



# Voices from the Rwanda Tribunal

## Official Transcript: Inés Weinberg de Roca (Part 2 of 10)



<b>Role:</b>	Judge
<b>Country of Origin:</b>	Argentina
<b>Interview Date:</b>	27 October 2008
<b>Location:</b>	Arusha, Tanzania
<b>Interviewers:</b>	Robert Utter Donald J Horowitz
<b>Videographer:</b>	Max Andrews
<b>Interpreter:</b>	None

### Interview Summary

Inés Weinberg de Roca draws attention to the difficulties of straddling common law and civil law systems, highlighting the major differences between adversarial and investigative approaches in the courtroom. She discusses the importance of involving locals in proceedings, reflecting on the benefits that would have arisen from locating the Tribunal in Rwanda. She speculates that it may have been preferable to wait until Rwanda could house the court domestically, or to have based the Tribunal in Europe where better infrastructure would facilitate proceedings.

*The transcript of Part 2 begins on the following page.*

## Part 2

**00:00 Robert Utter: Tell me about the cases you've decided. Which one for instance do you feel the most satisfaction about?**

00:07 I don't think one feels satisfaction at this tribunal. I've not felt satisfaction since 2003, and I think that's the great difference between a judge at this tribunal and being a judge at home. Judging cases at home, I always have the feeling that I am solving concrete problems to, of individuals.

00:32 Whereas here, it's more the feeling that we're having a good account of events for history, which is not satisfactory. It has to be done but it's not a satisfaction ( ), for a judge who is solving cases.

**00:53 RU: Does the word reconciliation create problems for you?**

00:57 I don't think we are creating reconciliation, not in the short term. Perhaps in, in the long term, because there cannot be peace, you see, without reconciliation and there cannot be reconciliation without justice, which for me means have a good account of the events.

01:13 You cannot just push everything under the carpet so you have to know what happened. But I do not think that we are in a short term in any way assisting reconciliation.

**01:24 RU: Would there be some way it could be done?**

01:27 Not by this tribunal, especially since we're also only trying one side. All our accused are Hutus and there, there have been no cases against the paramilitaries of the other side, and perhaps they didn-, so we do not know whether they didn't commit the crimes or if they were just not investigated, or investigated and not brought to court.

01:56 So we have the feeling that it's a one – I have the feeling that it's a one-sided justice; not so different from justice at home in the end, but in Argentina there's also been one-sided, and that is not great.

**02:16 RU: Courts are, I think traditionally, focused on deciding a crime and sentencing for a defendant if found guilty. In some countries, concern is shifted to the victims of the crime, to go so far as to say that the victims are the clients of the system. Is there some way this system could be more effective in giving opportunity for the victims to present their, their views?**

02:46 I think that the only way we could be more effective is, would be the case in, if we were trying the cases in the place where the crimes occurred, because then there wou-, we could have perhaps more victims coming to testify. We are a long-distance tribunal. We

need the local authorities to determine where the witnesses are and assist the ICTR Prosecutor.

03:15 You're, you're interviewing the prosecutors so you will know more about the way they go about their investigations than I would know. But my feeling is that possibly had the tribunal been established in Rwanda, there would have been more contact with more victims.

**03:34 RU: Do you recall or do you know the process by which the tribunal was placed in Arusha rather than Rwanda?**

03:40 I have an, an idea, yes.

**03:43 RU: Can you explain a bit more about how that occurred?**

03:46 Well, I wasn't here at the time and then I, I can only give hearsay information, which is that at the time it was not possible to establish it in Rwanda, and the government of Tanzania offered Arusha, and there was this building which had been donated by the Italian government to the East African Community some time ago and which had space for the court.

04:13 And it's not far away from Rwanda and within the reach of our Beechcraft to bring and, to bring the witnesses to testify. So I think that might have been basically one con-, one of the considerations or some of the considerations. There might have been others.

**04:34 RU: Have there been opportunities that judges here have taken advantage of to go to Rwanda?**

04:41 I've gone three times to Rwanda; once on a private visit and then twice on site visits. And at the beginning when I arrived in 2003, I was told I should not go to Rwanda because whatever I did there would be given a political interpretation. In 2005 I went on a private visit but kept very much a-, very far away from the sites in which the crimes in my cases occurred just to avoid any possible interpretation.

05:12 And then in 2006 and '07, I'm not sure in which years, no, 2-, this – I'm not certain about the dates but I went twice on site visits in two of my cases.

**05:29 RU: Have other judges on the court done that, to your knowledge?**

05:31 There have been quite a few judges, quite a few benches which have gone on site visits.

**05:36 RU: And are the people of Rwanda aware of that, to your knowledge?**

05:39 Well, it's n-, impossible not to be aware, because our site visits take place in a convoy of six white UN cars with security and, and on the roads of Rwanda, so it's impossible to ignore us or not to see us.

**05:54 RU: Well, it's probably good but . . .**

05:56 It's just justice should be done and seen to be done so . . .

**05:59 RU: Yes, absolutely.**