



# Voices from the Rwanda Tribunal

## Official Transcript: Beth Lyons (Full Interview)



<b>Role:</b>	Defense Counsel
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<b>Interviewers:</b>	Batya Friedman Ronald Slye
<b>Videographer:</b>	Max Andrews
<b>Interpreter:</b>	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 the interview begins on the following page.*

## Part 1

- 00:00** Batya Friedman: So I'm Batya Friedman. I'm a Professor at the Information School at the University of Washington. I'm here with Ron Slye who's a profess-, Professor at Seattle U in the Law School there, and Max Andrews is our cinematographer. It's November 3rd, 2008 and we are interviewing Beth Lyons.
- 00:19** **BF: And Beth, I'm going to ask you to begin by pronouncing your name for us and telling us your role here at the ICTR and your nationality.**
- 00:27 Okay, you did it correctly. My name is Beth Lyons. I'm co-counsel for Major Nzuwonemeye and by birth I'm an American citizen.
- 00:36** **BF: Okay. So can you begin by just telling us a little bit about your role here at the ICTR?**
- 00:44 Well, I work as a defense co-counsel. You should tell me what it is that you want to know about that. ( ) . . .
- 00:51** **BF: Just in the process of being co-counsel for the defense, what are the kinds of things that you do, what's your role in a defense team? Just provide a little background . . .**
- 01:00 Well, it's essentially, I worked for many years at Legal Aid in New York City, criminal defense, criminal appeals. I've always been a defense counsel. Essentially you do the same thing. You on the one hand defend the rights of your client as well as engage in the, the, the activities in the court that are necessary to present your case.
- 01:23 So I do what defense counsel do every place. This venue is different. The, the rules are different. The terms of reference are different, et cetera, et cetera. But essentially, I work as a defense counsel.
- 01:35** **BF: Okay. And for a minute I want to take you back to 1994 . . .**
- 01:41 Mm . . .
- 01:41** **BF: . . . the spring of 1994.**
- 01:43 Right.
- 01:44** **BF: So, where were you and what were you doing at that time?**
- 01:48 The spring of 1994, I was probably still at home recovering from a severe auto accident. I was not yet back at my job at Legal Aid. That's where I was in the U.S.
- 02:07** **BF: And so, you, your job at that point was Legal Aid, was doing some sort of defense at, at, in the U.S. at that time?**

- 02:16 Well I, after law school, I, my first job and actually only paid job as a lawyer was at Legal Aid. I immediately went to criminal defense because I wanted to talk to juries. Little did I know that in New York City, the norm is plea bargaining and you're lucky if you get some jury trials. Nevertheless, I did try a number of cases.
- 02:39 But then, I was on a medical leave for probably five, four, five years and then negotiated with my employer to come back with an accommodation I needed under the ADA.
- 02:53 BF: And so, at what time did you start to go back to work then, was in . . .**
- 02:59 I prob-, I can't remember now. I may have gone back to work in, in early '94. I can't, or middle '94. I just don't remember that period.
- 03:11 BF: So, shortly after then '94, '95, '96 . . .**
- 03:15 Right.
- 03:15 BF: . . . what kind of work were you doing at that time?**
- 03:17 I continued at Criminal Defense Legal Aid and then I took a year's leave of absence during which time I volunteered in the researching at the Truth and Reconciliation Commission in South Africa in Cape Town.
- 03:31 BF: Okay. And so, at what point did you hear about the genocide in Rwanda? And how did you come to hear about it?**
- 03:40 Well actually, at that time, I can't, you know I can't really re-, have, don't have much recall because I remember at that time I may have heard some, some news about Rwanda but I honestly was pretty preoccupied with negotiating my return to work and fighting my employer Legal Aid on the issues around the Americans with Disabilities Act.
- 04:07 That's what I was doing at that period of time, and I think at that time also I certainly had the perspective that whatever was going on in Rwanda, or any place, really was a concern of the peoples in the country. At that point, I was not cognizant of the role of the U.S. and, and other coloni-, and, and colonial powers in the history and politics of Rwanda, et cetera.
- 04:34 Me, I took the position that if some, if there is something going on in a country that it's a right of self-determination for the, the, the outcome to be decided without interference by other countries, by the people in that country.
- 04:48 So probably for that reason also, at that point, you know, I, I was aware of news but I honestly can't remember and I can't say to you that I remember watching something on, on BBC or CNN, or – I-, I just don't have any memory.

## Part 2

- 00:00** **BF: Then at what point did you learn about the ICTR and something changed such that you came to be here? Can you help us understand that?**
- 00:10 Well, the question is how did I get here? How I got here is I've always been interested in international issues both as a, from a personal point of view, human point of view and as a lawyer.
- 00:22 I was aware of various issues concerning lawyers in other countries and I was aware of the workings of the UN, international law, et cetera, et cetera, particularly through the work at the TRC, I became aware of the plethora of, of truth commissions – at that point probably, this was '96, '97.
- 00:47 At that point, there had been Truth Commissions, or Truth Commission structures in probably 17 or 18 countries, so that as a lawyer, I was always aware of these issues and always, you know, concerned about what was happening internationally because I don't believe that what goes on in my country is the center of the world.
- 01:09 Unfortunately, what goes on in my country has sometimes a disproportion impact on the rest of the world but, you know, I, I don't have a, a – my perspective is a much more internationalist perspective and this goes back, you know, four decades to, to my, my activism against then the war in Vietnam.
- 01:29** **BF: So, and you mentioned then that you participated in the Truth and Reconciliation process in South Africa?**
- 01:34 Right, I volunteered for a period of time and that, and that, and that's the way I participated, yes.
- 01:39** **BF: And, and can you tell us a little bit about what you did there? What your role was?**
- 01:43 Sure. I was accepted, well actually, the, my first contact with the TRC, I was there for a meeting, a congress of, of my NGO and I was, had the opportunity to watch the opening hearings of the TRC in East London. At that point I met both commissioners and staff as well as individuals who'd come to testify in East London about what had happened to their families.
- 02:13 I was quite impressed by the process because it, for me, it showed that here was state recognition of what certainly most black and Indian and colored people knew of the horrors and the violence and the oppression of apartheid and the denial of rights to people. But what's important about the TRC was that it was an official body actually recognizing this.

