



Voices from the Rwanda Tribunal

Official Transcript: Arlette Ramaroson (Full Interview)



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| Role: | Judge |
| Country of Origin: | Madagascar |
| Interview Date: | 31 October 2008 |
| Location: | Arusha, Tanzania |
| Interviewers: | Donald J Horowitz |
| Videographer: | Nell Carden Grey |
| Interpreter: | Name unknown |

Interview Summary

Arlette Ramaroson reflects on her controversial dissenting opinion in the case of Juvénal Kajelijeli, in which Kajelijeli was acquitted for crimes against humanity. In her dissent, Ramaroson explains how she drew on the civil law principle of 'intime conviction.' She compares this principle with its common law counterpart of 'beyond reasonable doubt.' In addition, Ramaroson speaks about the need to retain judicial impartiality, even in the context of the events of genocide.

The transcript of the interview begins on the following page.

Part 1

- 00:00 **Donald J Horowitz: Good morning, Judge Ramaroson, my name is Donald Horowitz, I am a judge from the State of Washington in the United States and I'm here to interview you for the ICTR Information Heritage Project. And I understand you're willing to, to do that voluntarily. Is that correct?**
- 00:19 En effet, oui merci.
- 00:21 *Interpreter: Yes indeed, that's correct, thank you.*
- 00:23 **DJH: Okay and can you please state your full name and your current position and the, the country you come from.**
- 00:36 Alors, mon nom est Ramaroson Arlette, je suis juge dans la Chambre 2 et je viens de Madagascar.
- 00:49 *Interpreter: My name is Arlette Ramaroson, I am a judge in Trial Chamber 2 and I am from Madagascar.*
- 00:55 **DJH: Yeah, you know, it's wonderful, I understood, she speaks so clearly. I have some French, so I mean just, alright, and you had been a judge in Madagascar before you came to ICTR, is that correct?**
- 01:07 En effet, j'ai été juge depuis 1975, jusqu'à présent.
- 01:13 *Interpreter: That's right; I, I've been a judge since 1975.*
- 01:19 **DJH: And have you sat in both civil and criminal cases? Have you sat in cases in criminal and not criminal?**
- 01:27 Oui, j'ai fait un peu de tout, mais beaucoup de droit criminel.
- 01:32 *Interpreter: Yes, I've done a bit of everything but with more focus on criminal law.*
- 01:37 **DJH: Okay.**
- 01:38 J'ai été un juge civil aussi, juge des enfants, juge d'instruction. J'ai été un juge en appel et aussi un, un conseiller à la Cour Suprême.
- 01:51 *Interpreter: I was also a judge in civilian matters, cases related to minors, I have been a judge in appealed cases and also I've been a duty judge in the Supreme Court.*
- 02:04 **DJH: Okay, so you have a great deal of experience as a judge and I know in other areas and that is what makes it even more important to interview you today. So, tell me how and when you decided to become, get involved with ICTR?**
- 02:27 Eh bien en 1900, en, non plutôt en, 1998 oui, j'ai été affectée au Ministère de la Justice en tant que Directeur des relations internationales et j'ai, j'ai pris goût au droit international puisque j'étais en relation avec les, avec tout ce qui est international à l'extérieur et j'ai

beaucoup pris goût au droit international – que j’aimais d’ailleurs bien auparavant, mais là je l’exerçais vraiment.

03:01 *Interpreter: Okay, in 1998 I was posted to Minister of Justice, I was appointed as Director of international relations and that really increased my love – I should say my likeness for international law. Hereunto, I was already quite interested in international law and my position as Director of international relations really increased my interest.*

03:31 DJH: And that, and how, what did you do from that, your interest in international law, what made you ch-, choose to go with the ICTR and how did that happen?

03:42 I was directly interested with all the correspondences with the international, with abroad, and after, there was a proposal about election of international judges and that I was a, a candidate for that.

04:05 DJH: Were you proposed by your country, Madagascar?

04:08 Yes, I was proposed by my country.

04:11 DJH: And you were elected by the Security Council?

04:13 Yes, I was elected.

04:16 DJH: You are a permanent judge not an ad li-, (___)?

04:18 I am a permanent judge since 2001.

04:23 DJH: Okay. And let – did you have a special interest in the Rwanda situation before you decided to come to ICTR?

