



Voices from the Rwanda Tribunal

Official Transcript: Arlette Ramaroson (Part 1 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.

The transcript of Part 1 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 Chambre2 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.*