



Voices from the Rwanda Tribunal

Official Transcript: Inés Weinberg de Roca (Part 7 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 7

- 00:07 **Donald J Horowitz: You've said that you've not felt satisfaction in 2-, since 2003 and you talked a bit about that. Perhaps you could be a bit, well, I'd like to ask you to be a bit global and a bit sp-, specific, if you don't mind.**
- 00:22 I think that being permanently on these very sad cases affects the personality. And my husband and son are living in Buenos Aires and often it's good not to have your family with you because at the end of the day after all the testimonies you he-, listen to, you don't feel like having a great conversation.
- 00:47 But on the other hand, you're isolated in a country which is not your own, listening to just horrendous testimonies. So that isn't a happy work, and again it's not satisfactory because there's not much you can do. You, you don't solve the situation. The situation remains for the victims the same it was.
- 01:08 You don't give them any reparation and you don't, you can't of course give the lives back. You can't give them money. You can't give them a house back. Not even the cattle. So you just hear what happened, what awful things happened and you just are there and you write it down and you make it a judgment.
- 01:29 **DJH: So why do you keep doing it?**
- 01:30 Well, I'm finishing at the end of this year. I didn't want my mandate extended. The mandates of the other judges were extended and I said, "This is it. I need to go back to the present."
- 01:44 **DJH: You and I men-, talked before, before the interview about the fact that we share a common heritage, being Jewish. Has that been relevant to your service here or your consideration here? (____) . . .**
- 01:57 I think so possibly, not in a very conscious way, but yes. I think that it is there and . . .
- 02:07 **DJH: Can you go any further with that?**
- 02:10 It's – a friend of mine who is a journalist in Buenos Aires al-, always, she's persuaded that I chose being a judge this is, of, at these tribunals because my family had to emigrate fro-, from Germany and most the family was killed in concentration camps. I didn't make any conscientious or rational link between that fact and my being here, but I don't exclude the link.
- 02:47 And I think it's a mix that and also having been in Argentina. I lived in Argentina during the military junta so it's like a reiteration and at some point you feel you have to do something about it.

- 03:05** DJH: **And that's why, that's why you're here.**
- 03:08 Mm-hmm.
- 03:11** DJH: **You know, I sometimes say, and you can agree with this or not, that there is no such thing as total objectivity but there is something called impartiality.**
- 03:22 Exactly, and it's what – here often with the witnesses, when it's not sure whether they really were present at the events or if they're talking about what others told them and whom they trust. And – but at the end of the day, yes, it's about just assessing the evidence we have and seeing if it's reliable and not what we believe happened, which might be good for the witnesses but not for the judges.
- 04:02** DJH: **I want to go to something else that you – thank you for, for that. I want to go to something else. You talked about having the tribunal be conducted in the country in which the events occurred and as a general rule, justice of course should be visible, particularly to the people who were victims . . .**
- 04:23 Not only visible but also contribute, the, if this is to be useful, it has to contribute to making the justice system in Rwanda or in the former Yugoslavia better and not by way of outreach programs but by being there.
- 04:37** DJH: **Yes. The argument, one of the arguments we've heard against that is that there would be great danger, particularly to witnesses for the defense and that, that could not be, and that the witnesses for the defense would be very reluctant to come and testify.**
- 05:03** DJH: **And, and that argument is of course then it would not be equal justice or the rights of the accused would be compromised, then I – it's an argu-, it's something we've heard. I'm not making any conclusion about it, (___) like to ask you your opinion.**
- 05:15 Well, of course it's one of the things that the UN would have had to work in Rwanda or in the former Yugoslavia, but instead of having these huge buildings and satellites, perhaps it would have been better to invest the money in securing that, and it's also education and transforming the system. It's not something which cannot be done.
- 05:34** DJH: **'kay.**