan was an early supporter too, right, wasn't it?

Goldstone: Oh, yes, very much so, for religious reasons. Pakistan gave a million dollars for the secretary-general’s trust fund.

Q2: When you said just a moment ago that there was a process of amalgamation of different sorts of practices, was this something that happened in a purposive way or was it kind of just came together more informally?

Goldstone: No, it was informal. Nobody sat down and worked out rules; they sort of developed. For example, we decided—in fact it's Minna Schrag's favorite example. Three of the lawyers in the [Duško] Tadić trial, which was our first trial, approached Minna and she brought them to speak to me. One American prosecutor, one English and one Scottish. Have you heard the story?
Q2: No. They walked into a bar together and— [Laughs]

Goldstone: They said they had a problem because—the English and the Scottish were both barristers and the American came from a U.S. Attorney's office. The English barrister said to me, "Under my system, to interview and prepare a witness before the witness gives evidence is unprofessional conduct for which I can be disbarred." The Scottish barrister said, "In Scotland that's also the rule, but it's also a criminal offense. I can end up in prison." The American said, "Under my system, if I don't interview and prepare the witness it's unprofessional and I can be disbarred."

Our approach immediately was, we're not in London, Edinburgh, or New York; we are an international prosecutor's office in The Hague and of course we have to interview and prepare witnesses. As it happens in South Africa we do. The defense had the same right. Just as a footnote, the ICC initially came to the opposite decision. The judges there said, "Counsel may not interview witnesses, either the prosecution or defense." That was the ruling in three cases. In the two trials in the Kenya situation, the trial chamber overruled that and said you can interview.

Q2: You mean interview them to know whether you want to have them on the witness stand? Is that what you're saying?

Goldstone: Yes, because you had to decide on paper whether you wanted to call them. The investigators interviewed them, but not the lawyers.
Q2: I see.

Goldstone: You want to have some sort of rapport, especially through an interpreter, and to explain the courtroom procedure. These were witnesses from Bosnia who had never been out of their country, out of their village, let alone coming to a completely strange country many hundreds of miles away. I can't think of any other practical examples but there were—and not many because procedures don't differ that much. Though they had to know cross-examination, which civil law lawyers had never witnessed and let alone practiced.

Q2: There must have been the need for a lot of innovation in how to accommodate the witnesses—how to put them up, how to make them comfortable, how to prepare them. How did all that happen?

Goldstone: That was really the registrar's office that was responsible for that.

Q2: The registrar took care of all that.

Goldstone: They were put up in a hotel very near the tribunal in Scheveningen. It was difficult—I remember we had ten witnesses from Tuzla for our Rule 61 proceeding. I decided I should meet them, and they were really an unhappy group of men and women who were completely in strange surroundings. They were nervous about giving evidence,
and it had been explained to them incidentally that they didn't have to give evidence. They had volunteered. They were eager to give evidence; that was my general experience—victims want to give evidence.

It was explained to them that they could give evidence anonymously with their faces blacked out and their voices changed, or they could give it openly. Nine of the ten were eager to do it openly. They said, "We want our faces and our voices to be heard because we speak on behalf of all of the victims." Only one demurred, and he did for good reason—he had close family in the area and he feared for their safety if his identity was known. That was generally the experience with witnesses who were victims of ethnic cleansing and particularly women who were rape survivors—all wanted to give evidence.

Q1: It was during this time, under your purview, that gender-related war crimes really came to the fore. Can you talk us through how that started to become a major issue that the Office of the Prosecutor was pursing?

Goldstone: Very soon after, within days of my arrival, I got hundreds of letters—mainly from women but also from men—from Europe, from U.S., Canada, begging me to give attention to rape as a war crime. I was more than impressed because—I wouldn't have been as impressed with a petition signed by a million people. These were letters individually handwritten by ordinary people in good English, and bad English, and in French. It really made a deep impression. I didn't need any arm-twisting, but it certainly encouraged me to put this right at the top of the agenda.
I then called in Patty Sellers, who I was impressed with, and asked if she would help me with gender-related issues. She was only too happy to do so. I said, "The first job I'm going to give you, you won't like, and that is to draft replies for me to sign to all of these letters. These people have taken the trouble to write me handwritten letters. I think they're entitled to the courtesy of a personal reply." I said, "Most of it can be standard form, but I'd like any particular points they make to be responded to so they'll know that we read the letter and that we take it seriously." She did that brilliantly. It was really a great effort.