- 02:41 I really wanted to be able to participate and make some contribution. I simply didn't want to go as an observer and I remember at that point talking to a number of individuals trying to find out if there were a place to, to be part of it as an intern. Eventually, I was accepted as an intern in the Research Department in Cape Town under Charles Villa-Vicencio.
- 03:10 I did a little work under (\_\_\_\_\_) in the Legal Department and focused on two issues. One was the, the destruction of state documents by the apartheid regime, particularly in the years during the negotiations around the TEC, ni-, early '90s period, and the second thing I worked on was a very short briefing paper on amnesty and what had been the state reaction to, to amnesty particularly in Latin America . . .
- 03:43 . . . and looked at Argentina, Chile, et cetera, a number of countries where the military juntas had passed fake amnesties, essentially; amnesties to shield people. Later on, obviously these, these amnesties, these legislate amnesties have been revoked. But I got, I was able to look at a number of countries and a little bit of their legislation on the issue of amnesty and, and what it meant.
- 04:11 Because the issue of amnesty and the criteria to amnesty, certainly within the legislation of the TRC, was a very important issue in South Africa and a highly debated issue as well as other aspects of the TRC and its application to both the former an-, former apartheid regime and member-, and members of Vlakplaas et cetera, as well as to the liberation movements.
- 04:37 BF: So then how did you come be here at the ICTR as part of defense counsel?**
- 04:43 Okay, I wanted to do international legal work. I've always done, I've always worked for Legal Aid. What is here is international legal aid and I had one or two colleagues who had told me about the ICTR. I went to the website. I applied to get on the list for ICTR, ICTY, S-, Special Courts Sierra Leone. I think that was all. Cambodia hadn't been organized at that point.
- 05:11 So, and actually I got here because a colleague here had recommended me in a situation where someone was looking for co-counsel.
- 05:21 BF: And when did you come to the ICTR?**
- 05:24 I came in 2004. I was appointed January 2004 at, to represent Aloys Simba as co-counsel. He already had a team in place with lead counsel, investigators, legal assistants. They needed a co-counsel.
- 05:41 BF: And then since that time, you've been co-counsel on other cases as well?**
- 05:45 No, I was on that case 2004, 2005. Judgment was rendered 2005. Then, I went back to Legal Aid because I wasn't on another case . . .

05:58 **BF: Mm-hmm.**

05:58 . . . and in February 2007 was appointed as co-counsel in my current case to represent Major Nzuwonemeye.

06:06 **BF: Okay.**

## Part 3

00:00 **BF: 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.

## Part 4

**00:00 BF: So if you were to, in the situation of helping to craft the, the mandates and the, the structures and interactions for a future tribunal in some other situation . . .**

00:11 Yeah.

- 00:12** **BF: . . . based on this experience that you've had here, what would you put in place to, to help to mitigate this kind of issue in the future?**
- 00:23 Okay, I don't think that this kind of issue can be mitigated by structure, number one. Number two, I think it's a political issue and I think that it's, it can't be, you know, it, it can't be, be changed.
- 00:38 We, it – the problem is not the mandate. The mandate was to prosecute both sides for the crimes during 1994 and also, I, you know it's, it's a, it's, you know there, there was, there were independent commissions that were sent by the UN, there's the Gersony report.
- 00:52 I mean there's a plethora of documentation to support the crimes and crimes committed also against the Hutu population and massacres. And, you know, I won't go into all the details now because I can't recite them at this, this second, but they're all there and there's, and it, it's public information.
- 01:12 And it's just astounding to me too that, you know, here you have two heads of state killed in a, you know, you know, shot down by the RPF and there's nev-, there's no investigation, you know.
- 01:23 This is the other piece of it, right? Well, I'll get into that in a second. But I really think that the, it means that, you know, the, the mandates of the UN have to be implemented and monitored very, very strictly and I think also that, that the rule of international law simply has to be respected.
- 01:49 There were separate problems of the lack of fair trial in Rwanda, et cetera which I will get into later but – dealing with international law – but it just seems to me that the situation is, is such that the object of the SC resolution supporting the ICTR and IC-, establishing ICTR and ICTY to get to the truth of what happened and achieve reconciliation can never be achieved, because what is happening certainly here is only part of the story.
- 02:26** **BF: So I just want to revisit the comment . . .**
- 02:27 Yeah.
- 02:28** **BF: . . . you made that, that it's not a question of structure.**
- 02:32 Right.
- 02:32** **BF: Can you explain why you see that changes to structure would not be able to, to be helpful here . . .**
- 02:41 ( ) . . .
- 02:42** **BF: . . . and how you see this as largely a political . . .**

