



Voices from the Rwanda Tribunal

Official Transcript: Beth Lyons (Part 11 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 11 begins on the following page.

Part 11

- 00:00** Ronald Slye: 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.