



# Voices from the Rwanda Tribunal

## Official Transcript: Inés Weinberg de Roca (Part 10 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 10 begins on the following page.*

## Part 10

- 00:00 **Donald J Horowitz: What would you like an information heritage of this court – what would you like it to be like or what would you like it to be, what would you like its purpose to be? Maybe that’s not an easy question.**
- 00:15 It’s not an easy question and I didn’t know you were coming until a few days ago so I haven’t created many expectations, but I think that possibly what is important is to assist in making better tribunals in the future because crimes will continue being committed and we will continue to strive to have proceedings and br-, and then bring the indicted before the courts.
- 00:46 But if the courts can be improved, that I think is the main legacy. And you mentioned before the ICC, and I think that has been the great legacy of both the ICTY and the ICTR – that the ICC statute has been improved and the participation of the witnesses in the proceedings has been improved, thanks to the experience of these tribunals which often have not been great but we have all done the best we could, given the circumstances.
- 01:19 **DJH: Okay. You said the participation of the witnesses. Did you also mean the participation of the victims?**
- 01:24 Of, I meant the wi-, victims, I’m sorry.
- 01:26 **DJH: Yes, okay. Are there other areas where the ICC – and that’s the International Criminal Court which is a permanent court now that has recently, you know, in the last few years been established – are there other areas where the International Criminal Court has, or the statute which creates it has improved because of things that have been learned from either the Yugoslav (\_\_\_\_\_) . . . ?**
- 01:52 Well, yes, in many ways the definition of the crimes.
- 01:57 **DJH: The definition of the crimes.**
- 01:58 Of the crimes, the specificity. It’s, it’s applying the jurisprudence of the ICTY and the ICTR mainly. It’s, it has at least been the starting point of the discussion of the Rome Statute that created the International Criminal Court.
- 02:15 **DJH: Okay. And I guess, finally, is there anything, right now you are being filmed and this film may be seen by people of various sorts – scholars, just regular people, students. Is there anything you would like to say to the future, to ten, 25, 50 years from now that comes from Judge Weinberg as both a judge and a person? Given this opportunity.**

- 02:50 Yes. Yes, that the scary part of these proceedings is that you realize that the horrible events that led to genocide or crimes against humanity, either here or in the former Yugoslavia, could have taken place anywhere given the right social and social circumstances.
- 03:14 And that is really the scary thing, that it's not particular bad people, evil people who do – who commit the crimes but it just the common person who is accompanying a general feeling that what, that what is a crime is at that moment of time the correct thing.
- 03:39 And that it doesn't take more than each of us saying, "I won't, wouldn't do this. I'm not doing this," for a genocide or a crime against humanity not to occur.
- 03:49 DJH: And that would be true even if it was dangerous to those people saying no.**
- 03:53 Mm-hmm.
- 03:55 DJH: It's still important.**
- 03:56 Mm-hmm.
- 03:56 DJH: And that's what you want to say.**
- 03:58 Yes.
- 03:59 DJH: And do you – the last question really is – do you have hope?**
- 04:04 I have always hope.
- 04:06 DJH: And what is your hope for?**
- 04:09 That these courts will be more institutionalized, the ICC or just the – better would even be the lack of need of the ICC because in each jurisdiction these cases will be prosecuted.
- 04:33 DJH: Thank you very much.**
- 04:34 Thank you.