



Voices from the Rwanda Tribunal

Official Transcript: Arlette Ramaroson (Part 6 of 6)



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.

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Part 6

- 00:04 Donald J Horowitz: 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 international 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.**