



Voices from the Rwanda Tribunal

Official Transcript: Beth Lyons (Highlight)



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

In this highlight, Beth Lyons speaks on...
one-sided justice

The transcript of the highlight begins on the following page.

- 00:00 Since I have been here but also from my reading of the, the, the pleadings and judgments, et cetera, only one side has ever been prosecuted here. Only, there has never been, only Hutus have been in the dock here. There's never been a Tutsi from the RPF in the dock here.
- 00:22 This is important because there were two sides of the conflict and there's been mounting evidence, which was available in '94 up to today of the crimes of the RPF, and particularly here in the last two or three years, 2006, Judge Bruguière and more recently Spanish Judge Abreu have documented allegations concerning crimes.
- 00:51 Judge Bruguière issued arrest warrants for many people who were in the, the, the govern-, former RPF in the government of, of, of current President Paul Kagame. Could not issue an arrest warrant for Paul Kagame although he had evidence on which to base that because of his, his head of state immunity.
- 01:15 And we've asked that in light of this public evidence that the, the, the I-, the ICTR Prosecution's Office pursue it. There's been no response at all, at least certainly that I know about. Moreover, when there were, there was a little different response from Prosecutor's Office, there was a problem. The Prosecutor Carla del Ponte for example, initiated special investigations around 2002 to '03 into the, the crimes of the RPF.
- 01:54 As a result of that, and she has said this publicly in news, my information comes from news articles, she has said publicly she, her contract in September 2003 (___), as a prosecutor for ICTY and ICTR, was not renewed for ICTR and someone else was appointed. She essentially was punished.
- 02:16 During that same period of time, while these investigations had been initiated by her, in that period also was the Barayagwiza decision with the appeals chamber basically released Barayagwiza and through the, the machinations of the prosecution going, going to the appeals chamber on what they alleged I think was a new fact. They're not really new facts; the appeals chamber reversed their decision.
- 02:46 The third thing that happened in that period of time based on the country reports of the US State Department probably 2003 but don't quote me, maybe '03 or '04, was the, the State Department, our State Department talked about how Rwanda was, was not, was not complying with its obligations to send witnesses, to allow witnesses to travel to Rwanda.
- 03:13 So you have these, these three examples of, of what happened, the, the, the holding witnesses hostage by Rwanda, the, the denial of the appointment of Del Ponte and, and these, these examples to, to her action where she initiates special

investigations. Now, there are no special g-, investigations that I know about. The prosecution office now may claim it's investigating. I don't know.

- 03:46 The other problem is that, that, that I've been told that some of the crimes attributed or the allegations of crimes attributed to the RPF by Judge Abreu in Spain who actually issued indictments are the same crimes that have been attributed to some defendants here and this is a very, very serious, I mean it's a egregious case, you know, of, of fair trial and presumption of innoc-, and in violation of presumption of innocence.
- 04:17 So bottom line is that this tribunal which I believed should have looked at both sides has not, and it's not for lack of evidence, proof or international judges making findings that implicate the RPF.