Then I had one incident of a woman being treated—it wasn't serious, but it wasn't—it was an anti-feminist remark made by one of the former police investigators in our investigation section, and I realized that this could be a problem in the office. I then asked Patty whether she would assist me in gender-related issues in the office and out the office—in other words indictments, investigations and also dealing with staff issues and trying to nip these problems in the bud. I had monthly meetings of the whole staff and I said, "I think I should remind them at every meeting, if you agree, that you're doing this for me." She did, and I think she had two incidents that she was able to deal with without any further problems. But it avoided potential problems in the office.

Q2: How much were you able to get settled into your office before Rwanda happened?

Goldstone: I got there in August and the Rwanda tribunal was November the following year, so it was almost eighteen months. By that time we had built up the office. As I said,
when I got there it was forty; by the time I left two and a quarter years later it was about two hundred and fifty in the office. It was very difficult at that time because, as I say, the UN was really cash-strapped. It was almost insolvent.

Q2: Were you surprised when the ICTR was created that they decided to make that a—?

Goldstone: No, I'd been consulted. I've forgotten who came to me, but I think it was somebody from the Security Council. The strange thing about the Rwanda tribunal is that the statute wasn't drafted in OLA. Did you know that?

Q2: I did not.

Goldstone: It was very unusually drafted by lawyers in the Security Council, copying ninety percent from the Yugoslavia tribunal with changes obviously appropriate to a non-international armed conflict. But OLA I think were quite miffed.

I'll tell you if I can the funny story about Hans. I don't know if it's relevant. At our first meeting, Henry Steiner, who's a professor of human rights law at Harvard Law School, very kindly—I knew him, not well—decided it might be helpful if he organized a one-day conference for my benefit and got American experts on international humanitarian law to debate issues that would be relevant in the tribunal, for which I was really grateful. It started with a cocktail reception at Henry Steiner's home—he has quite a nice outside yard—and I met Hans Corell for the first time, I thought. I was talking to Hans and he
said, "You might be able to help me. In about in 1991, we had the first official visit from
South Africans after the end of apartheid." He said, "As I recall, there were six South
Africans and there were two judges amongst them." It was a trip to have a look at the
Swedish labor law—the Swedish model. I said, "Well, in fact, I was one of the two
judges."

He said, "And I was your host at the official dinner."

And I said, "Well, if it was that, then I was sitting on your left and had to make a speech."

He said, "That's exactly right."

Q2: Is that right?

Goldstone: We didn't recognize each other. We've been very firm friends ever since.

Q1: Oh, that's funny. If we can go back to the ICTY for a second, did the fact that
hostilities persisted as the tribunal was being set up have any sort of impact on your
work?

Goldstone: Absolutely. One of the first things I decided to do was firstly to pay courtesy
calls on the ambassadors of the P-5 in The Hague, to put a face to my name, and also
other relevant ambassadors who'd be useful in Europe. I took a decision, which [Luis
Moreno] Ocampo disagreed with—I decided that I shouldn't send investigators to any country without consulting their government. I said, "If I'm running a private firm, I could send lawyers into Paris to interview friendly witnesses, but as an international prosecutor I don't think it's appropriate."

I visited all the relevant governments. I went to visit the legal advisor of the foreign office and all of them had the same attitude—"We appreciate your coming. Of course we'll cooperate. Please give the name of whoever you're sending to our ambassador in The Hague. They'll send it to us. We'd like their names so if they have any problems we can help them." It was a very cooperative attitude, except for France. The French said, "No, if you need to interview any witness on French territory, you're to do it in front of the investigating magistrate." That was ridiculous; it was easier to fly the witness to The Hague or even to meet the witness in Belgium. After a year they capitulated and agreed that we could interview non-official, non-government witnesses in Paris without a magistrate, but if it was a government official it would have to be in front of a magistrate. It was useful, apart from the courtesy, which I still think was correct, and a very useful way to meet with the decision makers and get their cooperation.

Q2: Were they very knowledgeable about the tribunal?

Goldstone: Oh, absolutely.

