



Voices from the Rwanda Tribunal

Official Transcript: Beth Lyons (Part 9 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 9 begins on the following page.

Part 9

- 00:00 **Ronald Slye: 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 evide-, 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 mat-, 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.