



Voices from the Rwanda Tribunal

Official Transcript: Inés Weinberg de Roca (Part 3 of 10)



Role:	Judge
Country of Origin:	Argentina
Interview Date:	27 October 2008
Location:	Arusha, Tanzania
Interviewers:	Robert Utter Donald J Horowitz
Videographer:	Max Andrews
Interpreter:	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.

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Part 3

- 00:00** Robert Utter: Judge Horowitz will have a number of questions. I don't want to, as they say in theater, step on his lines, but . . .
- 00:07** Donald J Horowitz: (_____) . . .
- 00:08** RU: . . . but there's some other areas that I would like to ask. If you were designing another tribunal, not this one but one for the future that had similar problems in terms of crimes and difficulty of witnesses, are there any suggestions that you would make that would differ from what now exists?
- 00:27** I have a whole lot of suggestions.
- 00:32** RU: Let's wait for a minute til then.
- 00:35** Note: Gap in Interview Gaps occurred due to interruptions during the interviews, technical issues, or corrupted data files.
- 00:42** RU: If you were to design another tribunal, in what ways would it differ from what currently exists?
- 00:52** I think there are a number of elements. First, I think that the tribunal should in principle be in the location where the crimes occurred. Even if it cannot be done immediately, I think it's worthwhile to wait a couple of years and set the tribunal at that place.
- 01:12** Also I think it's important to have local judges involved; not international judges alone. I think that possibly the Sierra Leone and the Cambodia solutions might prove to be better, because it's not a justice imposed from outside, but a justice which, in which the local judges or the I-, the I-, domestic courts intervene.
- 01:40** I think that is important, because it also s-, serves then as a model for the local courts. Thirdly I think, I think (_____), with a third – I do not think it's a great idea to establish a tribunal where the infrastructure is not able to support it, and where the UN first has to create the infrastructure, because that means a lot of delay.
- 02:11** RU: Yes.
- 02:12** So these telephone lines to the outside are telephone lines of The Hague, Brindisi, and New York. The satellite for internet was established by the UN. It's a country in which the staff, much of the local staff does not speak English, which, but Swahili, which is not a UN language, so there are many problems which could have been avoided with a different setting of the tribunal.

- 02:42 And all this would have made sense, to cope with all these inconveniences if it were the place where the crimes were committed. But to have all these inconveniences in a place where the events did not (___), take place, I think it's really just crazy.
- 02:58 Note: Gap in Interview Gaps occurred due to interruptions during the interviews, technical issues, or corrupted data files.**
- 03:06 Among the things which do not exist here is a good health system. So people get sick like they, the same as they get sick everywhere else in the world, but when you are sick anywhere else, you go to the doctor, or have a test in the morning and then go to work in the afternoon.
- 03:23 Here you have to fly out, and you don't come back until (___), you get a clearance from your doctor. And of course, we all, we don't all get sick at the same time. So sometimes it's prosecution, sometimes it's defense, sometimes it's the accused, sometimes it's the judge or one of the judges, then it might be the other judge, so it's just a vicious circle.
- 03:48 RU: I assume that a better infrastructure would improve that as well.**
- 03:51 Exactly.
- 03:54 RU: What about the use of defense and prosecution attorneys? Have difficulties in obtaining qualified people contributed to the delay?**
- 04:05 Well, of course the lack of inf-, infrastructure in a city or in a country does not help to get qualified people in the long term. Everybody likes to come on a short term because it's like summer camp, some of the staff have described. It's (___), exciting. You get paid for an exciting experience. But after a time, you want experience to end and move on.
- 04:34 RU: Summer camp ends and the work begins.**
- 04:36 Exactly.
- 04:37 RU: Alright. We have children so we know about that. Part of the challenge for the future in documenting what happens here is to go beyond the written record. Anyone can look at what's there in writing. Is there something you would like to say that will not appear in the wri-, written record but you feel would be of help to the future in understanding what occurred here?**
- 05:07 I, I think I've said what I can, what I can contribute to the idea of why this place isn't working as it should.
- 05:24 RU: That's been very helpful. It's been my great delight and pleasure to talk with you. I will now turn the matters over to my friend, Judge Don Horowitz.**