- 02:45 Okay.
- 02:46 **BF: . . . or what interaction you see between, checks and balances between what's political and what exists in structure?**
- 02:53 Alright, I think that you know, that here, I mean, actually, the wording if, if you go back to SC 955, there isn't a problem with the wording. If you go back to the ICTR statute, which I don't have, there isn't a problem with the wording, all right. If you go, if you go to the Rules of Procedure and Evidence, yes I have problems with some of the wordings and rules but basically there is a structure.
- 03:20 The question is the implementation of these. I mean, when, when, when 955, when SC 955 was being discussed and decided, I mean the one country that objected to it was Rwanda at that time, right? And they had non-permanent, they were one of the non-permanent parties.
- 03:43 We keep in mind that Rwanda until recently, you know had the death penalty and executed over the last few years number of individuals. The de jure death penalty has been abolished but de facto death penalty, I'm not so convinced, you know, having heard witnesses, having been to Rwanda myself a number of times, et cetera.
- 04:09 But I think that it's not, it isn't a structural problem. It has to do with political will and I think the other piece of it has to do with the, the independence and respect for the rule of law in the judiciary. I mean, I believe the judiciary here make every effort to be impartial and independent. I think the battle is an uphill battle in terms of, in terms of the workings here.
- 04:40 It's an uphill battle and I think that the problem is that there isn't respect by all state parties but particularly Rwanda of the independence of the legis-, judic-, (\_\_\_\_), independence of judicial process here. I mean, for this tribunal to be effective, there has to be respect for that and I think that the, you know, the examples that I cited of, you know, the problem of, of, of allow-, of, of Rwanda allowing witnesses to come here is just one problem. You know?
- 05:23 A number of decisions in cases talk about witness intimidation. You simply have to do a search on, on Westlaw – "witness intimidation" – you'll get a sense of the problems that witnesses encounter so that individuals are not necessarily quote "free" to come to Arusha.
- 05:48 And it makes it very difficult I think for a judicial body that's tasked with finding the truth and wants to hear from as many, you know, many witnesses as possible on, on, on the issues that it, it is dealing with. Makes it very difficult to function and makes it difficult particularly for defense counsel.

## Part 5

- 00:00** BF: So shifting topic just a little bit.
- 00:04 Mm-hmm.
- 00:06** BF: I mean, what you talked about are some of the political things . . .
- 00:09 Mm-hmm.
- 00:09** BF: . . . some things that are outside the control of the tribunal that have to do with politics say within the Rwandan government.
- 00:16 Mm-hmm.
- 00:16** BF: . . . and you've also talked about the issue and maybe one might say disappointment with the prosecution here for not prosecuting certain individuals.
- 00:25 Mm-hmm, mm-hmm.
- 00:27** BF: But turning to look at what might be reasonably under the control of the tribunal itself, and having to do with your ability to defend those people who have been indicted . . .
- 00:40 Mm-hmm.
- 00:41** BF: . . . within this tribunal, what do you see as having been done well here in terms of enabling your ability to do, offer a fair defense and what do you see as the limitations for that?
- 00:56 Okay, first of all it's not, I'm simply – not simply disappointed with the prosecution. I am critical of the prosecution for their one side. (\_\_) I want to be very clear about it.
- 01:05** BF: Mm-hmm.
- 01:06 Absolutely critical because I see it as a violation of international law, fair trial rights and the aims of this tribunal.
- 01:12** BF: Mm-hmm.
- 01:13 . . . no question in my mind about it. And they should be held ac-, the prosecution should be held accountable. Okay, now in terms of the limitations, okay. Okay, let me start out by saying that I think that, key – as a lawyer speaking strict-, you know, the law, strictly for, you know, legal technique and practice – the key element, the key, the beginning fundamental issue for a fair trial is a, is actually found in Article 20, the rights of the accused in, in, in the statute.

- 01:48 One of which right, number four, I think, is to be notified in detail the charges against you. And I think a key element of unfairness is the, the, the kinds of indictments that are issued and confirmed in this tribunal. Now, I will also say that when defense counsel raise issues, sometimes there are judgments; there are decisions which support us, support our points of views, sometimes there aren't.
- 02:29 So it's not an immutable situation but by and large, the indictments here fail to give any specific notice as to the elements in the crime, and certainly the modes of liability. And we're not dealing with a tabula rasa. There is clear law, not only from national jurisdictions but particularly from ICTY and some ICTR cases, which demand that the, that an accused know what he has to defend against.
- 03:08 You know, Kupreškić comes to mind. Most recently, the Muvunyi appeal decision, Ntagerura appeal chamber decision. There are numerous ones and they're requirements and the indictments in general here, because I've read a lot of judgments and I've looked at their indictments on, for the judgments on the internet.
- 03:33 To me, it's, it's absolutely appalling as to how one even begins to defend against charges which are broad, which are vague, which don't identify the criminal conduct, some paragraphs which talk about events but don't even talk about the persons implicated or co-defendant cases where the individual co-defendants are not necessarily named.
- 04:02 And so I think that, that this is a fundamental issue, a fundamental fair trial issue that, that concerns me and, and I think that, that that's where, you know certainly from, from the defense point of view, you have to start by analyzing the indictment or the several indictments maybe amend indictments in your cases or whatever, but to look at the defects in these indictments.
- 04:32 Because this really, really goes to the heart of, of what your job is and what you can do. And secondly, you know, I think that in terms of, of actually functioning, we are in a situation that may be particular to the UN or other legal aid systems as well, and it's also true in the federal system in the States, where if you want to go on a mission to investigate a situation, you need permission from an intermediary.
- 05:07 Here, it's the defense unit which is part of the Registry. And I think that, that from a structural perspective, there needs to be a more direct way that defense can be allowed the independence to decide what needs to be done to prepare a case, and be allowed the resources whether it's, you know, decent office space, whether it's a mission, whether, you know, whatever it is to do it.
- 05:38 Now clearly we're, we're allowed to do some things. I'm not saying it's, this, this is always a problem but you're in a situation where you have to, y-, you're not, you really, there's someone else making a determination as to whether you can actually do something,

there's someone else saying, "Yeah, you have, you need six days but you're only going to get four to talk to witnesses."

06:03 And, mind you, we're dealing with, you know, at least two or three language, English, French and Kinyarwanda, in all of these dealings. But I think that here, you know, the defense, this is, there is a structural impediment. When I worked at Legal Aid, of course you had to go to supervisor to get permission for an expert. I'm not, I'm not suggesting there isn't a process, but there needs to be a reasonable process . . .