04:36 Bien sûr. D’après les nouvelles – j’entendais beaucoup de nouvelles sur le Rwanda et cela m’a, m’a, m’a beaucoup touchée parce que c’était quelque chose qui se passait sur le plan international, je, je pense que tous les regards étaient braqués sur le Rwanda à cette époque.

04:57 *Interpreter: Absolutely. There was a lot of news about Rwanda, the events unfolding in Rwanda, (_____) because the entire world was under focus on Rwanda by the happenings there.*

05:15 Et comme j’étais, j’étais membre de, enfin, je dirigeais un groupe de femmes, de femmes chrétiennes, nous nous étions beaucoup intéressées sur le sort des femmes au Rwanda.

05:28 *Interpreter: And I had been the leader of a Christian women’s group, we were very interested to know what exactly was (_____) Rwandan women.*

05:42 DJH: I’m going to follow up on that in a, in a little bit. When you came to the court, you had been a judge for some years, and now there was a, a court that had both common law and civil law, hybrid, combined. Was that difficult for you or did you need to learn more in terms of the transition?

06:14 Non, ça n'a pas été difficile, mais je me suis habituée et cela m'a fait, ça été une très grande ouverture pour moi parce que vous savez le droit civil, quand on est dans le droit civil ou quand on est dans le common law, on a une vue très, on a, on a une vue que je pourrais qualifier d'étroite, chacun veut, veut conserver, veut, veut, veut dire c'est, c'est, c'est, le droit civil qui est meilleur que le common law, et le common law dira que le common law est meilleur que le droit civil. Mais cela m'a permis une grande ouverture et, et une autre façon de penser du droit international.

07:00 *Interpreter: It was not actually difficult for me; I got used to it over time. And I, I'm quite happy because it enabled me to broaden my horizons with regard to international law and (____) legal system, because generally when you are from the common law background or you are from the droit civil, civil law background, you sort of have a narrow view of things but with the hybrid system here, your horizons have been broadened.*

Part 2

00:05 **DJH: Can you tell us – I know we have limited time today so I'm going to compress a little bit. You have now been here for seven years, I think – what in your opinion are the key cases or the landmark cases that you have been involved with? Maybe one or two, that you have been involved with – that you think are important that you were involved with and why?**

00:36 Eh bien, le plus grand procès qu'on a eu, c'est le procès Butare, je crois que c'est le plus grand procès de l'histoire du Rwanda puisque cela implique 6 accusés et puis on a eu d'autres procès bien sur, on a eu Kajelijeli, Kambanda et deux, deux procès où on a, les personnes, les accusés ont plaidé coupables.

01:05 *Interpreter: There is the Butare case, which is actually the largest case in Rwandan history, (_____) and I am involved in that case. It is a case . . .*

01:20 **DJH: At this time? Yes, Okay.**

01:20 *Interpreter: Right now, yes. It's a case which has six accused. That apart, we have had other cases in which I have been involved like Kajelijeli case, or the Kambanda case. Then there are two other cases in which the accused pleaded guilty.*

01:39 **DJH: Okay. Are these other cases completed? The, the previous, the ones you mentioned?**

01:47 Alors, on a complété Kambanda, Kajelijeli, les deux personnes qui ont plaidé coupables et nous sommes en train, nous allons peut-être délibérer l'année prochaine sur – ou à partir de cette année, cela dépend, sur l'affaire Butare.

02:07 *Interpreter: The Kajelijeli and Kambanda cases are completed, as well as the two other cases where the accused pleaded guilty. For the Butare case, perhaps this year, by the end of the year, or next year, we will have to deliberate.*

