



Voices from the Rwanda Tribunal

Official Transcript: Inés Weinberg de Roca (Part 9 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.

The transcript of Part 9 begins on the following page.

Part 9

- 00:00 **Donald J Horowitz: I would like to ask you something I was going to mention before. Is there any particular form of evidence that you – as you hear a trial, and I don't ask you to remark about a sp-, specific case – that you find more compelling than others and, and other-, and, and the contrary, that you find less compelling than others?**
- 00:26 I find extremely compelling the testimonies of the rape victims. That I find extremely compelling.
- 00:33 **DJH: Okay. And, and evidence that you find less than compelling, or . . .**
- 00:38 No, all e-, evidence is really compelling. I, I, we do not have non-compelling evidence. What we have is witnesses we be-, believe are – we assess as credible and others we do not consider credible but the evidence is compelling.
- 00:57 **DJH: Okay.**
- 00:58 And sometimes perhaps it's less compelling because it might come less, be perceived as less compelling because it has been filtered through time. Because now when we listen to evidence, so many years passed so it's not with the same emotion that the testimonies are being given now than ten years ago.
- 01:22 **DJH: And that was one of the qu-, further questions I had. You talked about delay and that, and that (___), says something about the quality of evidence sometimes.**
- 01:30 It's worrying because even the best witness doesn't live in isolation. So he or she has been talking about the events with friends, family, community and been testifying several times in several cases.
- 01:46 So at some point you might believe as a witness that something occurred because you repeated or heard it or recycled it, but it might not be what originally you perceived through your senses.
- 02:02 **DJH: Yes. We often hear the phrase, you know, the accused is entitled to a speedy trial, which is of course important and true. But the next question is: isn't the victim, as well, entitled to have a trial that occurs with reasonable speed so that the witness can get on with their – the victim can begin to get on with their lives? And closure.**
- 02:29 Yes, the answer here is yes and no. Because on the one hand of course, everybody's better served with a speedy trial as soon as possible after the events took place. But these are crimes which are, which go very much with the politics of a place.

- 02:50 So very often it's absolutely impossible to have a trial soon after the events have taken place, because those you have to accuse might be in power and many witnesses would not dare come forward.
- 03:06 So very often, time is necessary so the usual, the normal principles of sp-, expeditiousness do not apply necessarily to these cases in which very often you need the political power to shift to be able to indict and come – pro-, proce-, process and eventually convict or not.
- 03:32 **DJH: Okay.**