06:30 . . . and one in which the issues for example of budget are, are looked at very carefully, you know. I don't know what the whole budget for the ICTR is, but I certainly know that it looks as if from appearances, budgets are spent on some things but not others. I'm saying that's the kind of structural evaluation that has to be done in terms of the fair trial issues.

## Part 6

00:00 **BF: Do you think in, in a future tribunal would you want to keep the overarching structure? The defense sits in a sort of not full time employees of the tribunal but clearly not outside the tribunal either; sort of in an intermediary space. Do you think that that's a good overall, a good working structure?**

00:24 **BF: Or do you think something where they were more akin to the prosecution so that they were, you know, salaried and long-term employees of the tribunal on the side of defense? Could that kind of structure w-, would work better?**

00:40 Okay, I'm, I'm, I'm not sure. First of all let me say I'm not generally in favor of ad hoc tribunals and I'm happy that there is now, you know, after much struggle and remaining struggle certainly over the crime of aggression, there is an ICC established.

00:58 Because I think that, you know ad hoc tribunals whether established by the Security, established by the Security Council or, or perhaps or even some that are part UN and part local, they may be better.

01:11 I don't know enough about Cambodia or Sierra Leone, but I certainly feel that ad hoc tribunals by a Security Council are a stopgap measure and the importance of not just the, the rules and statute but the rules of evidence and procedure.

01:28 You know, there's never any opportunity to have any input from the GA for example into what they are, and so that the rules of this tribunal as opposed to the rules of the, the ICC were never discussed or argued about or, or, or concluded by, you know, the, the member states of the UN.

- 01:49 It was five plus whoever the per-, non-permanent members were – so that’s on that question of ad hoc tribunals. I’m not looking for, I’m not, I’m not, I’m not holding ad hoc tribunals in general up as a model.
- 02:07 But I think that there's been (\_\_\_), in the, in the, in the PrepCom discussions with the ICC there was a lot of debate of whether defense should be a pillar of the, the tribunal.
- 02:18 Look, I think that the defense, in order to carry out its, its ob-, its objective but also its professional responsibility both in national jurisdictions and as defined by what it is supposed to do under international law, needs to maintain independence. Now, so I don’t have, I’m interested in a structure that maintains that independence.
- 02:50 I don’t have an intelligent comment to make now about whether salary et cetera, et cetera, and you know, but I think that there has to be at least a recognition that defense is a full time job, which is not necessarily the recognition here. The defense needs, minimally, equality of resources, which is not the situation in the ICTR.
- 03:16 I’m aware of a prior decision Kayishema and Ruzinda-, Ruzinda-, Ruzindana which said that, “Equality of arms does not make, mean equality of resources.” I think that’s wrong. We have to have at least the same resources, right.
- 03:33 And I think that, that those, that those are the issues to me that are important. How it’s structured is, is, is another, is, is another question but I think that, that that’s what we need and I do know certainly here – I don’t know about The Hague, I don’t know about Sierra Leone or Cambodia – but I know here there is no equality of resources.

## Part 7

- 00:00 **Ron Slye: Well, why don’t we start by talking about the completion strategy and the relationship or the effect of the completion strategy on your ability to adequately defend your clients?**
- 00:16 I think that the, the, the completion strategy sort of hovers over the tribunal in general. I, I, I can’t speak, I mean, in terms of, of my case at this point I can’t, I’m not going to claim there has been a particular issue in terms of my, my defense.
- 00:41 But I am aware that the, the, the completion strategy has, has sort of resulted in a push in a number of cases for witnesses, for whatever, whatever.
- 00:59 And that the completion strategy – but mostly I’m concerned about it because the completion strategy has come hand in hand with the issue of transfers. Really that’s my concern about the completion strategy. What happens to the other cases? There were – the prosecution made a motion under 11bis to refer cases.

- 01:23 There were three cases of detained suspects and one un-apprehended suspect and there have been recently been three decisions where the c-, the, the, the judges denied the prosecution motions to transfer these cases to Rwanda. The prosecution in Munyakazi, which was a first decision, prosecution appealed the decision and the appeals court upheld that decision.
- 01:55 I think this is very significant s-, decision. I think the underlying trial chamber decisions are very important because it, it reflects the fact that Rwanda cannot give people, give these detainees particularly, a fair trial.
- 02:15 I mean, it's my own position that Rwanda has never stopped fighting the war. The RPF has not stopped fighting the war against the Hutus here or, you know, in Eastern Zaire, et cetera, but bottom line for the, the defendants at the ICTR, they cannot receive a fair trial.
- 02:38 The reasoning has been a little bit different in the decisions in the appeal decision but I think that on the whole, it's, it's just been very, very important. And, and that, that's the reality of the situation right now, and I think that that was one of the issues that concerned us about the completion strategy.
- 03:02 I also know that there was a, there was a former appeals judge, Judge Hunt at the ICTY, in a decision, an evidentiary decision in the Milošević case who, who talked about the fact that, that the defendant's rights should not be, should not, should not be overshadowed by the completion strategy and talked about that if this were to happen, and his words were, it'd be "a stain" on the tribunal, you know.
- 03:36 I think the tribunal and its legacy is extremely important. That's why I'm emphasizing the issue of prosecution of both sides which I believe has compromised the, the, the work of the tribunal itself.
- 03:55 And I think that, you know, that I often think to myself, you know I, I remember the opening statement of Judge Jackson in, in, in Nuremberg – which was also a victor's tribunal as this is a victor's tribunal objectively – who said, you know, "fair, in, in a victor's tribunal even, fairness is, is, is not a weakness."
- 04:17 And we should not, we, we should not pass a poisoned chalice – the denial of defendant's rights – to others and that we'll be judged by this. And I think that's true. I mean, and this, the issue of, of fairness, this is the issue to me which is central. And unfortunately the tri-, tribunal's about to close but, and the Prosecution Office is about to, I assume, close as well but in any case this is, this to me is a principle, principle flaw and a principle, a fundamental problem here.
- 04:53 **RS: Do you think if you were, if you had the power to determine what happens from today forward with the ICTR,**

