



Voices from the Rwanda Tribunal

Official Transcript: Dennis Byron (Part 5 of 10)



Role:	President and Judge
Country of Origin:	St. Kitts & Nevis
Interview Date:	28 October 2008, 5 November 2008
Location:	Arusha, Tanzania
Interviewer:	Robert Utter
Videographer:	Max Andrews
Interpreter:	None

Interview Summary

Dennis Byron expresses satisfaction at the approach to reconciliation taken by the UN in Rwanda. He highlights the responsibility of Tribunal judges to ensure that justice is conducted fairly and impartially, and appears as such in both process and result. He notes that, in addition to delivering justice, the Tribunal also creates a factual record of events that occurred. He expresses frustration with the Tribunal for the unsatisfactory length of trials, inefficiencies in administration and infrastructure, and the extradition process of suspects.

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Part 5

00:01 **Robert Utter: We've touched briefly upon time to get to the decision. In talking with the people in Rwanda, about the tribunal and their feelings, almost unanimously, they have a desire that the tribunal might have been located in Rwanda rather than Ar-, Arusha. And do you have any views on that?**

00:25 Well, yes. I think that I'm – as a sovereign state, Rwanda is a sovereign state and I think, I do think that management of one's own judicial processes is part of a s-, of, of, of an, an, an element of, of sovereignty. (____), that's clear. But I think that when the tribunal was initially established, which is in, I think the, the, the founding resolutions were in 1994 when the issue of security was a major issue.

01:08 **RU: Yes.**

01:09 It was actually, I think it would have been taking a major risk for the tribunal to have been located in, in Rwanda in that time. So I, I believe that the, the decision to locate it outside of, of Arusha probably reflected reality at the time.

01:34 Now what we are facing with now, what we are facing now is as we are moving towards closure, we still hear evidence in the, in the, in our court of witnesses on both sides having feelings of insecurity . . .

02:02 **RU: Of course.**

02:02 . . . because they testified. And so, and in fact, you w-, probably would have been familiar with the issues of referral to, to Rwanda and the, the issues of the witnesses was an important element . . .

02:28 **RU: Yes.**

02:28 . . . in the decision-making of the, of the chamber and the appeal chambers. So the, the, the issues now of, I, I think we've also come to the view that there are certain types of (___), certain types of cases which ought to be tried by an international-type tribunal.

02:54 Although there have been many indictments and prosecutions launched in Rwanda, we have only issued 90, 90 indictments. And even among those indictments, the prosecutor had, had, had adjudged that a number of them were suitable for referral to domestic jurisdiction.

03:14 So it is not our view that, that every case needs to be tried here but we thought that the, that those issues which are of a particular character, bore the stamp of international criminality and should be tried in international, internationally based tribunal.

03:37 **RU: Another feeling that the people of Rwanda had that we spoke to was the, perhaps the need for a Rwandan judge on the panel or a Rwandan prosecutor or defense wit-, attorney. Do you have any views on that?**

- 03:53 Well, I, I think there are Rwandans who work in the tribunal, in different capacities and there are Rwandans who work at the OTP. There is certainly no prohibition against Rwandans serving in the tribunal and in fact, as I mentioned, some actually do.
- 04:11 The, the, the process of appointment of the judges is done at the United Nations by, by election . . .
- 04:19 RU: Yes.**
- 04:20 . . . and I, I'm not aware that there is any prohibition against a Rwandan applying or, or, or being confirmed if he won sufficient votes.
- 04:31 RU: Is there a Rwandan now serving on the panel?**
- 04:35 Not as a judge. But as I mentioned, there are many Rwandans employed at the tribunal in many different capacities.
- 04:40 RU: I understand.**