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ICTR/KAREMERA

KAREMERA TRIAL: JUDGE BYRON'S 'DOUBLE ROLE' LEADS TO PREJUDICE, CLAIMS DEFENDANT

Arusha, 4 November 2008 (FH) – One of the defendants before the International Criminal Tribunal for Rwanda (ICTR), Joseph Nzirorera, has complained over the prejudice caused to him because of the “double role” of Judge Dennis Byron-- as presiding judge and President of UN legal institution, trying key suspects of 1994 genocide.

Regularly, the ICTR President addresses the UN Security Council and the General Assembly over the progress of the UN Court's completion strategy, which was initially scheduled to finish its First Instance trials by the end of this year.

In June, ICTR obtained extension of judges' mandate until the end of next year.

“The role of Judge Byron as President of Tribunal and his duty to fulfil the completion strategy enters in direct conflict with his role as Mr Nzirorera's judge, when it is question of the length of time during which the case can be finished”, claimed Peter Robinson, lead counsel of Nzirorera, ex-Secretary-General of the National Republican Movement for Democracy and Development (MRND), former single ruling party.

In a motion filed by Robinson, affirms that before the election of Byron as head of Tribunal, the Chamber (which tries Nzirorera and which is presided by Byron) did not limit the number of witnesses called by the prosecution.

But, since Judge Byron has ascended to the presidency of ICTR, laments American lawyer, the defence deals with orders dramatically limiting the number of witnesses which it was authorized to call.

For Robinson, this 'personal situation' of Byron creates a reasonable fear of bias when it is question, for the Chamber, of coming to a conclusion about questions that could possibly have an impact on the completion strategy.

The American lawyer expressed his fears in reaction to an invitation made by the Chamber to the parties to give their opinions on a possible separation of proceedings following the long illness of one of defendants, former President of the National Republican Movement for Democracy and Development (MRND), Mathieu Ndirumpatse.

Nzirorera's defence, which rejects idea of a disjoinder, considers that Judge Byron does not have the separation necessary to rule on this proposal. According to Robinson, Judge Byron would be tempted to favour a solution fulfilling the requirements of New York [UN].

He points out that President Byron committed himself before the UN to finish in 2009 the trial of Nzirorera and his three co-defendants.

However, experience at the ICTR has demonstrated that individual trials are completed at a very fast pace whereas joint case can last up to seven years.

Ndirumpatse's health situation has paralyzed the trial of the MRND leaders since August. The first defendant, former Vice-President of the party, Edouard Karemera, had started to call his witnesses.