- 05:01 Right.
- 05:01 RS: . . . would you recommend that it stay in business until all of the cases are done and not do any referrals or do you think that there's a role, from, from referrals? I mean, how, how do you balance the concerns you've raised with the sense that the tribunal needs to eventually end?**
- 05:18 Well, I believe as with the, the debate around ICC and the issue of jurisdiction and the issue of, of referrals there, the key issue, the key issue is, is the referring country competent? And I think competency has to do with whether, whether the guarantees of fair trial, impartiality of ju-, judges, the presumption of innocence, conditions of detention, et cetera are, are, are mandated, are, are, are implemented as is mandated by international law.
- 05:57 I mean in the ICC the debate was ( ) countries would shield, national jurisdictions would shield their, their own citizens. The, the point is that I think that a, a, a, you know, the issue is the competency and, and I think, I mean I believe Rwanda is an incompetent, un-, under, under Kagame's leadership, is an incompetent jurisdiction by, by that definition. So I certainly feel that it's, it's hard to argue against not just for ICTR but for any, any of these, these tribunals.
- 06:32 For me, tribunals can't go on forever. I mean there's also the possibility, I would think, I'm just, just thinking right this second, the cases could be referred to the ICC for example, which puts the cases as well as the mandate under a-, a independent but international organ.
- 06:53 That to me would be more in line with an international venue as opposed to a national, whatever the, whatever the country is, a national jurisdiction assume-, being assumed by, a jurisdiction being assumed by national, by the national, by country, by state party.
- 07:17 I mean that would be a possibility to me. It means certainly there, there, there, there, you know I, I applaud the excellent decision in, on, on exculpatory material Rule 68, ( ) Rule 68 but the Lubanga decision and, and the appeal's affirmance of that, you know, and, and th-, and where they stressed, the appeals court and the trial chamber stressed the right of the chamber, not the prosecution to make the decision about what is exculpatory. But look, I think that's where the cases, send the cases to the ICC.
- 07:51 RS: What about sending them to some of the European countries that have voiced an interest in hearing some of them?**
- 07:57 In, in Rwanda, in, in ICTR cases?
- 08:01 RS: ICTR cases, right.**

- 08:02 Look, I mean, the prob-, the problem is this. I mean, I would say if, and we're talking about regions, maybe the cases should be sent to the African Court of Peoples and Human Rights because I think that the – clearly this region and the, and the people, the people who live in this region have a great stake, this whole region, whole country particularly Great Lakes region, in this.
- 08:32 But the key is, is to have a, you know it seems to me to send them to Europe makes no sense. I mean you're sending them in some cases perhaps to former colonial countries or current superpower status countries or – I, I don't, I don't want to go through every country, but in general, as a grouping, I mean I don't think Finland should judge or, or which wasn't a colonial country but Finland or Belgium which was, or France.
- 09:02 I mean, it doesn't, it doesn't make a lot of sense to me. You know, I certainly think there are judicial institutions with very long histories on this continent and that's not a decision for me to make but I think it's a decision which obviously should be, should be addressed here and at that certainly.

## Part 8

- 00:00 **RS: Let me, let me take you back to when you first started working at the ICTR and you, you mentioned that in 1994 you were preoccupied with other things . . .**
- 00:09 Right, right, right, yeah, right, right.
- 00:09 **RS: . . . and not as conscious of what was happening, and I assume you came here with some ideas about what the Rwandan conflict was about. Did that change during the time of your work here?**
- 00:21 Absolutely did because when I – before I was very involved, I had read what was available to me in English in the U.S. Basically, it was a volume prepared by a team but under the authorship of, of Alison Des Forges, Leave None to Tell the Story, produced by the Human Rights Watch team, which was based on interviews.
- 00:46 Now, when I came here, I began quickly to see that this book and its allegations in these interviews were almost like the Prosecutor's bible and I could actually trace in one or two indictments that this came from page X in the book, and the book wasn't a legal document. The book was a person said this to an interviewer, but the weight given to it as prima facie evidence was, was shocking to me, clearly unfair to defendants.
- 01:24 And when I came here I began to find and read other sources, particularly sources available in French – both from this continent, some published in France and more recently the, the spokesperson from Carla Del Ponte has published an excellent book Paix et Châtiment which actually talks about, in the setting up of ICTY a lot but also ICTR, the, the issue of the

RPF and the, the role of the, the United States government and the quid pro quo not to prosecute the RPF.

01:56 I mean there's just a few pages on that, but a world opened up. Because even I who was, I mean I was well educated, I had access to internet, you know, I lived near a major metropolitan area, you know, I didn't have this information. So that I think that the information, you know, depending on where you are, information's different.

02:21 But in America, I was only getting at best one side of the story and when I came here, I realized that the story I was getting particularly from, from this volume was, was being challenged and, and was not always supported; was not, was in fact not supported by evidence I heard or discussions I had. But the fact is that you on-, I only had access to one side so that my ideas actually changed.

02:54 I came here with strong positions on defendant's rights. That was no – but I ha-, was not well informed about the struggle, and my information came only from, from one, from one source.

**03:07 RS: Did your view of the individuals that you were representing change over time?**

03:13 I think that the, the, the, my view of the individuals, the way it has changed is it, it has grown in terms of the respect for these people. I mean, let me be frank. I worked at Legal Aid. Many of our clients had gone through the system. Certainly, many had been convicted of, of, of criminal acts. Some unfairly, some, some, some not that case, but I had personally had never been dealing so closely with a political case.