- 02:28** DJH: So, the, is the evidence finished in the Butare case, or is it still going? Are you still taking evidence?
- 02:35 It is still doing.
- 02:37** DJH: Okay. And the other case – you’re sitting in two, two cases right now?
- 02:41 Yes, we have, we have fini-, completed the other cases.
- 02:44** DJH: Okay, the Ka-, the Kajelijeli case is a bit, a bit famous and particularly your dissent in that case, which I read last night. And I would be interested, if you, if you wouldn’t, wouldn’t mind, in having your comments on that case; both in terms of the jurisprudence and the, and the evidence?
- 03:14 C’est vrai que j’ai écrit une opinion dissidente sur Kajelijeli, il y a fort longtemps alors – je ne me souviens pas très bien de, de, des détails. Mais bon bien, dans votre – enfin, dans notre common law, puisque je suis de la common law maintenant, on a le droit d’écrire une opinion dissidente et c’est ce qui m’a beaucoup intéressée parce qu’en droit civil, on n’a pas le droit de dire que moi je, je suis pas d’accord sur cette décision, c’est la majorité qui, qui compte.
- 03:51 Alors à partir du moment où j’ai vu que, qu’on pouvait écrire une opinion dissidente je l’ai fait parce que je différerais un peu, je différerais des, de, des, des opinions des, des deux autres juges.
- 04:12 *Interpreter: It’s true that I did write a dissenting opinion concerning Kajelijeli case, as you know it was such a long time ago, I no longer remember all the details. You see, in common law, it’s interesting, because now, I do consider myself as a common law judge, it’s interesting that you are entitled to a dissenting opinion, because such a thing does not obtain in civil law jurisdictions.*
- 04:44 *Interpreter: And with the civil law system it’s the majority that carries the vote, that’s how I would describe it. The reason why I wrote a dissenting opinion for the Kajelijeli case was because I differed my opinions – were different from those of the other judges.*
- 05:09 Je voudrai un petit peu corriger, je ne suis pas de la common law, mais je suis, bon disons, international judge.
- 05:17 *Interpreter: Let me make a correction of sorts – I cannot say I’m really of the common law, but I am really an international judge.*
- 05:28** DJH: Yes, yeah, je comprends. Okay. I, I have read the opinion, and I, last night, so I’m perhaps more recently familiar with it than are you, and it was about the, as I understand it, the, the weight of the evidence, and you felt that the evidence did prove the crimes that were charged, particularly the rapes, and the, the other two judges did not, as I understand it – very simplified, oversimplified perhaps.

- 06:04 DJH: Am I correct in my characterization of that, and you detailed very fully what you believed the facts to have been, the evidence to have been is, in your dissent. Is that correct – more or less correct, what I have said?**
- 06:25 Oui. Il y a, il y a ce qu'on appelle en droit civil l'intime conviction et qui est peut-être le doute raisonnable, je ne sais pas, on doute raisonnablement, et c'est vraiment, ça a été quelque chose de très nouveau pour moi. Mais il y a aussi l'intime conviction, c'est-à-dire que vous sentez à travers les faits qui vous sont soumis, que cette personne a, a, a véritablement commis l'acte criminel.
- 06:59 A travers les faits, vous le sentez. Et les faits font, les faits sont concordants, précis, précis et concordants de telle manière, que vous pouvez en tirer une déduction que ces faits précis et concordants prouvent que la personne a vraiment commis l'acte.
- 07:23 *Interpreter: Okay, in civil law, there is something which we call, I don't know if I am using the correct word intime conviction, intime conviction, it's like the intimate conviction (_____). When you talk about reasonable doubt, for me, it was a sort of new area, I was not quite familiar with it.*
- 07:48 *Interpreter: But you see the meaning of intimate conviction or intime conviction as we have in civil law is that when you listen to the evidence, as it is (_____), you listen to the facts, you feel, you have that feeling that indeed there are precise and consistent facts which make you think that indeed the accused committed the crimes as alleged. So you can make an inference, a deduction from the facts as they have been presented, the precise and consistent nature of the facts (_____) presented.*
- 08:31 En fait je voudrais préciser que l'intime conviction et le doute raisonnable – je crois que je vais écrire là-dessus, se, comment dirais-je, ont des relations étroites et peuvent signifier la même chose, sauf que l'expression est peut-être différente.
- 08:57 Mais il faudrait citer des exemples, quoi, pour, l'exemple, c'est par exemple Kajelijeli, dans mon intime conviction, les faits précis et concordants font que j'en ai déduit que vraiment cet homme a commis le, a commis le crime. Et si ca, et, et c'est aussi, on pourrait dire que c'est un doute raiso-, raisonnable.
- 09:29 *Interpreter: Let me say something to clarify matters. I think that the notion of intime conviction, intimate conviction and reasonable doubt are closely linked. And as a matter of fact, I'm going to write something about that, they are closely linked and they actually mean the same thing. The problem is just in a difference in expression, how are they referred to.*
- 10:00 *Interpreter: And when we talk about those two notions, a typical example that comes to mind is the Kajelijeli case, because the precise and consistent facts made me to infer, to surmise that indeed the accused committed the crimes.*
- 10:23 DJH: I understand that. I would suggest perhaps, as you think about writing this, that it may be a matter of language. Intimate, how, how you say, intime . . .**
- 10:36 Convic- . . .

