

Official Transcript: Dennis Byron (Part 9 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.

The transcript of Part 9 begins on the following page.

Part 9

00:01 Robert Utter: If you were talking to your great, great, great grandchildren, which may be, who knows how long, what would you tell them was the most satisfying part of your work here?

00:12 Well, I don't know. It's, it's probably a feeling and, and I got this pretty early after coming here because as I'd indicated to you, I had not indicated any interest in, in coming here.

00:35 RU: Yes, yes.

00:37 So I also had to sort of deal with myself and make myself comfortable with the assignment. You know, it wasn't long after coming here that I recognized that what this court is doing is serving humanity as a whole. Whereas I had had a, a strong commitment to serving the court in my own country . . .

01:02 RU: Yes.

01:03 . . . I felt that this was a, a higher, higher and, and better calling in terms of the impact of the tribunals of this nature went far beyond the, the disputes upon which we were adjudicating and having an impact on the lofty ideals of the United Nations and humanity in general. So that's the feeling that I feel best about since I've been here.

01:33 RU: And that's not an unusual feeling among people in courts. The ability of people to just tell their story often is the most important thing regardless of what the Court does.

01:44 Yeah.

01:45 RU: I, a point in my career was hearing cases between men and women who were getting divorced. And that was the most important thing was just tell their story. It's minor compared to what you've had to hear but it's an adage that holds true.

02:02 RU: Again, if you were talking to your grandchildren way down the line, what would you tell them was the most frustrating part of your experience here?

02:13 Well, w-, n- I have to think about that . . .

02:14 RU: Ah. More than one . . .

02:15 . . . because there's more than one thing that frustrates me. But, but again, I suppose being a bit of a, interested in, in administrative efficiencies, I have, I have been a bit bothered by the way the bureaucracy here has been working. So the, the, the way in which the provision of resources, the recruitment process, the proportion process works has been a bit slow and, so we've had to deal with issues of, of administrative management.

03:14 Then I suppose, in the courtroom, to a large extent, the, we have not, I have not always felt that the legal practitioners before the court were on the same page as we were . . .

03:36 RU: Yes. Yes.

03:38 . . . in terms of, of the, the concepts of fast and fair trials. Very often, the, the process was delayed and sometimes just by having, just by strange attitudes, self-interest perhaps, or, or, and sometimes concepts of, of failing to, to respect some of the, the fair trial principles, which the tribunal insists on. Simple things like, like the disclosure rules.

04:19 RU: Yes.

04:20 The non-compliance with disclosure rules has contributed enormously to delay and, and various things. So the things that have impacted upon the efficient progress of my work have, to some extent, been the issues which have frustrated me most here.

04:39 RU: Do you have sanctions you can apply (_____)?

04:41 Yes. Yes. I, I suppose that I've always felt that judges shouldn't c-, shouldn't complain too much when they have powers that they can use to solve these problems. The sanction regime here though, is a bit limited because it's not backed up by close linkages with any professional associations.

05:10 RU: Yes.

05:11 So the powers that we have here, we can, for example, deny defense counsel fees. And I suppose the only other things that we can do, is to deny audience or, or, or make or reprimand, express displeasure.

05:38 I suppose we can report to the National Bar Associations and we do have the draconian power of Contempt of Court proceedings . . .

05:51 RU: Yes.

05:51 . . . which is specifically included in our rules. So there are things that can be done and to some extent, many of them have been used in, but not very frequently at the tribunal.

06:09 RU: The old adage, "The best power is the power you never have to use."

06:13 Right. Yes.

06:15 RU: As judges that of course applies to us, us as well.

06:19 Mm-hmm.