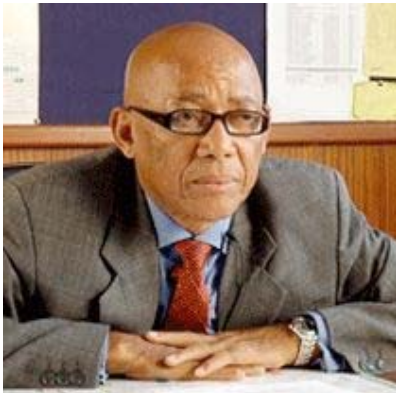




Voices from the Rwanda Tribunal

Official Transcript: Emile Short (Part 6 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 6 begins on the following page.

Part 6

- 00:00** **Robert Utter: Much of the historic record of the acts of this tribunal will be found in the written materials, but is there anything that will not be in the written materials that you feel is important for the people looking at this tribunal and its work 20, 50, 100 years now, that you can comment on?**
- 00:21 Well I guess the memoirs of, of the people who have worked in this tribunal . . .
- 00:28** **RU: Yes.**
- 00:28 . . . would be invaluable. The memoirs of the judges, the prosecutors, I mean everybody. A lot of those are not on record. A lot of our deliberations are confidential. Well, some () may not be confidential but they are not in the public domain. Notes, (), ju-, judge's notes are, are not in the public domain.
- 01:02 And I think in the future, some of these, this information, like judge's notes, and some of the deliberations which can be made public would be of invaluable assistance to the international community.
- 01:24** **RU: One of the reasons we're doing this project is to add the human touch to the dry records that are there, and it's one reason we so appreciate your cooperation and participation in, in this process. They're not, they're not easy things to describe but . .**
- 01:42 Yeah.
- 01:42** **RU: . . . we appreciate the time that you've given us.**
- 01:47** **RU: What would you like to tell the people in terms of the process between the judges? Without disclosing directly what is said, is there anything unique in the deliberation, deliberative process that's different from what, what you had in your home country?**
- 02:05 No, I don't think it's different. I, I think the judges here and also at home try to achieve consensus and that's the primary objective, to achieve consensus. As you know, three judges sit on each case and in the appeal, you know, five judges. In extreme and exceptional cases, you know judges may dissent but that's a rare phenomenon.
- 02:44 But I think one of the hallmarks of the process here is the, the, the attempt to achieve consensus and there's free expression of opinions and (), confidentiality in our deliberations to enable judges to express their views openly. And that, that's a very important element in our deliberations among the judges as well as among the legal officers who may sit in on deliberations.
- 03:22 But the – I do not see much difference between the deliberative process here and what I'm used to in my country.

- 03:37** **RU: Collegiality, I take it, has been present (____)?**
- 03:40 Very much so, very much so. Yeah.
- 03:43** **RU: With three or five judges, that is commendable. I, I sat on a court with nine judges; it was often difficult to maintain that collegiality I must confess, so congratulations.**
- 03:57 Thank you.