



Voices from the Rwanda Tribunal

Official Transcript: Beth Lyons (Part 3 of 13)



Role:	Defense Counsel
Country of Origin:	United States
Interview Date:	3 November 2008
Location:	Arusha, Tanzania
Interviewers:	Batya Friedman Ronald Slye
Videographer:	Max Andrews
Interpreter:	None

Interview Summary

Beth Lyons highlights the importance of a fair trial for all. She discusses the politicization of ICTR prosecutions, particularly the failure to investigate war crimes committed by the Rwandan Patriotic Front (RPF). She states she has found no evidence of a plan to commit genocide by those accused by the Tribunal, which she views as a key difference between the events in Rwanda and the Holocaust. Lyons reflects on the inequity of resources between the prosecution and defense.

The transcript of Part 3 begins on the following page.

Part 3

- 00:00** Batya Friedman: So you've had a lot of experience here . . .
- 00:03 Right.
- 00:03** BF: . . . at the ICTR over several years and mult-, more than one case.
- 00:07 Right.
- 00:08** BF: Before we turn to specifics of the conversation, are, is there anything that you would like to share or, or speak about?
- 00:16 Well, there are a lot of things I want to talk about so maybe you can lead me a little bit. I mean, there are number of issues I want to talk about in terms of the – but you should tell me what it is that you might be interested in, what you want to, to get some information about.
- 00:29** BF: Well, something that, that you have mentioned to me in some of our other conversations has to do with issues tied to the RPF. Would you like to . . .
- 00:38 Certainly.
- 00:38** BF: . . . speak to that?
- 00:39 Yeah. I mean, I, I came here with the perspective or view th-, or expectation that I thought that international justice or the fora in which international justice was dispensed were somehow different than my previous experiences at Legal Aid.
- 01:04 And I would say they are, but what I was looking for – because as a defense lawyer for Legal Aid we're always critical of, you know, the, the policies or rulings that deny our clients, the defendants, their rights before the law, even though these are rights legislated in Constitutions, Bill of Rights, et cetera, et cetera.
- 01:27 Here, the, the tribunal for ICTY and ICTR were put into place initially in '94 by SC Resolution 955. The mandate of that resolution was to prosecute both sides of the conflict during its temporal, the temporal jurisdiction of 1994. Since I have been here but also from my reading of the, the, the pleadings and judgments, et cetera, only one side has ever been prosecuted here.
- 02:02 Only, there has never been, only Hutus have been in the dock here. There's never been a Tutsi from the RPF in the dock here. This is important because there were two sides of the conflict and there's been mounting evidence, which was available in '94 up to today of the crimes of the RPF, and particularly here in the last two or three years, 2006, Judge

Bruguière and more recently Spanish Judge Abreu have documented allegations concerning crimes.

- 02:41 Judge Bruguière issued arrest warrants for many people who were in the, the, the govern-, the former RPF in the government of, of, of current President Paul Kagame. Could not issue an arrest warrant for Paul Kagame although he had evidence on which to base that because of his, his head of state immunity.
- 03:05 And we've asked that in light of this public evidence that the, the, the I-, the ICTR Prosecution's Office pursue it. There's been no response at all, at least certainly that I know about. Moreover, when there were, there was a little different response from Prosecutor's Office, there was a problem. The Prosecutor Carla del Ponte for example, initiated special investigations around 2002 to '03 into the, the crimes of the RPF.
- 03:45 As a result of that, and she has said this publicly in news, my information comes from news articles, she has said publicly she, her contract in September 2003 (___), as the Prosecutor for ICTY and ICTR, was not renewed for ICTR and someone else was appointed. She essentially was punished.
- 04:06 During that same period of time, while these investigations had been initiated by her, in that period also was the Barayagwiza decision with the appeals chamber basically released Barayagwiza and through the, the machinations of the prosecution going, going to the appeals chamber on what they alleged I think was a new fact. They're not really new facts; the appeals chamber reversed their decision.
- 04:37 The third thing that happened in that period of time based on the country reports of the U.S. State Department probably 2003 but don't quote me, maybe '03 or '04, was the, the State Department, our State Department talked about how Rwanda was, was not, was not complying with its obligations to send witnesses, to allow witnesses to travel to Rwanda.
- 05:03 So you have these, these three examples of, of what happened, the, the, the holding witnesses hostage by Rwanda, the, the denial of the appointment of Del Ponte and, and these, these examples to, to her action where she initiates special investigations. Now, there are no special g-, investigations that I know about. The Prosecution Office now may claim it's investigating. I don't know.
- 05:36 The other problem is that, that, that I've been told that some of the crimes attributed or the allegations of crimes attributed to the RPF by Judge Abreu in Spain who actually issued indictments are the same crimes that have been attributed to some defendants here and this is a very, very serious, I mean it's an egregious case, you know, of, of fair trial and presumption of innoc-, and in violation of presumption of innocence.

- 06:07 So bottom line is that this tribunal which I believed should have looked at both sides has not, and it's not for lack of evidence, proof or international judges making findings that implicate the RPF.
- 06:25 **BF: So, and when you say that when you went to speak with the Prosecution here about pursuing some of this and you got no response, w-, what kind of response would you have been looking for? What, what would you have wanted to have seen?**
- 06:38 K' . . . k' – let me correct you. I didn't mean to, I didn't speak with him personally.
- 06:41 **BF: Uh-huh . . .**
- 06:42 I mean, these were, I, I don't . . .
- 06:44 **BF: Mm-hmm.**
- 06:44 I, I didn't speak with him personally but the, the documentation I know, Bruguière's international arrest warrant which is 60 page in French (____), and all the factual basis for, for, for his, his, his final determination and Abreu's documents are public documents.
- 07:02 **BF: Mm-hmm.**
- 07:02 I mean, I would assume that they were aware. I mean, I know that the, the, the prosecution, I've seen, you know, periodically in, in statements to the SC or the GA says, "Oh, we're investigating the RPF," or whatever they're doing. I don't know what they're doing but in, in response to Bruguière, there's been nothing; in response to Abreu, there's been nothing.
- 07:27 **BF: Mm-hmm.**
- 07:29 So I think that's a question you would have to ask them what their response is.
- 07:34 **BF: Mm-hmm.**
- 07:35 I, I don't know what their response is but the evidence is there and, and I feel that it's, it's an example of the, the politicization of the prosecution.