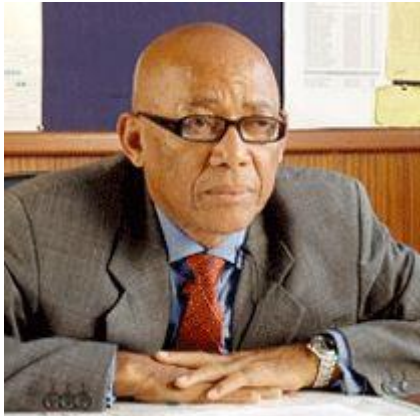




Voices from the Rwanda Tribunal

Official Transcript: Emile Short (Part 2 of 12)



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

Interview Summary

Emile Short discusses the importance of creating an accurate historical record of events in Rwanda. He reflects on the ICTR's contributions to generating a rich body of jurisprudence that future tribunals can draw upon. Short remarks that the ad hoc tribunals have not provided as many direct avenues to reconciliation as might have been provided by other mechanisms. That said he recognizes that reconciliation is a long and complex process of which justice is an important part, particularly for victims.

The transcript of Part 2 begins on the following page.

Part 2

00:00 Robert Utter: What has your role been with the ICTR?

00:04 Well, as a judge, my first and foremost role of course is to, is to dispense justice, to, to determine the guilt or innocence of those that are brought before us. But you know I think all of us have a much wider role, and in order to, to identify that role, we must look at the, the objectives of this institution.

00:33 First of all, I think this institution, like the other ad hoc, you know, tribunals, was established to, to fight impunity against gross violations of international law and so, I'm contributing to that objective. This judicial process also in my view upholds the rule of law. You know, in Africa in particular, the issue of accountability of public officers is a very critical and important one.

01:20 And to the extent that I'm involved in this process of accountability, I find that I am contributing to the establishment of the rule of law and to providing justice to the many victims, you know, in this tragic event. Of course, I must emphasize that like any other judge, we, anybody that appears before us is presumed innocent until proven guilty.

02:00 None of my remarks should be interpreted as, you know, prejudging anybody that appears before us. As you know, some people who have appeared before the tribunal have been acquitted. So that's o-, one of the, the other important contributions.

02:20 This tribunal is also providing what I think is an accurate historical record of the events that took place in Rwanda in 1994 and this is an important historical heritage.

02:39 You know, it is important for, for us, for, for Rwandans, for Africa, for the entire world to know exactly what took place. And insofar as we are in a position to collect testimonies from, from witnesses, from accused persons, from experts, espe-, especially you know, political scientists, historians, social scientists who have expert knowledge of these events, we are amassing and we are, you know, putting in, on record what I consider to be a very accurate historical record of the events that took place.

03:31 And lastly but not the least, we are providing a very rich body of jurisprudence for other similar tribunals like the International Criminal Court, the Special Court, and all the other hybrid tribunals that have been established. I think the ICTR has developed a remarkable body of jurisprudence which would be extremely useful to all these other bodies and I, I am proud to be part of, of that, that heritage.

04:15 You know, I've been involved in a number of important decisions, you know, landmark and seminal decisions and so that, to my mind, is also another very important contribution that I think that I am making, you know, in this particular role that I have.

04:38 RU: That's very helpful.