- 10:36 *Interpreter: (_____)* . . .
- 10:37 **DJH: I-, intimate conviction is a positive event, you become intimately, inside, convinced. Reasonable doubt is a negative. It is what you don't have. One is what you do have, the other is what you don't have.**
- 10:56 Oui.
- 10:56 **DJH: And they may mean the same . . .**
- 10:58 Yes.
- 10:58 **DJH: . . . but the language may be a little difficult and I must say that I had never heard the word intimate conviction before, but I have experienced it as a judge.**
- 11:13 Yes.
- 11:14 **DJH: And when I feel that, then I have no reasonable doubt.**
- 11:19 Yes.
- 11:20 **DJH: I think about reasonable doubt to make sure but I don't have a reasonable doubt. It's a very interesting concept, intime conviction, and I must think more about it and I hope you will write on it. It's – I am pleased to have learned from you.**

Part 3

- 00:00 **DJH: Okay, let me, let me be very candid with you. Some people say you're a woman, so that is why you are, you know, made this opinion or whatever. I think myself, of course you are a woman, you are a judge, and a judge learns how to be impartial.**
- 00:28 **DJH: Perhaps we can never be totally objective but we can learn to be impartial, which is our job. And you ca-, you had this women's group as well, who, that, you know, made you interested in what was happening to the women, as many of us would be, for other reasons, in human rights or whatever.**
- 00:52 **DJH: I want, so I want to ask you the personal question if you will: what do think – how do you think, if you can express this, your approach to this may be the same or different from other judges? And there are other women on this court; I have interviewed some of the others, so maybe that's not a fair question but do the best you can, or you don't have to answer it.**
- 01:19 Eh bien, vous voulez savoir quelle est mon approche en tant que femme juge, c'est cela?
- 01:25 *Interpreter: Do you want, do you want to know what my approach is as a female judge? Is that what you want to find out from me?*
- 01:31 **DJH: I want to know if it, if you believe it is affected by – other people say this, I am not, I am simply passing along. It sometimes happens that because somebody is something, whether it's an ethnic group or a gender group that others will say, "Oh, sh-, he or she is**

doing it because of this reason, not because of this reason.” And it’s my, I must ask the question how you respond to that.

02:02 Non, je pense que si on est un juge, il n’y a plus de femme-juge ou d’homme-juge, on est impartial, on a un devoir à assumer, alors je pense que vous parlez des sentiments, non, les sentiments ne comptent pas, c’est, c’est la justice qui compte avant tout.

02:25 *Interpreter: I think that when you’re a judge, we no longer talk about a female judge or a male judge, you have to be impartial and you have to perform your duty with impartiality. Talking about feelings, feelings do not count, actually.*

02:46 Oui, yes, I just add that there are no feelings, but you are a judge avant tout.

02:56 *Interpreter: Above all you are a judge . . .*

02:59 DJH: First . . .

03:00 Yes, first.

03:01 *Interpreter: Foremost . . .*

03:01 DJH: First, yes, I understand, I un-, I very much understand. There was another – and then I’ll leave this subject, but I, there has been a story somewhat written about where there was a case in which some wo-, a woman was describing what was, happened to her and one of the judges su-, was supposed to have laughed, rire, and I am told, and I don’t know this, that you were present when that happened. Wha-, did that actually happen?

03:42 Je voudrais vous dire que ça ce sont des, des choses que les journalistes, ce journaliste d’ailleurs, a raconté, et c’est faux, complètement faux. Cela a été nié par notre, le Président de ce tribunal, il y a eu un démenti. Mais voilà, le problème c’est que c’est cet article qui a valu, plutôt que le démenti. Et bien sûr, vous savez quand un journaliste, je ne veux pas dire du mal du journaliste, mais je vais vous citer un exemple qu’il a également écrit à mon sujet.

