



# Voices from the Rwanda Tribunal

## Official Transcript: Inés Weinberg de Roca (Part 4 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 4 begins on the following page.*

## Part 4

- 00:00** Donald J Horowitz: Judge Weinberg, I want to go back a bit in your biography, because we went over it briefly but I would like to understand a bit more about the nature of your pra-, your, your practice when you, when you practiced law. Could you tell us some-, something about that?
- 00:18 When I practiced law, that is a long time ago but it was in different aspects of law. I sort of jumped from one area to the other, so.
- 00:27** DJH: Okay, was it mostly civil law rather than criminal law?
- 00:31 It was very little criminal law.
- 00:33** DJH: Okay. Now, you've also taught. And in what, in what fields have you taught?
- 00:40 Mainly private international law but also public international law, human rights.
- 00:46** DJH: And has that been something of a passion for you during your career, duri-, both academic and otherwise?
- 00:53 Well, I'm, I'm still on leave at the university so I really enjoy being a professor and I've been now, I've had the Chair for, (\_\_) probably seven years and it's something I miss here.
- 01:15** DJH: What do you miss?
- 01:17 The contact with the students and, basically yes.
- 01:21** DJH: And, could you put a little meat on the bones, if you don't mind, of your teaching and as it relates to in-, international . . . ?
- 01:30 Well, teaching in, in Buenos Aires is a, in Argentina in general, is not a full time job because we professors are not paid very much, or teachers or university teachers are not paid much. So it's becomes part time, and you teach while you are either a lawyer or a judge if it's the law faculty, which for me has been a great arrangement because it didn't matter if the salary as a professor was low because I earned enough either as a lawyer or as a judge.
- 02:01 And it avoided – well, it, the, the combination of both I think is great, because you don't just teach theory but you know how it, it goes in practice. I think it's – for me it worked out well.
- 02:18** DJH: And are there areas of law that you have either practiced in or taught that are relevant to your exper-, to what we're talking here about, the ICTR or the ICTY?
- 02:31 I have taught human rights at university so that of course is relevant, and I do not see law as compartments in, of criminal, civil, commercial law. I see it more as one. It's more a

pers-, it's, I think it's – they are general, how, how can I describe this, can I explain this? That there are principles which apply to ( ), to law in general and not to just one of the disciplines.

03:07 And I finished law school when law was a bit simpler than it is today. I, each year, it's getting somehow more complex with more sub-disciplines and more statutes, so as time goes by, one specializes more because of the need to learn more specific information. But I think it's specific information that you have when you are an expert on a discipline, but not the general knowledge of law, which becomes better.

**03:43 DJH: Mm-hmm.**

03:44 And this sp-, specific information, you can just update when you need it.

**03:52 DJH: You, have you done work related to these subjects in NGOs or government positions or appointed positions?**

04:00 No.

**04:00 DJH: No. I'm, I'm interested in – you talked about having been approached by your government to be a candidate for this position. What was it you think that led your government to ask you to do that? W-, was there some special accomplishments or long-term efforts in the area of human rights? Or, what, what do you think it was?**

04:26 That I was, probably that I was willing to do it and that I would be, that they thought I would be good at if I was elected. I think it's simple as that.

**04:36 DJH: Okay. I don't mean to – I'm asking you not to be modest. And in, in your judicial career, you said it was essentially civil or not, not crimi-, you didn't do criminal.**

04:49 Not criminal.

**04:50 DJH: Was it a trial bench or a, an appellate bench?**

04:55 First in-, as a civil judge it was first instance and then administrative and tax law, appellate level; high, what you would call a high court or a court of appeals.

**05:08 DJH: And when you – why did you, why were you interested in, in joining ICTR? What was your motivation?**

05:16 I think that . . .

**05:16 DJH: Or ICTY, which I guess was first.**

05:19 Yes, well, together really because it was a joint appeal chamber. I think that as one gets older, one realizes that one cannot only talk about what has to be done but that one has to

contribute in an effective way and it's only – and that is easier once you solve the basics of your life.

**05:46 DJH: Mm-hmm.**

05:46 So when you're young, you have so many things, I think, of-, often which you have to deal with first.

**05:53 DJH: Was there anything in the nature of the kinds of ad hoc tribunals, either the Yugoslav, former Yugoslavia or the Rwanda, that led you to be particularly motivated?**

06:08 Well, it was the first time that there were tribunals since Nuremberg because all the evolution had been on treaty law but there had been no real practice of putting those – of, of trying to put the conventions in force of applying them.

06:28 So that was the f-, these tribunals have been the first oppor-, opportunity and I think they have been great at that. But it has stopped being a theoretical evolution and has started to be something concrete, which a criminal should fear.

**06:44 DJH: Okay.**

06:45 That at the end there will be accountability even if it might take long or longer.