

Official Transcript: Dennis Byron (Part 8 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 8

00:00 Robert Utter: What would you have to give as advice to judges who are sitting in your position in the future; things that you've learned that you feel might be of help to them?

00:11 Well, one of the issues I'm grappling with right now, which is, has to do with the improvement of, of efficiency and effectiveness, because I, I recognize that one of the most important criticisms that the tribunal has had to live with has been the duration and cost of trials. And it's a criticism to which I am particularly sensitive as I am interested in the, in the old adage of fair and fast trials.

01:06 However, I, I also recognize that there was a, a reason for this which had to do with the perception of what was expected of the tribunal by the international community and I think that the, initially, the idea of, that fostering reconciliation required telling the story.

01:37 So the, the investigation and the prosecution went beyond what was necessary to establish the essential ingredients of the crimes charged and it also took into account allowing some victims the opportunity to be heard by a court and it went into great detail trying to establish the historical and, and other causes of the conflict that led up to the 1994 tragedy.

02:14 Now, the, I think you'll find that in, as we have already had 14 years of, of experience, that the, the theory of prosecution has undergone a, a change.

02:34 RU: Yes.

02:36 Most cases now are, are now single accused trials rather than the multiple accused trials which were common in the early stages of the tribunal. And the, the indictments are leaner, more, more, and the, the average number of witnesses is less, and the average anticipated or projections for leading the prosecution case has now come down to approximately five weeks.

03:20 So the, the, I don't think it necessary for, for me to give advice as such but because I think that as the process has evolved, the lessons have been learned and we are more focused upon the primary role of adjudicating the issues alleged in the indictment.

03:44 To some extent, it is not necessary to go into the historical causes of the dispute anymore because these have been quite fully examined in cases which have already been heard and there is already a, a comprehensive judicial record of these issues.

04:04 So, in addition to, perhaps, concentrating more fully on the, on the adjudicative purpose of a court, the, the idea of telling the story is no longer a, a priority as the story has, has already been told. I think that, that you will find that from the judgments of the court, there is already a fairly comprehensive . . .

04:32 RU: Yes.

04:34 . . . judicially authenticated record, factual record of what has happened.