04:23 Il a écrit par exemple que j’allais passer des vacances à Madagascar et que c’était, comment dirais-je, c’était, alors que c’était un break légal et officiel, et que j’allais passer des vacances en Irlande, alors que c’était un séminaire des juges internationaux, tous les juges y étaient. Moi, je venais d’arriver. Alors je ne, je n’ai pas compris, mais je n’ai pas répondu, nous avons un devoir de réserve, nous ne dirons rien, ils peuvent dire ce qu’ils veulent.

05:00 En tout cas moi, personnellement, j’ai pris cette, cette position, malgré que même tout le monde, enfin beaucoup de gens sont venus me dire: « il faut, il faut », mais nous sommes maintenant en plein délibéré, nous ne pouvons absolument rien dire. Et vous êtes juge, vous savez ce que c’est que le devoir de réserve. Comme dit ce proverbe, les chiens aboient mais la caravane passe.

05:42 *Interpreter: There’s something I’d like to tell you. These were stories written by that journalist and such things never happened.*

- 05:51 DJH: It was false, I heard you said false.**
- 05:52 *Interpreter: Yes, it's completely false, and in fact there was a disclaimer sent out by the President of the tribunal. But the unfortunate thing is that it is the article written by the journalist which was given more attention than the disclaimer itself. (_____)*
...
- 06:11 Ce que je veux dire, le démenti n'a pas été publié quoi, n'a pas . . .
- 06:16 *Interpreter: What I mean is that this disclaimer or, you know rejoinder was not published.*
- 06:22 DJH: Ah.**
- 06:23 *Interpreter: Yeah. Let me tell you some other things which that journalist wrote. The journalist said that I went to Madagascar, to spend my vacation; I went on holidays in Madagascar, whereas it was a legal and official break period of the tribunal. The same journalist wrote that I went to Ireland for holidays, whereas it was an international seminar bringing together judges, and all judges were present, (___)?*
- 06:54 *Interpreter: But you see, at that time, I had just come – and we as judges, we have this duty of discretion, you know, confidentiality when handling matters and that was the position I took. Even though, you know, people came and saw me and said, “Well, you have to do this, you have to do that,” my position was that I am going to abide by my duty of discretion and confidentiality. And even you as a judge, you know that that is what counts, because now we are really deliberating on serious issues so we cannot allow ourselves to be distracted by such things.*
- 07:36 Note: This portion of the interview has been redacted. Duration of redacted video: 16 seconds.**
- 07:44 DJH: Thank you, thank you, merci for, pour l'explication.**
- 07:49 Oui, oui, vous savez ces choses, en tant que juge vous le savez aussi, vous avez les gens qui vous – ces choses ne me, ne me troublent pas du tout.
- 07:58 DJH: C'est, c'est difficile, yes.**
- 07:59 C'est parce que vous allez en votre âme et conscience, vous avez votre âme, et vous avez la, vous avez votre conscience tranquilles, et je pense que pour moi c'est une joie et un bonheur d'avoir l'âme et la conscience tranquilles.
- 08:15 *Interpreter: You know, I'm not at all (_____) by these (_____), because you have your conscience, you have your clear conscience and for me it is really gives me pleasure and joy to know that my conscience is clear.*
- 08:32 DJH: Je comprends.**
- 08:33 Note: Judge Arlette Ramaroson was unanimously elected ICTR Vice President by the ICTR Appeals Chamber Judges in The Hague from May 2005 to May 2007.**