03:53 When I came here, I began to understand that the context of the cases here was the invasion by the RPF October 1990 from Uganda into Rwanda, led by Kagame who had been trained at Fort Leavenworth, and supported by the government.

04:16 And you know, from that perspective, to understand that there had been a war in 1990 to '93, the fi-, the finalization of the Arusha Accords, the efforts to broker the peace which took place here in Arusha and then to, to see after part-, throughout that time but particularly after '93, the violations of the ceasefire culminating – by the RPF – culminating in the shooting down of the plane which launched the tragedy, the tragedy i-, in Rwanda, so that they could finalize and, and, and solidify a military victory.

04:59 The Rwandan Army was prepared for peace. But that was the context of, that, that I began to, to learn about also when, when I came here. But I have to say that, you know it's, you know the, the, the, it is for me, personally as a criminal defense attorney, I've never had – I've, I've dealt with different group of clients, right, and it has, it has been, you know, a learning experience in, in a positive way, a pleasure for me to work with my clients here from whom I've learned a great deal.

**05:46 RS: A-, and what sort of things have you learned?**

05:51 I think that, that I've certainly learned about what happened but I have cli- – you know here, we all have clients that can assist in their defense, that play a very strong role in their defense, right. We have clients who I believe were wrongly charged based on evidence investigation that I'm, with which I'm familiar. I mean, obviously not, I don't know everything, yet there's been, you know, only three or four acquittals here and I can't speak for all the cases but for the cases I'm involved in.

06:36 And in clients, in my own clients showing a great deal of patience since many in each case have been in, now my current client has been in I think probably for eight years, and my former client at that time probably four or five years, I don't remember exactly – but a long, long time. So I have the greatest respect for the clients with whom I have – whom I've met and with, and whom I've represented here.

## Part 9

**00:00 RS: You've touched on a couple of differences between your work in New York . . .**

00:05 Mm-hmm . . . right.

**00:05 RS: . . . as a Legal Aid criminal defense lawyer and the work here. If, if somebody watching this was a criminal defense lawyer within a domestic legal system . . .**

00:16 Right.

**00:17 RS: . . . and was thinking about moving to the international level, what sort of advice would you give that person?**

00:26 Well, first I would tell that person that he or she should have a lot of patience because it takes a long time, it takes years. But I think that that person needs to be open-minded and be willing to share his or her skills and learn from the skills of attorneys from other countries as well because everyone here comes from a different system . . .

00:56 . . . and are trained, each person's trained a little differently but I think that one of the values here is that, that, that, the teams represent a number of countries, and as a whole the defense represents a number of countries. And to me, that's one of the strongest points here but you have to, as I said, you have to be willing to listen.

01:19 I would also give that person the advice that he or she should learn a second language, and that he or she should be persevering and pay attention to international affairs, affairs in whatever fora are available. You know sometimes, it's work with an NGO, sometimes it's a different kind of project but you need to get a sense of the context and those individuals

involved in whatever the situation is need to get a sense of your work as well. I mean it's, it's a mutual, it's a mutual process.

02:03 So, but I think it's, it's, it's very, very important, and I think to the extent that bar associations and similar lawyers' organizations or la-, even organizations of, of legal workers for example can have joint and equal and respectful relations with their counterparts in other countries, this is very important – you know, legal workers, investigators, all, all of these, all of these positions.

**02:32 Note: This portion of the interview has been redacted. Duration of redacted video: 9 seconds.**

02:41 And so I think that, that, that's, that's important, and I would like to, you know, I know that there always, I, I see on the internet, you know, jobs for someone in X country to do capacity building in Y country. I think that – I think before you do quote "capacity building" there has to be some mutual recognition of what the capacities are because the capacities are different.

03:07 I believe that there are certain universal values in terms of justice, (\_\_\_), you know, presumption of innocence, fair trial, et cetera and those are the values that are respected, you know, throughout the world's (\_\_\_) representation, if you're a client, if you're a defense attorney.

03:23 But I think that, that you have to – before people sort of jump on a capacity building project, I think they should stop and say, "Okay, what actually exists in the country that I'm interested in?" and really make due diligent efforts to get the information.

03:42 And, and I think it's a question some-, (\_\_\_) building – which I don't like the terminology, capacity building – but it's a question of sharing the capacities that exist because throughout the world, legal systems have existed certainly longer than U-, U.S. has been in existence as a country.

**04:00 RS: You, you alluded to sort of the, both the richness and I guess challenges of working in a place where there are people from many different cultures.**

04:08 Right, right, right.

**04:10 RS: Can you share with us a story of something that you learned that sort of surprised you from those people, and then also share a story of something that was particularly challenging and how you dealt with it?**

04:27 I have to think. Well, I have to say that I had always been told, in the, for the, to answer the first part of the question, that the, the difference between the common law and civil law

system was the adversarial. It's the adversarial system versus the, the kind of statutory-based less adversarial system.

- 04:52 And that people trained – you know, I had been told that people trained in the civil system do not, are, are not as accustomed to functioning in an adversarial system. And there was a big difference.
- 05:08 And when I come here and I watch the defense attorneys both from common law and civil law systems, because of the situation here and the need to fight for your client's rights and dealing with evidence, I mean just dealing with the indictment, evidentiary rulings, all, all of these technical issues, you have a situation where everyone, you know, I've seen makes strong argument, prepares strong pleadings on these issues.
- 05:39 It doesn't matter, so that the, the difference in system which I expected to find, it doesn't seem to, to exist in that sense. I think, I think for me personally, the challenge has been a lot a language challenge. I work, I, I do cross, I do direct, I write in English obviously.
- 06:08 I have working knowledge now of French but I feel that my French was never quite good enough to, and it still isn't, to, you know, to sort of hear the nuances, you know, to be able to listen the way, carefully, as an attorney needs to listen whether it's to a witness or to a client or to a co-worker.
- 06:31 You know, I'm on a team which is basically bilingual. It's not a problem I have but when I've worked in situations where there was more French, ( ) say than English at times, to me that's been, that's been a challenge – because it's not enough to get a sense. You have to get exact and that's, that's a question of struggling, which is why I say if somebody wants to do international work, she or he really needs to master another language, which happens in most countries except the U.S.
- 07:05 I mean, the U-, so, so obviously in other countries this is not a problem, ( ), but if you're speaking to audiences in North America, particularly if, in-, individuals where a family speaks only English and doesn't speak whatever the – a second or third language – again, not true in places like New York, places in the Southwest, et cetera. But in those situations you really need to have, you know, a second or, or third language.
- 07:32 Because people, you know on this continent especially, you know, have had to speak many, many languages and that's true also in, in parts of Europe.

