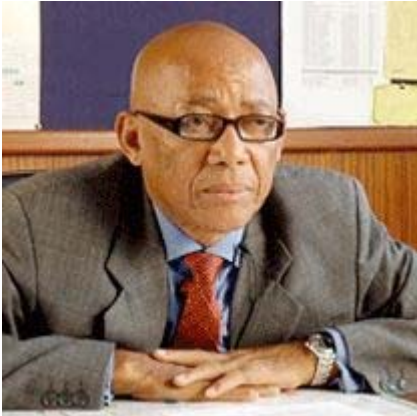




Voices from the Rwanda Tribunal

Official Transcript: Emile Short (Highlight)



Role:	Judge
Country of Origin:	Ghana
Interview Date:	21 October 2008
Location:	Arusha, Tanzania
Interviewer:	Robert Utter Donald J. Horowitz
Videographer:	Max Andrews Nell Carden Grey
Interpreter:	None

In this highlight, Emile Short speaks on...
the distinction between coaching witnesses and
preparing them to testify

The transcript of the highlight begins on the following page.

00:00 I took part in the first case in this tribunal which had to determine whether it was proper for the prosecution to prepare their witnesses before they testify. And we held that there was nothing wrong with the process of preparing witnesses, provided they don't coach them, you see. We drew a distinction between coaching witnesses and preparing them to testify. That decision was affirmed on appeal.

00:57 But the interesting part of this is that the ICC has given a decision contrary to ours, you see. And – but I think that our decision has been upheld by our sister tribunal, but there are decisions also by the ICTY, our sister tribunal, which has adopted our approach and our position. And so that, that is, to my mind, is a very important landmark, you know, decision as to, as to the limits to which counsel, pr-, especially prosecuting counsel, can go in preparing a witness to testify, you know.