Part 4

- 00:00 **DJH: Would, do you have any views on whether it would have been better for the court to be closer to the Rwandan people, either physically or by greater communication? For, for your judgments for example, if you found somebody guilty and they are sentenced, and the communication and also the, the visibility of justice – do you have any views on whether it would have been better in your opinion, your personal opinion or your judicial opinion, to have the ca-, the court closer to the Rwandan people?**
- 00:41 Oui, bien sûr, mais on a surtout pensé aux conditions de sécurité. On a pensé que la Tanzanie est un pays en paix, vous savez. Il y a encore des gens qui, qui ont peut-être, qui ont peut-être des sentiments de, de, de génocide ou je ne sais pas, ils pourraient peut-être tuer. Alors je pense qu'on a choisi Arusha parce que c'est un, une, c'est une contrée calme et, et où il y a, où la sécurité est assurée.
- 01:14 D'ailleurs au début, il y avait une grande sécurité autour des juges, mais maintenant, tout au long des six années, on s'est aperçu que, on peut, on s'est aperçu qu'il y a moins de, peut être moins de danger et la sécurité s'est un, s'est un peu relâchée, s'est un peu plutôt, pas relâchée mais est moindre, mais cela ne veut pas dire qu'on est vraiment, on est vraiment, on est encore bien surveillés.
- 01:44 *Interpreter: Yes, of course, but especially they had to look at the security conditions. Tanzania is a country, which is experiencing peace. Because one never knows – maybe in that country, there are still people who have feelings of, you know, committing genocide or killing.*
- 02:11 *Interpreter: Arusha was chosen because Arusha is a place which is calm and which is known for its security. Initially the security details and arrangements surrounding judges were quite stiff and tough. But over time, within the past six years, it has been noticed that there were really no risks of any danger which the judges could face. So judges' security has not really slackened as such, but the strong security presence has been sort of watered down. But it should not give anyone the impression that the judges are not well protected – quite the contrary.*

Part 5

- 00:00 **DJH: What if anything would you suggest, and I'm sure you've thought about this, relative to victims, both as a judge, but also as a person, what – and I'm sure you've thought about the victims. Should that be part of the legal process or should there be some adjunct service, or wha- whatever. Have you thought about what would be helpful?**
- 00:35 **DJH: Perhaps I should pre-, precede this. I have thought a lot about reconciliation, as I know you have. It seems to me that the first reconciliation must be with one's own pain and suffering and come to terms with that before it is possible to have the larger reconciliation.**
- 00:58 **DJH: Perhaps I am wrong, I, I think this way and I am – I know also, and you've said, so-, if the ma-, if the person who has done this is found guilty and held accountable and**

sentenced, that is one way start bringing about both personal and larger reconciliation. But I am interested in your views relative to, not just reconciliation, but the victims and how, what is possible; not just as a judge, but as a person interested in international peace.

- 01:34 Ce que j'ai vu et entendu selon les interviews, par exemple, il est très dur pour une personne dont toute la famille a été tuée de vivre à côté de celui qui a tué, ou celui ou celle qui a tué sa famille. Et pourtant, la chose c'est passée et c'est inimaginable et je crois plutôt, et je crois que c'est par ce qu'ils sont chrétiens, ces gens se pardonnent.
- 02:03 Ils se pardonnent et ils vivent peut être avec le, le chagrin au fond du cœur, mais en essayant d'oublié, en essayant d'oublié et en pensant qu'ils ne sont que Rwandais et qu'il n'y a plus de dissension entre eux. Cela c'est passé, j'ai vu dans des interviews et j'ai entendu aussi même dans des témoignages qu'ils essaient de vivre les uns à côté des autres.
- 02:39 Mais se mettre à leur place, je ne sais pas. Mais il y a bien sur plusieurs organisations qui s'occupent d'eux, ils font aussi, ils s'organisent eux même aussi et je pense que cela, cela va beaucoup les aidés. Mais vraiment, cette histoire est triste.
- 03:04 *Interpreter: What I've seen and heard from interviews, because there are quite a few interviews, is that it is very difficult for someone who had his family harmed one day or the other like having siblings killed – it's very difficult for that person to live together with the perpetrator.*
- 03:31 *Interpreter: But, we should understand that what happened in that country is really unimaginable, however, those people are Christians and as Christians, Christians just they forgive one another. They may be living together with still that feeling of hurt, you know, but they try and endeavor to forget the past knowing that after all, they are Rwandans and they are to be together.*
- 04:03 *Interpreter: I have seen quite a few interviews, I have heard even evidence from various trials and I really don't know how or what concrete action can be taken for them by way of assistance, but I know that there are quite a few organizations which are (_____) providing various forms of assistance to those people and they also try and organize themselves to assist one another.*
- 04:38 DJH: Okay, I have maybe three or four more questions, and then. You've, you've talked about, you have heard many interviews and evidence and testimonies that are of very difficult events. Has being in this process – the way you have been in listening and hearing this – has it changed you as a person? What effect has it had on you as a person?**
- 05:10 Eh bien, cela me, enfin, ces interviews – quand je pense a ces interviews, when I think about these interviews and what I think about it?
- 05:23 DJH: How ha-, has, how, how has listening to so many, so much information that is so difficult information – I want to say horrible events, et cetera, et cetera – h-, over years, it's almost like maybe taking a poison into your body, through the ears. And I'm asking,**

you have been doing this for a number of years, and listening to very sad things, how has that made a difference, if it has, in the inside of you?

