

Official Transcript: Dennis Byron (Part 4 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 4

- 00:00** **Robert Utter: It strikes me that your job or definition of duty includes reconciliation, and if that had not been there, it strikes me that your process could be much more summary. Is that accurate?**
- 00:14 Yes, yes, that's the point I'm making. And I think that, that the, the, the actual undertaking of reconciliation has influenced the way how the tribunal has operated enormously. If that had not been part of our, our, of our mandate, I think the trials would have been much quicker than they, than they in fact were.
- 00:38 Right now, for example, we, we are able to undertake cases much more quickly than, than at the beginning and, and partly because in many of the instances, the, the factual background has already been established in, in our judicial decisions, which we don't have to redo.
- 01:07 The, the, the historical, the sociological, the political background to the causes of the conflict have been examined in, in a number of cases and it's, would be unnecessarily re-, repetitive to re-examine those same issues again at this time.
- 01:31 So you will find that the, the, the current trials, we estimated, my judicial calendar, I now estimate, after consultation with the, with the Prosecutor and defense counsel, to some extent, I now estimate that it would take the prosecutor approximately five trial weeks.
- 02:01 And five trial weeks amounts to 44 six hour days per week. So, we, we work a trial week at 24 hours. I estimate that it takes five trial weeks to put on a prosecution case and then after a break, we do (_____) roughly the same for the defense case.
- 02:28 One of the, the, the delays which has become almost built into the system is that the defense lawyers seem to feel that, that, that the statutory guarantee in the, our statute to provide them adequate time and facilities to defend their case, they feel that that, that implies that there must be a substantial time between the close of the prosecution and the commencement of the defense.
- 03:08 And you, you, you would look at – you, I've seen s-, well, I've had the, the, the situation myself in cases of, over which I've presided, where they've been complaining bitterly that four months is not enough time for them to put on their defense. So that's a very important management issue, which we are addressing at the moment.
- 03:29 But, but, but the, the, the, I now think that the actual time spent in adducing evidence is approximately ten or so weeks now for the single accused cases that are being tried.