



Voices from the Rwanda Tribunal

Official Transcript: Beth Lyons (Part 10 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.

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Part 10

- 00:00 **Ronald Slye: 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.