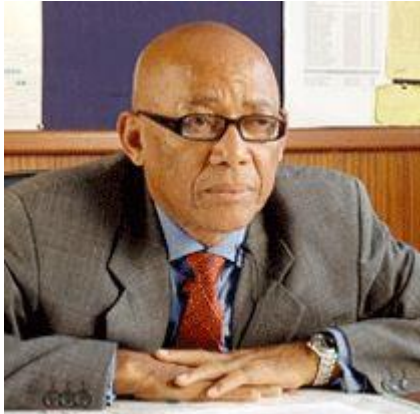




Voices from the Rwanda Tribunal

Official Transcript: Emile Short (Part 7 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 7 begins on the following page.

Part 7

- 00:00** **Robert Utter: What is your understanding of the reaction of the Rwandans to the process of the ICTR?**
- 00:13 Well, my understanding of the process is that I think, I think it's a mi-, it's mixed. I think – I believe that there are many Rwandans who are quite satisfied to see that justice is being done here, that people who held high office have been arrested and brought before this tribunal.
- 00:54 I believe also on the negative side that there is a perception that the cases take too long, when you consider the number of years the tribunal has been in existence and the number of people that have been tried and convicted or acquitted.
- 01:21 Recently, I have the perception that Rwandans have not been happy with some of our 11bis decisions and the 11bis decisions are applications to refer the trial of some accused persons to Rwanda. There has, there have been about four or five of those applications; all of them have been refused.
- 01:53 And I have a feeling that the Rwandans are not happy with those decisions. I've read, I've read commentaries about the dissatisfaction with those decisions. So, that's my overall assessment of the impression of Rwandans to this tribunal. But I think, I think by and large, the tribunal is highly respected and approved of. You know, the work of the tribunal is highly respected.
- 02:40 As I said, the only issue has been the, the delay and the refusal of, the refusal to refer some of the cases to the Rwandan courts for trial.
- 03:03** **RU: Do you think the Rwandans would have been more satisfied, had the tribunal hearings been located in Rwanda?**
- 03:11 I think the, well, I, the, the authorities definitely would have preferred . . .
- 03:17** **RU: Yes.**
- 03:18 . . . the, that these ca-, some of these cases are referred to the Rwandan courts. I can't, I can't say whether the mass, the general mass of people would prefer it that way. I, I don't have any information on that. That would depend on whether the, whether people generally in Rwanda have faith in the Rwandan judicial system, you know, and I have no information on that . . .
- 03:57** **RU: Of course.**
- 03:57 . . . so I can't comment on that. But I think the p-, the authorities would have preferred that the, the cases are referred to the Rwandan courts (), and have openly expressed disappointment about those decisions.

04:16 **RU: What about the hearings of the ICTR itself? Do you think that people would have felt more closely connected to the ICTR if these hearings had been held by the tribunal in Rwanda?**

04:33 Well, absolutely I think if we were sitting in Rwanda people would have been more involved. They would be able to come to court and it would be closer to them and yeah. But I think the tribunal has an outreach system.

04:55 Most of our proceedings are beamed by satellite and, and the records are public records; they could be obtained in, in Rwanda. And there are radio transmission of proceedings in Rwanda.

05:14 And there have been a few NGOs who have also gone into the various communities to show the proceedings of this tribunal, to get people more familiar with what is going on here. But I think the ideal would have been courts like in Sierra Leone where . . .

05:37 **RU: Yes.**

05:38 . . . the trial takes place where the alleged crimes took place, but I think there are good reasons why that was not possible in this case.

05:50 **RU: And the presence of say a Rwandan on the tribunal itself, was that something that you believe might have improved the confidence of the Rwandan people in the tribunal?**

06:03 The what?

06:04 **RU: Would have improved the confidence of the Rwandan people.**

06:07 What would have improved the confidence?

06:08 **RU: The presence of a Rwandan as part of the international tribunal.**

06:13 The presence of Rwandans on the tribunal?

06:15 **RU: Yes, yes.**

06:19 Well I mean I have to speculate on that because that, that's hypothetical. I don't . . .

06:26 **RU: Of course it is.**

06:28 But I guess it depends on w-, who, who was on the tribunal . . .

06:38 **RU: Of course.**

06:38 . . . you know. I don't know to what extent the ethnic factor would have come into play. I mean even if there are Rwandans on the tribunal, how would the selection be made and how acceptable would that selection be to Rwandans? I mean this is purely hypothetical and it's difficult for me to comment on.

07:05 **RU: That's a fair comment.**

07:06 (_____) . . .