## Part 10

- 00:00 **RS: We, we've talked a little bit about the comparing domestic criminal defense and international criminal defense. Can you say a little bit about whether there's, or what the similarities and differences are from the defense point of view of the prosecutors?**

**00:14**      **RS: That is, is your relationship with prosecutors here similar to the sort of relationship and experience that you had in the domestic context?**

00:25      Oh, I have – sure. I mean, in the, in the sense that the prosecutor basically plays the same role, number one. In terms of, of my relations, it, it's the same – you mean, you mean relations in the courtroom or . . . ?

**00:42**      **RS: Well, just any sort of – I mean, I, and I guess maybe a way to think about this is again, that sort of hypothetical person . . .**

00:49      Right.

**00:49**      **RS: . . . that's thinking about moving from the domestic to the international. I mean, can they – whatever they've learned about what prosecutors are about . . .**

00:58      Mm-hmm.

**01:00**      **RS: . . . does that translate very well into the international context or are there some major differences?**

01:05      See, I don't know, I mean, I'll be honest with you. I've only, I've only wanted ever to work for the defense. I just don't want to work for the prosecution. So I have even less interest in finding out individually how a prosecutor thinks, although I think that is important, although I'm clear that, you know, I have a lot of interest in the prosecutor in my trial whether it's in, in, in where I live or whether it's here, in a national jurisdiction, internationally – how he or she operates.

01:36      But I certainly, you know, I, I don't come from a tradition where there are – what I would consider it's not ex parte I mean with prosecutors, but, I mean, I don't, I don't enter into, I don't – I don't have a place where there's a dialogue between me and the prosecutors certainly, you know. I mean, we never discuss the case with the prosecutor.

01:58      I mean, so I, I don't, I don't even have that, that, that kind of venue, that context that I just, I mean I don't talk to prosecutors generally. It's just a . . .

**02:11**      **RS: And why, why, and you said why would you, why do you say that it would, you wouldn't even consider working on the prosecutor side? What is it about being on the defense side that sort of . . .**

02:19      Well, it's, to me it's also, it's, it's what is it (\_\_\_) being (\_\_\_) the prosecution side? I mean, let me just say, my observation is that the, the, certainly here and certainly in my, my prior experience, that I, I feel that while I've encountered prosecutors who are principled as individuals, in general, I have been really shocked by the lack of principle of the

prosecutor's office whether we're talking about the prosecution office in a major city or we're talking about the prosecution office here.

02:59 And it filters down. Obviously not every prosecutor thinks the same way. I'm talking about policies of the prosecution office. I have, I just believe that the prosecution, I mean, even, even, you know, in a place like New York City, you know, the prosecution in, in New York City, as a policy certainly doesn't know the weight of a case.

03:24 I mean it's clear from the indictments. It's clear from the cases come through arraignments, they – and it's clear from the offers they make at arraignments. They don't know the weight of a case. So their sense of what they're doing is totally skewed. They have no judgment. And it's not the individual 25-year-old assistant DA who's standing up in the middle of the night because it's his, he or she has no seniority.

03:44 But I'm telling you, the policy comes from that office and that senior person and I have, and I mean I couldn't work. I, I couldn't work, there's, there's no principle. There's no adhesion in general to the law and the principles of law, and there's no (\_\_\_), and, and depending on where it is and, and where the offices are – there is no, there is no diligent effort to apply the rule of law equally.

04:11 And that's true. That's the argument here, failure to prosecute the RPF. But it's true in, in, in various state and, and smaller jurisdictions. I mean, not every one, but it's rare that you, you would, one would find. And I haven't been to every place, but I'm looking for some fairness and some accountability and some equal application of the rule of law.

## Part 11

**00:00 RS: There, there may be some schoolchildren that watch this interview . . .**

00:03 Mm-hmm.

**00:04 RS: . . . and they may have studied the Rwanda genocide, and learned all the horrible things that happened there . . .**

00:09 Right.

**00:09 RS: . . . and the people that were involved. And then they're sort of introduced to you, who are defending these people.**

00:14 Right.