Q2: They were. Okay.
Goldstone: Absolutely, and what was very useful—the U.S. sent me two State Department political advisors, Sheila Berry and Reed Bowman. They were very well versed in the politics of the Balkans. Whatever meetings I had with any government, they would produce a dossier for me with bios of everybody I was going to meet with the relevant history. That was very useful. A very funny story—Cassese called me in one day and he said, "This fellow Reed Bowman, I think he's CIA [Central Intelligence Agency]."

I said, "Nino, why do you think that?"

He said, "Because he knows everything."

I said, "Nino, if he was CIA he wouldn't let you know that he knows everything."

[Laughter] So that was extremely useful. I decided also to meet with the ministers of justice and foreign affairs in the three Yugoslavian governments—Croatia, Bosnia and Serbia. I took a firm decision not to meet with [Slobodan] Milošević in particular and have to warn him that anything he said could be taken down and used against him. He was a bit upset. He wanted to meet. He wanted a photo opportunity shaking hands with a smiling prosecutor, and it was exactly that that I didn't want to give him.

I put together a sort of cabinet. We met every weekday morning at nine. It was the head of the investigations section, obviously Graham Blewitt, and I included Patty Sellers in
that, and the chief international lawyer. Graham and I got reports every morning as to what was happening in each section because we decided to have a hands-off policy—Graham and I didn't intervene, interfere, and we had no knowledge of the detail of investigations. The procedure we adopted—this was mainly Graham's responsibility, and it made good sense—was that we didn't see an indictment until the final draft had been prepared. That draft had been debated by every lawyer in the office, sometimes for a week. Every lawyer checked up on the team that drafted the indictment and they took a vote on each element of the indictment.

Q2: What was your rationale for having that hands-off approach?

Goldstone: Because when indictments were presented to Graham and me, we had a completely objective look at them. We weren't committed to anything. Each indictment then had to go to a judge for confirmation and we wanted it really to be in the position of the judge, with whom Graham and I went to to discuss it, and the judge often asked questions. At least we were able to deal with it in an objective fashion.

Q2: How did that work at the ad hocs? I know with the ICC they have a pretrial chamber that does the confirmation of charges. What was the procedure at the ad hoc?

Goldstone: The procedure was the final the indictment went off—I would sign the indictment, it would then go to the confirming judge, a single judge, and he or she would review it, often come back with questions, call for more evidence, suggest changes in the
indictment. That to-ing and fro-ing could take anything up to a week. Not a single
indictment was not confirmed. Then it became an official indictment.

Q2: You were there for a little over two years?

Goldstone: Two and a quarter years.

Q2: Two and a quarter years. After your departure, how much time elapsed before a trial
really commenced?

Goldstone: Well, it was Tadić and it would have been about a year.

Q2: About a year.

Goldstone: I decided to give the opening address in Tadić at the trial level. Also I
appeared in the first two appeals—the one on jurisdiction on the legality of the tribunal,
and the other was on whether for grave breaches we had to prove that at the date of each
alleged crime there was an international armed conflict. He doesn't like acknowledging it,
but let me put it on the record. If you use it is your business. Will Ted [Theodor] Meron
be interviewed?

Q2: I'm not sure we'll have someone who's still a sitting judge or president.
Goldstone: Right. I don't want to be insensitive about it. It's nonsense really. In the first serious appeal on the question of international armed conflict, I decided I would bring in an outside expert to assist me, and I chose Ted Meron, who I knew from NYU [New York University]. So Ted spent two weeks with me in The Hague—

Q2: I've never heard this. Okay.

Goldstone: —a little bit to the annoyance of Bill Fenrick, who sort of felt somebody else was being called in over his head. Do you know what a "murder board" is? In the United States, any counsel arguing a big case—certainly in the Supreme Court—prepares by going before a "murder board." They get experts, faculty, other lawyers to put them through their paces. Ted Meron presided over the murder board with both Fenrick and Graham Blewitt, and we went on for hours. It was a terrible experience, asking me the most difficult questions. In fact, the actual appearance was a relief in comparison to what they put me through. But Ted was terrific. Our main argument didn't succeed in the end, but in fact we got more than we could have dreamt of asking for. I don't know if you want to go into those technicalities.

Q2: So that was Ted's first taste of the ICTY, and then he came back.

