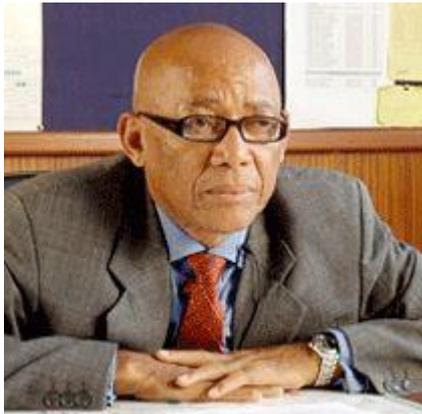




Voices from the Rwanda Tribunal

Official Transcript: Emile Short (Part 12 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 12 begins on the following page.

Part 12

- 00:00** Donald J Horowitz: I don't know if this is my last question but it-, if it isn't, it's the very close to the last question. And, although I'll ask my colleague if he has anything else he'd like me to ask.
- 00:12** DJH: But I'm – if you're now speaking to the future, as we are, is there something that you would like to say, like to say to the future as you speak here from your vantage point or from what you've learned over the course of your career and also in the process of being a judge in this court?
- 00:37** DJH: What would you like to tell your grandchildren and your great grandchildren when they look and they say, "That was my grandfather"?
- 00:46** Well, you know, sitting here, I, I wish we did not have conflicts and I wish there was less need for institutions like ours to resolve the issues that we are confronted with, particularly in Africa where we're confronted with conflicts in, in, in various parts, you know. We have the Darfur situation, we have the Ugandan situation, we have the Democratic of Congo, Republic, Democratic Republic of Congo.
- 01:36** So we have all these trouble spots. And my desire, my hope would be that, you know, that humanity can learn to live more peacefully with each other, or can learn to dialogue and resolve differences without resorting to violence and make it necessary for such institutions to be set up. Because they hinder development; they set us back many, many years and that is my biggest concern as an African.
- 02:27** That is one of my regrets or lamentations. And I would hope that there would be a cessation of these conflicts and that – which would inure to the benefit of our people. I also hope that we could develop our judicial systems better to be able to deal with these conflicts when they do occur.
- 03:12** As I said earlier, I think we have to find a way of expediting the judicial process on the international level because accused persons are guaranteed fair and speedy trials; it's, it's a, it's a human right.
- 03:40** By many standards, international justice does provide fair trial, but there are many who would question whether it provides a speedy trial for the accused persons, and that's an area I think that we ought to focus on and find ways of improving the quality of international justice especially the, the, the length of time it takes to, to determine the cases.
- 04:22** I mean take, take Milošević case which is always cited as an example of – Milošević was on trial for I think four or five years and I don't think he even started to open his case and he died. And there are many people who have regrets about the fact that that case could not be completed, for justice to be done and to be seen to be done.

- 04:54 But there are, I must acknowledge the inherent difficulties in the administration of international justice, but we must find ways of improving the system, especially the length of time it takes, you know, and the, the amount of resources that are, are, are spent, especially human and financial resources that are put into this, this whole exercise. I think that's a study which I would very much like to be involved in.
- 05:37 **DJH: As you, as you speak and I hear you very well and you've talked about, you know, the rights of the accused to a speedy trial – and with which I of course have no disagreement. But it seems to me at the same time that the victims would also like a speedy trial so that they can get that behind them and . . .**
- 05:55 Absolutely. Absolutely. Yeah, yeah.
- 05:57 **DJH: . . . and begin to reconcile with their own pain and suffering.**
- 06:00 I agree with you. When I talk about speedy trial, I do agree that it's for both the victims and the accused persons, you know. You're right, I mean sometimes we, we focus more on the accused persons but I think the victims also are very important. They want to, they want to see an end to, to this, this trauma hanging over their heads, you know.
- 06:25 They want to bring the whole process to closure and so they can start their lives all over again, you know. So yes, I mean speedy trials are important for both accused persons and the victims, and, and for us of course also, who would like to complete this process and go back to our normal duties.
- 06:52 **DJH: Let me just take one minute and I'll check with my colleague and, because I think we're done. Judge Short, thank you so very much for sharing with us.**