**00:15 RS: What do you say to them about how you can defend people who are accused of committing such crimes?**

- 00:22 Well, well, first of all I think I would say to them that everybody is presumed innocent and until you know the facts about what happened of any situation, you cannot make a judgment.
- 00:40 And to the extent that these people are denied their rights, it means that this, that you who are watching may someday suffer under the same system. To the extent that, you know, that, that you, that someone else is denied his or her rights by the government, by the prosecution's office representing the state, it will come back to haunt you.
- 01:13 I would also say, and perhaps I can't say this to schoolchildren that, and I'm saying this as a defense attorney, the issue of genocide is a le-, I look at it too as a legal issue. I accept that there were horrendous massacres and killings of Tutsis and Hutus throughout '94. My own view is that the word genocide implies that there was a plan, that it wasn't a spontaneous act.
- 01:51 It wasn't a spur – it was, it, it was a planned action. That is the thesis of Alison Des Forges in the Prosecution's office, and I should say, having read judgments and been involved in two cases, I have never seen any evidence of a plan on the part of those who are accused to commit genocide.
- 02:17 And I want to say that, because genocide is loosely used. That is not at all to mitigate the horrors or the tragedies faced by all of the people, but I think genocide connotes in large part also an emotional reaction. I believe that under some systems, there was a plan, you know. I think in the case of Germany there was a plan against all of the peoples that were murdered.
- 02:55 And ( ), in the apartheid regime planned, and they documented apartheid. There has been no documentation provided by the prosecution as proof of a plan so that I think that the, th-, that that's just important because I think that when people look at the issues, that ha-, that point has to be addressed although I understand that the word is used as in a general term, although it has a particular legal sense, you know, in our cases as well.
- 03:36 But I think that, I think that, that we need to think how we use it and what we mean, you know, by that also – because I think it's, it's, that the verdict is, all, the, the, all pieces of, to, to make that decision are not in yet.

## Part 12

- 00:00 **RS: Let me, I guess close with one, one last question. You, you worked for the South African Truth and Reconciliation Commission, and one of the purposes of the ICTR is reconciliation as well as justice.**
- 00:16 Mm-hmm.

- 00:17** **RS: Do you think, given the experience in Rwanda, that a Truth Commission either on its own without something like the ICTR or in combination with the ICTR would be doing a better job at addressing some of the, the criticisms that you've raised in terms of victor's justice and unfairness, inability to look at the, the activities of the RPF and others?**
- 00:44 First of all, I would just as, there, there was at some point legislation for a Truth Commission in, in, in Rwanda. My position on that is this – the efficacy of a Truth Commission to achieve the objectives of truth and reconciliation depends on the context and never would I compare the RPF to the ANC.
- 01:10 Let me be very clear. The RPF has violated human rights and this has been documented by "sources" like The Economist which make them, put them very low on their list of, of human rights achievers and high on their list of human rights violators.
- 01:30 But I, I think that the ANC, what was different about the Truth Commission in South Africa was the ANC as a liberation movement was able to, to implement the concept – not without some struggle within its own ranks and within the country.
- 01:53 Its version of a Truth Commission in fact was different than the previous 16 or 17. Its process was more open and more transparent, and that had to do with what the ANC's liberation movement stood for and the history of secrecy of the anti-apartheid movement, this secret legislation, et cetera, et cetera.
- 02:14 At this point if you were to say, "Should there be a Truth Commission in, in, in Kagame's Rwanda?" it, it would obviously would fail. It couldn't do anything because you have to look at the context of the country. You have to look at how that country is operating, how its opposition, opposition leaders and members in the country are treated.
- 02:34 You have to talk about the treatment of witnesses who come here. You have to talk about all of those things. So that's the issue. You know, the answer is – no, it wouldn't function.
- 02:47 Now, if Rwanda were under a different leadership and it was a different time, is that possible? Of course it is, but we're dealing with the reality now so that a Truth Commission I think would be hard pressed – would not be able to achieve its objectives.
- 03:02 Now, not to say that there aren't citizens in the country who really want to find the truth and would make every effort. That may be true, but I'm not denying that, that's a possibility but I'm talking about the government policies to establish it.
- 03:18 The Kagame government could not establish, cannot establish a Truth Commission with the kind of transparency, the kind of outreach, the kind of support and the kind of fairness that, you know, that, that, that may be felt by an ordinary Rwandan but the government could not establish that kind of a Truth Commission in my view.

## Part 13

- 00:00**      **RS: My last last question. What do you take away from this process, from working at the ICTR? How has it changed you?**
- 00:08      I think, personally I certainly want to do more international work although there's not much and it's hard, but I think that it's, you know, I think clearly, you know, I, I have learned so much.
- 00:21      It has opened up my perspectives, not just legally but also in terms of, you know, culturally, politically, et cetera. And I think it's been a great opportunity to meet people, to exchange with them.
- 00:37      But basically to work side by side with people which is very, very, it's a very different experience than just of going someplace, you know. And I think that in seeing things. And for me, that's, that's the most important and I certainly value the colleagues that I have met here and both the members of my current team and members of my last team as well as individuals I've met who are here and in various positions at the ICTR.
- 01:08      And, and to me, that's, that's what's most important. It's also given me a, a better, a better, more realistic sense of what the struggle for international justice is and, and where the issues need to be, need to be focused on, where the, where the battlegrounds are and also where the, you know, where the areas of compromise are, et cetera, et cetera.
- 01:36      And I think that it's, you know, it's important and I only wish that I would have the opportunity. I don't wish that there would be a – the problem is that these, these international tribunals all deal with situations that are, you know, horrendous for the people that I really believe – and not simply internal situations, but involve external interference as well by other countries.
- 02:05      And I certainly, you know, it would be great if there was no need to have, have these kinds of, of tribunals, the ICC. And I certainly feel with the ICC that they need to look at even since 2002 the kinds of crimes particularly, you know, when they, they settle on aggression and whether or not they're going to adopt 3314 [corrected by Beth Lyons via email on January 17, 2015] re-, GA resolution which I hope they do.
- 02:35      But when they settle the crime of aggression, the aggression particularly of my own country, you know, Afghanistan, Iraq, Iran, it will be unfortunately, I hope not, but I'm just saying it had and it can't be a, a, it can't be a court only for one continent because these crimes within the jurisdiction of the ICC are being committed elsewhere in the world.
- 03:02      So I'm concerned that it not become as the, the, it – that it not become a, a court that, that does not deal with the crimes of the, of the major powers. It deals only with, with this continent because to me, that is wrong and not reflective of the situation in the world.

**03:24**      **RS: Great. Thanks Beth.**

03:26      You're welcome. Thank you.