05:57 DJH: Are you, we are not unaffected by what we hear and see. I'm not talking about your judgment, your judicial . . .

06:03 As a person, human.

06:04 DJH: . . . as a person, yes, as a person, as a woman, or a man, yeah, as a woman certainly when you hear so many of the sex-related crimes, et cetera. How has it affected you? Do you cry at night? I mean, I'm not, I don't mean that you do, but I've seen some of the sites, I've talked to some of the people, I know it is difficult to think sometimes about this so . . .

06:29 Au début, cela m'a beaucoup éprouvée parce que ca n'existe pas dans pays. Cela fait 20, 25, plus de 25 ans que j'ai été président de la cours criminelle mais j'ai, j'ai vu très, très peu de cas de viol et cela m'a beaucoup éprouvée mais je me suis toujours dit que, comme vous d'ailleurs, nous sommes juges avant tout et j'ai aussi ma famille et surtout mon mari qui m'épaule beaucoup dans mon métier et cela m'a beaucoup réconfortée, cela m'a beaucoup réconfortée.

07:12 Mais, mais malgré tout, oui, mais nous devons être juge avant tout et oublier tout cela. C'est forcé, c'est forcé d'oublier tout, c'est forcé de ne pas être, de ne pas être, il ne faut pas qu'il y est un impact de cela dans notre métier; de ce qu'on éprouve.

07:46 *Interpreter: Okay, before I start giving the answer to this question, I must mention something which I didn't mention in my previous answer concerning the interviews and the organizations which are assisting those people. She concluded by saying that what happened in that country is very sad, (___). I didn't mention that.*

08:08 *Interpreter: Now, from the very beginning, I was very much affected by the things I heard, the things I saw, evidence, things which happened in the country; because such things do not happen in my country. I was a presiding judge in criminal trials some twent-, 25 years ago and I came across very, very few cases of rape.*

08:36 *Interpreter: But you see we are first and foremost judges and we have to try and endeavor to make sure such things which we see and hear do not affect our judgments. I must say that I have my family, and especially my husband, who have been supporting me considerably for quite a while now, and they have comforted me (_____).*

09:15 *Interpreter: However, as I say, I'm going to repeat, we are judges, I am a judge, you are a judge, so we have to make all the efforts to ensure that such things do not impact on our judgments.*

Part 6

00:04 DJH: If, if you were, if there was going to be, in the future, a tribunal for – we hope not, it's not necessary, but it sounds like maybe with Darfur, with what's going on in (___),

who knows, if you were designing, from the beginning, if you were in charge of de-, designing a tribunal, what suggestions would you make for improvement, so that a tribunal could be perhaps more effective, or easier to run efficiently, perhaps with less delay, or wh-, whatever?

00:53 **DJH:** I'm, I'm sure you've thought about what you could do or what you would think could improve – without being cri-, critical here, it was set up very quickly without proper infrastructure to begin with, et cetera, et cetera, we understand this. But I'm interested in the components that you think would be helpful to make this even a better, a better possibility.

01:19 If I am – you, you want, you want to ask me to make expeditious with . . .? Je n'ai pas bien compris, can you explain, please?

01:33 *Interpreter: Ce que je veux savoir c'est si vous avez des suggestions à faire au cas où il faudrait créer un autre tribunal pour certaines affaires, par exemple le Darfour, et cetera. Quelles suggestions pourriez-vous faire en vue de l'amélioration dans l'efficacité, dans la gestion et la performance de ces tribunaux qu'on pourrait créer dans le même cas?*

02:00 **DJH:** If you were saying to the UN, "Here you should do better"?

02:04 Pour le moment, pour le moment il y a la Cour pénale internationale qui est érigée pour, pour, pour juger les affaires criminelles internationales, les génocides et cetera et je pense que ce tribunal est comme une fondation, une pierre de fondation pour le progrès des autres tribunaux internationaux, comme la Cour pénale internationale. Notre jurisprudence servira pour ces tribunaux.

