



Voices from the Rwanda Tribunal

Official Transcript: Arlette Ramaroson (Part 5 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 5 begins on the following page.

Part 5

- 00:00 Donald J Horowitz: 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 what- 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'épaula 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.*