Goldstone: For the twentieth anniversary, they had a big function in front of the then new king of the Netherlands and the diplomatic corps. Ted asked me to join Alphons Orie in a twenty-minute informal discussion with each other about the early days of the ICTY. It
was great fun doing it because Orie was one of Tadić's two attorneys, together with his partner, [Michail] Wladimiroff. Orie and I emailed each other what we were going to ask each other and what we were going to say, and he said, "Please take my advice—don't mention that Ted Meron helped you because he's sensitive about it—"

Q2: I wondered about that.

Goldstone: "—and he feels it could be used against him."

Q2: I wondered if that would somehow have, I don't know, disqualified him from—

Goldstone: I don't see why. It was years before he got there as a judge. It was absolutely no reason to question where to his later appointment was appropriate. Indeed, the newly elected president of the ICC had been a full-time member of the OTP. I would have thought that Meron would have been proud of it. So I'll leave it with you. Whether you use it or not you must decide. I've got no reason for not referring to it.

Q2: How much time did you spend in Kigali once the ICTR got added into your stable?

Goldstone: I had thirteen or fourteen trips to Kigali, each of them for at least four days and up to eight days. That was very difficult. Particularly, as I mentioned, the staff were limited to living in two lousy hotels. The better one was the Hôtel des Milles Collines, but the Americans weren't allowed to stay there, believe it or not.
Q2: Because—?

Goldstone: It was owned by a Libyan.

Q2: Oh, yes.

Goldstone: So they had to stay in the lousy hotel.

Q2: [Laughs] Right. I have actually been on a trip that was paid for by the State Department that you couldn't stay in a Libyan owned hotel.

Goldstone: The UN security wouldn't allow me to stay in any hotel. They insisted on me sleeping in the UN peacekeepers' barracks—

Q2: That sounds—

Goldstone: —which was bloody awful. The pillows were so hard I couldn't sleep. Really, they were solid. I used to make a pillow from my clothes—the dirty washing and so on. The worst part was outside my room at about 5:00 in the morning the troops started their drilling. I couldn't take it, and after about three visits, I was very wonderfully helped by the special representative of the secretary-general, Shaharyar Khan, a Pakistani diplomat. Unusual, a Pakistani fluent in French. Not many Pakistanis speak French. But Boutros-
Ghali knew him. He was a former ambassador to France, a high commissioner to the UK [United Kingdom], and he ended up head of the Pakistani Foreign Office, and Boutros tapped him. He's the most consummate diplomat I've been privileged to work with and he and I got on particularly well. He said, "Look, your staying in barracks is ridiculous. I've got a spare bedroom in my house." He had a lovely house, and the only television that worked in Rwanda. So I used to end up staying with Shaharyar Khan.

Q2: That sounds like a better solution. What was it like to be in Rwanda in those early days?

Goldstone: It was very difficult. The city was smashed. There were no shops open, there were no bars, no coffee bars. Children couldn't go to school. What amazed me was watching the improvement; each visit it was better. After four visits the pubs were open and men were drinking beer at tables and chairs in outdoor bars. Eventually little kids were walking with their school satchels and women were getting better dressed and so on. It's amazing how quickly people are able to recover.

The other thing I must talk about—I mentioned the visits to the P-5 and to the government. In my first visit to the former Yugoslavia, which the beginning of October of 1994, there was no problem flying into Belgrade, obviously, and there was no trouble flying into Croatia, but the war was going on. Sarajevo airport was closed because [Ratko] Mladić's troops were firing on UN planes, including humanitarian flights, so they closed the airport. I consulted with Yasushi Akashi, who was Boutros-Ghali's
representative in the former Yugoslavia. He was criticized by many people, but he was a great supporter of the tribunal. He agreed that I could join him with two members of my staff in a private flight to Sarajevo, which was very good of him.

By the time it was organized—the airport was still closed—it was agreed that we would fly to Split on the Adriatic Coast and from there we'd go by helicopter to Kiseljak on the border. From there, there were Bosnian Serb roadblocks all the way to Sarajevo. We'd go by road through the roadblocks. He'd organized all of this with Mladić. We flew in a Russian UN plane to Split, got into two helicopters, and started flying to Kiseljak. About a half an hour after we took off, we were told that we couldn't land in Kiseljak because of thick fog and they didn't have instrument landing, so we went back to Split.

