

## Official Transcript: Dennis Byron (Part 2 of 10)



<b>Role:</b>	President and Judge
<b>Country of Origin:</b>	St. Kitts & Nevis
<b>Interview Date:</b>	28 October 2008, 5 November 2008
<b>Location:</b>	Arusha, Tanzania
<b>Interviewer:</b>	Robert Utter
<b>Videographer:</b>	Max Andrews
<b>Interpreter:</b>	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 2 begins on the following page.*

## Part 2

- 00:00 The, the, the attitude to the admission of evidence is informed by, by the rules which simply say that the court has a discretion to admit evidence which is relevant and probative. So we are not governed by many exclusionary rules of evidence. So there tends to be a, a, a much wider reception of evidence than what happen in my home country or in the, a normal Commonwealth, common law countries.
- 00:41 Robert Utter: Do you feel comfortable with that?**
- 00:43 Yes. Well, you, we still have a discretion to exclude, to exclude evidence and the basic principles of, of relevance and probative nature, I think, gives an adequate protection . . .
- 00:58 RU: Yes.**
- 00:59 . . . against undue time wastage and the taking in material which is not helpful to the adjudicative process. The rules specifically allow hearsay testimony and we also admit quite a lot of documentary evidence.
- 01:19 Additionally, the, the bench, the Adjudicative bench is three professional judges and so we don't have to worry about a jury being influenced by, you know, irrelevant or illogical processes in considering testimony that comes before the trial.
- 01:42 We, we, we have the power to admit written, written evidence, which we do exercise in certain circumstances. We don't take, we can admit written statements of witnesses but only when the evidence does not relate to the acts or conduct of the accused person.
- 02:02 And so, that allows an opportunity also to use that, that, that technique to save time in matters which don't impinge directly on the assessment of the behavior or conduct of the accused person.
- 02:20 RU: It sounds as if you had the opportunity to devise an ideal system. And . . .**
- 02:24 Yeah. I thought so. I, I think that the, I think that the, the, the Rules of Premise and Procedure have c-, have utilized, I think, the, the best practices of the common law . . .
- 02:37 RU: Good.**
- 02:39 . . . and, and there are adoptive practices from the civil law which I think have even improved the practice quite a lot. So from my own per-, personal perspective, I think that the, the, the rules of Practice and Procedure provide an excellent opportunity for trial management in a fair and expeditious manner.
- 02:59 RU: And does the judge in, in the conduct of the trial have the ability to move counsel along if they drift too far from the point?**

03:08 Oh yes. The, the judges have control of the, of the, of the trial to the extent that they wish to exercise control, and s-, some judges do. I, I think to some extent, as in every jurisdiction, there are different styles, different personalities at play but the, but the rules do allow a judge to do that if he wishes.

**03:29 RU: We had the privilege of interviewing Judge Weinberg yesterday, who left the impression that she moves things along briskly.**

03:36 Yes.

**03:38 RU: Well, I gather that's the option for a judge who is presiding.**