02:35 Et si j'y étais bien sûr, si j'y suis – j'ai déjà acquis une certaine expérience ici donc peut-être au niveau des amendements, des textes, je pourrais amener quelque chose, mais bon, il faut que j'y sois d'abord et peut-être faire des suggestions. Par exemple, c'est un, c'est un droit qui évolue en ce moment, il n'est pas définitif, c'est, c'est un droit qui évolue toujours et de, de mieux en mieux pour être plus adapté aux situations de génocide ou de situations de, de crime sur le plan international.

03:19 Donc je pense que ce droit est mouvant, il évolue, c'est un droit évolutif et je crois qu'il va s'améliorer de plus en plus grâce aux, aux apports des gens qui sont expérimentés ou grâce aux apports de ce tribunal, non pas de moi seule, mais de ce tribunal, de notre jurisprudence.

03:41 *Interpreter: Okay, I think for now there is the International Criminal Court, which has been set up to try international murders such as genocide. My opinion is that the ICTR is sort of foreigner and it is like a foundation stone for that International Criminal Court, or other international criminal jurisdictions we have set up in due course.*

04:14 *Interpreter: And our jurisprudence and case law in ICTR will serve, it will also help in improving the instrument which will be governing those international criminal courts which we will set up for international criminal tribunals.*

- 04:34 *Interpreter: Maybe some improvements can be made, with my experience here, if I were to be a member of a group or a sort of think tank, I may have some contributions to make towards improving the instruments which will govern whatever international criminal tribunals or court will be set up.*
- 04:54 *Interpreter: But we should also understand that law as we know it is dynamic, it's not static, it is constantly evolving, and as it is evolving, it will gradually be improved upon such that it will be adapted to the situations in international criminal matters as they will occur.*
- 05:16 *Interpreter: And since it is evolving, it will be seeking greater efficiency, thanks to the experience and critical mass of people who have already served in tribunals like this one, if they were to seek their opinions and contributions they will have set (____) contributions to make towards improving the running and efficiency of international criminal tribunals. But you know, it is something, which until I am involved in such a thing, then I will be able to make contributions (____).*
- 05:54 But I, I will not be the only persons, yes, just a little, but I think it is this tribunal; l'ensemble des juges, all the judges can do it.
- 06:07 DJH: Yes, okay. Are you . . .**
- 06:09 I think it is time . . .
- 06:10 DJH: Yeah, I, I, the last question. You are now speaking to people ten, 15, 20, 25 years from now on this. If there is some, if there's something you would like to say to them, that you – comes from your experience and your heart, to speak, to speak to the future, you are free now to say to the future, to your grandchildren, who will say, "What a beautiful woman my, my grandmother was," if you would like to speak, we invite you to say anything that is in your heart.**
- 06:51 Eh bien voilà, dans la tourmente qu'il y a maintenant dans le monde, les pays qui s'entre-déchirent, et bien je crois en une justice internationale. Et peut-être qu'elle n'est pas encore au point maintenant, mais je crois en la paix et il y a un désir de paix dans chaque, dans chaque cœur humain, et je crois en ce désir de paix, je crois en la justice internationale, et je voudrais donc le futur que tous, moi je ne serai plus là bien sur, mais que tous, que tous devraient apporter son apport, sa brique pour la construction de la paix dans le monde, chacun d'entre nous.
- 07:45 *Interpreter: Well, bearing in mind the turmoil in the world over, countries tearing each other apart . . .*
- 07:56 DJH: Congo now, maintenant Congo**
- 07:59 *Interpreter: I really believe in international justice, I believe in peace. Maybe I will not be there tomorrow but what I can say is that in each and every human being, there is a heart which has a desire for peace. I believe (_____) in international justice.*
- 08:29 And I think that each one – que chacun apportera sa pierre pour la construction.

- 08:35 *Interpreter: And I think that each and every human being will make his contribution by way of one foundation stone towards global building as you can say.*
- 08:46 **DJH: And so your grandchildren will know that you put your stone in, in, in the edifice of peace, I hope.**
- 08:56 Thank you.
- 08:56 **DJH: Thank you very much.**