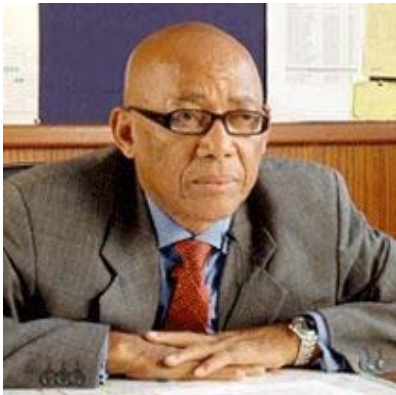


Official Transcript: Emile Short (Part 3 of 12)



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 3 begins on the following page.

Part 3

00:00 Robert Utter: You mentioned one of the obligations is to fight impunity. There are, as I understand, literally hundreds of thousands of perpetrators of the genocide in Rwanda. What is the role of this court in the prosecution and hearings and charges, opinions of the court in dealing with those perpetrators and what is the role of other courts like the Rwandan courts for instance?

00:29 Well, this court is primar-, primarily required to handle cases involving those who, who we say bear the greatest responsibility for these crimes. And by that, I mean the legislation or the statute that established the court mandates us to deal with those category, that category of people.

00:59 And by that I mean not necessarily those who actually participated in the, in the crimes but those who are alleged to have masterminded the crimes or to have been behind, you know, the, the, the crimes, to have planned it.

01:21 And so you find that most of the cases involve accusations of conspiracy, you know, to commit genocide, incitement to genocide and so on. So our role of course is limited to those people who occupy the, the, the high positions, the big fish so to speak.

01:49 The Rwandan courts on the other hand are dealing with the vast majority of the alleged perpetrators, you know, especially those who are alleged to have actually participated in the commission of the crimes. So that's one big distinction.

02:15 The, the process here of course is quite different. The – it's a much more – we, we try to uphold international standards of justice, you know, and we are obligated to adhere to very high standards of fair trial rights for accused persons, and therefore that explains why our cases of court takes quite a long time.

02:54 You know there are many other factors, but that's one big, bi-, big element in this judicial process, that this tribunal strives to uphold the highest standards of, of justice for, for all involved.

03:15 RU: Do you think the definition of the role of the ICTR was adequate or appropriate? If not, would you change it in some way?

03:25 I think it is quite, it is quite satisfactory. As I understand it, the role is to, is to provide justice to, to the victims; to act as a deterrent, you know, to potential perpetrators; to dispense justice in the, in this field of international criminal justice; and to bring about peace in, in Rwanda and in the Great Lakes region, and in Africa generally.

04:00 Now whether, whether this tribunal would be able to meet these noble objectives is yet to be determined. I mean history will tell, I think it's probably too early to make a final judgment on that.

- 04:25 I, I, I believe that the work of this tribunal contributes greatly to the issue of deterrence, you know, especially if the work is publicized and, you know, made available to a large section of the international community.
- 04:50 With regards to bringing about peace in Rwanda, I don't have any empirical evidence to comment on that. But at least I can say with-, without any fear of con-, contradiction that we are providing justice, you know, to, to the victims and we are giving, we provide a platform to, to victims and to the accused persons themselves to be able to tell their stories.
- 05:27 So, so this is as far as I, I, I could speak about the extent to which the tribunal has, has or is achieving the objectives which it was setup to achieve.