Akashi got on the phone and got hold of Mladić, and got Mladić to guarantee our safety if we flew into Sarajevo airport in two helicopters. Akashi turned to me and he said, "Look, I have to go. You don't. This is going to be a dangerous trip." I was accompanied by Graham Blewitt and a Scottish barrister, Gavin Ruxton. I said to Akashi, "Mr. Akashi, I've got members of staff in Sarajevo. They're expecting me. There's no way that I'm going to let them think that I'm not prepared to go where I've sent them." So he said, "You're absolutely correct. Let's go." In my book I refer to this funny incident. We were given flak jackets as we got into the helicopter and I nervously put mine on. The pilot turned around, looked at me, and said, "I suggest you take your flak jacket off."

I said, "Why would they give it to us?"
He said, "Because you must sit on them. The bullets come from below." That was a hair-raising trip. I remember flying over mile after mile of completely destroyed Muslim homes—only the Muslim homes and mosques. When we landed at Sarajevo airport we were immediately surrounded by three tanks and escorted to an area behind sand bags. We were taken to the Holiday Inn, and one side of it had been blasted out by Bosnian Serb shells. It was the beginning of the cold winter. It was a really depressing—it was dark early, there was no electricity after 5:00, and it was really grim. But I remember a thing that buoyed my spirits was I got into my room and just out of habit that I pressed the television thinking it wouldn't work, but they had a generator and the television worked and what do I see? A joint press conference with [Bill] Clinton and Mandela at the White House. That really buoyed me; it was a great thing to see.

Q2: We're going to have to end now, and I know we can go on so much longer, but let me just ask a final question. Now that the ICTY and ICTR are finally nearing the end of their mandates, when you look at those two institutions, are you pleased with what you see?

Goldstone: I take tremendous pride in what they've done—the fact that every single indictee got arrested for the Yugoslavia tribunal and all but three for the Rwanda tribunal, and what the affects have been. I went back with John Shattuck two years ago when I was teaching at the CEU [Central European University]. It was John Shattuck's idea. He and I met and became friendly at the time when he was United States undersecretary for human
rights and labor. John said, "It's fifteen years since Dayton [Dayton Accords]. Why don't you and I go and give talks in the three capitals?"

Q2: Oh, what a wonderful idea.

Goldstone: Noleen and Ellen [Hume] came with us. It was interesting to see the differences in Sarajevo. Obviously we were met very warmly. We went into Srebrenica as well and met with the "Women of Srebrenica," and visited the graves, and the monument, and so on. In Zagreb we were very well received, a huge audience. The then President [Ivo] Josipović, who I knew from my days in The Hague, insisted on introducing me. Little did I think in my life I'd be introduced by the president of Croatia. We get to Belgrade—different story completely. John Shattuck and I entered the office of the acting dean of the law school, and he, rather embarrassed, said to us that they haven't advertised our talk outside the law school because they feared that it could be physically broken up, particularly by engineering students at the university who were very anti the ICTY. He said it was restricted to law students and faculty. We got a rather good turnout, but completely different.

Q2: What was their reaction like? What were the law students and faculty like?

Goldstone: They were fine. It was quite an open discussion. Some were for us and some were against. But there was an interesting difference between the receptions at Sarajevo and Zagreb compared to Belgrade.
Q2: I think we should probably stop.

Q1: Should we close up?

Goldstone: Alright.

Q2: Anything else you want to add?

Goldstone: I don't think so. I think just one thing for Rwanda is important. Boutros-Ghali I found to be a very difficult person to deal with—moody, and he micromanaged the organization. He appointed my deputy prosecutor without consulting me—[Honoré] Rakotomanana, who spoke not a word of English. I didn't speak effectively a word of French, so it was a very difficult to have to converse with your deputy through an interpreter. He turned out to be a disappointing appointment because he was too gentle; he didn't like making waves. Apparently this is not uncommon in Madagascar. It's a sort of Asian influence on Madagascar. So he never reported to me difficulties in the office until they boiled over. This was an example of Boutros-Ghali's mismanagement.

Q2: And he was effectively in charge when you were in The Hague so he had a very important position.
Goldstone: Yes, absolutely. He ran the office, but we couldn't pick up a phone and speak to each other easily. It was really very difficult.

Q1: Among other difficulties, right?

Goldstone: Among others, yes.

Q2: Well, thank you. Maybe at some time we'll have time to continue on, but this is really wonderful to have this.

Goldstone: We can follow up.

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