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Paying Homage to The Right Honourable Sir C.M. Dennis Byron

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On the occasion of the retirement of Sir Dennis Byron, President of the CCJ, former President of the ICTR, former Chief Justice of the ECSC

The retirement of one of this region's outstanding jurists is as much a watershed moment for Sir Dennis as it is for me personally because, from the time I was appointed by him to be a judge of the ECSC, I have enjoyed the extraordinary privilege of being able to work closely with him for a significant period of my judicial career. That period coincided exactly with the entire period he was Chief Justice of that court and also President of the CCJ. Throughout that time, perhaps more than any other, I have collaborated with him on a range of different projects and have benefitted enormously from his insights. It is not by coincidence that in each case I was and am faced with the unenviable task of following in his footsteps.



The Rt. Hon. Sir Dennis Byron swearing in the Hon. Justice Saunders on September 11, 1996 as a Judge of the ECSC

Perhaps because his legacy as a judicial reformer was so impactful, some of us tend to overlook the rich vein of jurisprudence he has left us. That would be a serious mistake. As a jurist, Sir Dennis's judgments displayed a first rate mind and a willingness to go where no judge in the region had gone before. In this regard many will readily cite the case of *Spence and Hughes* where he wrote the leading judgment that declared the mandatory death penalty to be unconstitutional. But there is another judgment that is not so well celebrated but which profoundly impressed me. It is an appeal from St Vincent and the Grenadines. The case of *Gooderidge v R*. The appellant was appealing his conviction for indecent assault on a very

young girl. The main ground of appeal was that there had been unreasonable delay in the proceedings and that the delay breached the appellant's constitutional right to the protection of the law. There had in fact been a delay of six years between the man's arrest and his trial. And Byron CJ did conclude that this delay was 'presumptively prejudicial'. But, in declining to uphold the appeal, he went on to note that the court should have regard to a 'special factor'. This special factor was the circumstance that the complainant was a six year old girl. Sir Dennis then boldly invoked the Convention for the Elimination of Discrimination Against Women (CEDAW). He noted that the international commitments made by St. Vincent and the Grenadines to protect girl children against sexual abuse was a highly relevant factor to take into account. He held that the child was entitled to state protection from violence and that both the society and the complainant had an important interest in the prosecution of the case.

In light of the strength of the corroborating evidence of the offence from a health worker, he dismissed the man's appeal. Several issues are discernible here. In the first instance, we see a judicial mind here that deftly weighs and balances seriously competing interests. Secondly, we note the judge's commitment to protecting the rights of women, children and the vulnerable – a commitment that was also manifest in several of his judgments at the ICTR that addressed the issue of rape as a weapon of war. But most significantly, this was the first occasion that I am aware of where a judge of the Eastern Caribbean premised his or her judgment on a country's international commitments in signing on to CEDAW. Even as today, some 20 years after the case was decided, we are still struggling to get some judges and lawyers to take seriously the implications of international law in domestic decision making, in typical fashion Sir Dennis was leading the way back then in 1998. During the eight years that he spent as Chief Justice of the ECSC, Sir Dennis transformed that institution in such critical ways that it can never again be what it used to when he assumed the office of Chief Justice. By the time he left for Arusha in 2004, judged against several important indicators, the ECSC was arguably well ahead of its counterparts in the region.

The facts are undeniable. It was certainly the first court in the region to adopt new Civil Procedure Rules based on the Woolf reforms; the first to promulgate a code of ethics for its judges; the first to embrace and practice court connected mediation; the first to establish an Institute for the training of judicial officers and court staff; the first to put in place a transparent and merit based system for the appointment of judges; unless I am mistaken, the first to embark on the publication of annual reports; and the list of firsts can go on and on.

These initiatives were not simply proclaimed. None of them had any chance of being successful without simultaneously conceiving and implementing a raft of accompanying measures including appropriate rules and physical infrastructure, the employment of new staff or else the re-engineering of existing staff complements, lots of training for court staff and judges alike and of course, public education. Needless to say, the accumulated effect of all of these initiatives revolutionised the entire administration of justice.

The fact is that the ECSC, by reason of its multi-state, federal character, always had a greater potential than the other courts in the region to function institutionally as a truly independent arm of government. Sir Dennis's reforms fully realized that sleeping potential. In 8 short years the capacity of the headquarters of the court was multiplied over and over to handle a range of different functions. Where before there was only a Chief Registrar and a stenographer, when Sir Dennis left in 2004, there was a library and research department; an accounting unit; a human resources officer; a pool of typists; a team of case managers; a judicial education institute; a court administrator; an IT Unit and a small mediation complex.

Looking back on it now, one is struck by the sheer volume of what was successfully accomplished in so short a period. The key to that success lay in Sir Dennis's boundless enthusiasm and indefatigable zeal, his visioning and careful planning, his bold leadership, his absorption of new ideas and international best practices, and the adoption by him of creative and effective methods of overcoming formidable obstacles.

When Sir Dennis arrived at the CCJ, our appeals were paper based. I remember well one appeal from Belize in particular where the record of appeal extended to some 40 volumes each of which contained over 200 pages. Within a few years, under his guidance, we migrated to a paperless system so that today we can

all access all our case files from our smart phones. This revolution in IT at the CCJ is a project that is ongoing as we encourage other judiciaries to adopt the APEX solution to their court technology challenges.

But quite apart from his IT successes at the CCJ, within a year of his presence in Trinidad he had the court embark upon a strategic planning exercise. He also introduced several measures to enhance the efficiency of our case processing and case management; our court rules and the judges' code of ethics were revised; several protocols governing court procedures were promulgated; and for the first few years of its operation he personally directed the JURIST project that has impacted positively on so many regional judiciaries. But perhaps the most significant measure implemented had to do with rendering the internal operations of the RJLSC more efficient and productive. Sir Dennis' legacy at the CCJ is one that has placed the court on a path to excellence. Mine is the challenge and the good fortune of inheriting that estate and seeking to turn it to account.

In this special commemorative issue of CAJO NEWS we celebrate the career of Sir Dennis through the eyes of those who have been close to him. You will hear from:

his younger brother, Mr Terrence Byron, himself an outstanding lawyer in St Kitts; Justice Indra Hariprasad-Charles who served as Chief Registrar of the ECSC while Sir Dennis was a judge of the Court of Appeal there and also while he was Chief Justice; retired Justice of Appeal Albert Redhead who, as DPP of St. Kitts and Nevis sparred with defence attorney Dennis Byron and who later served alongside him on the Bench of the ECSC for many years; Justice Constant Hometowu of Ghana who was President Byron's Registrar at the ICTR in Arusha; and Justice Vagn Joensen who served as a Judge at the ICTR when Sir Dennis was President of that court and who succeeded him as President of the ICTR.

As Sir Dennis demits office, we should not forget to pay tribute as well to Lady Norma Byron who for many years has quietly provided and continues to offer Sir Dennis the special warmth, love and tender companionship so important to one who leads such a fulfilling life. On behalf of the judiciaries in the region and the entire family of CAJO members we all wish both Sir Dennis and Lady Norma long life and good health. The region has been enriched by your many years of service.

Excerpts of the Family Story of the Rt. Hon. Sir Dennis Byron

2nd President of the Caribbean Court of Justice

by Terence V. Byron, C.M.G.

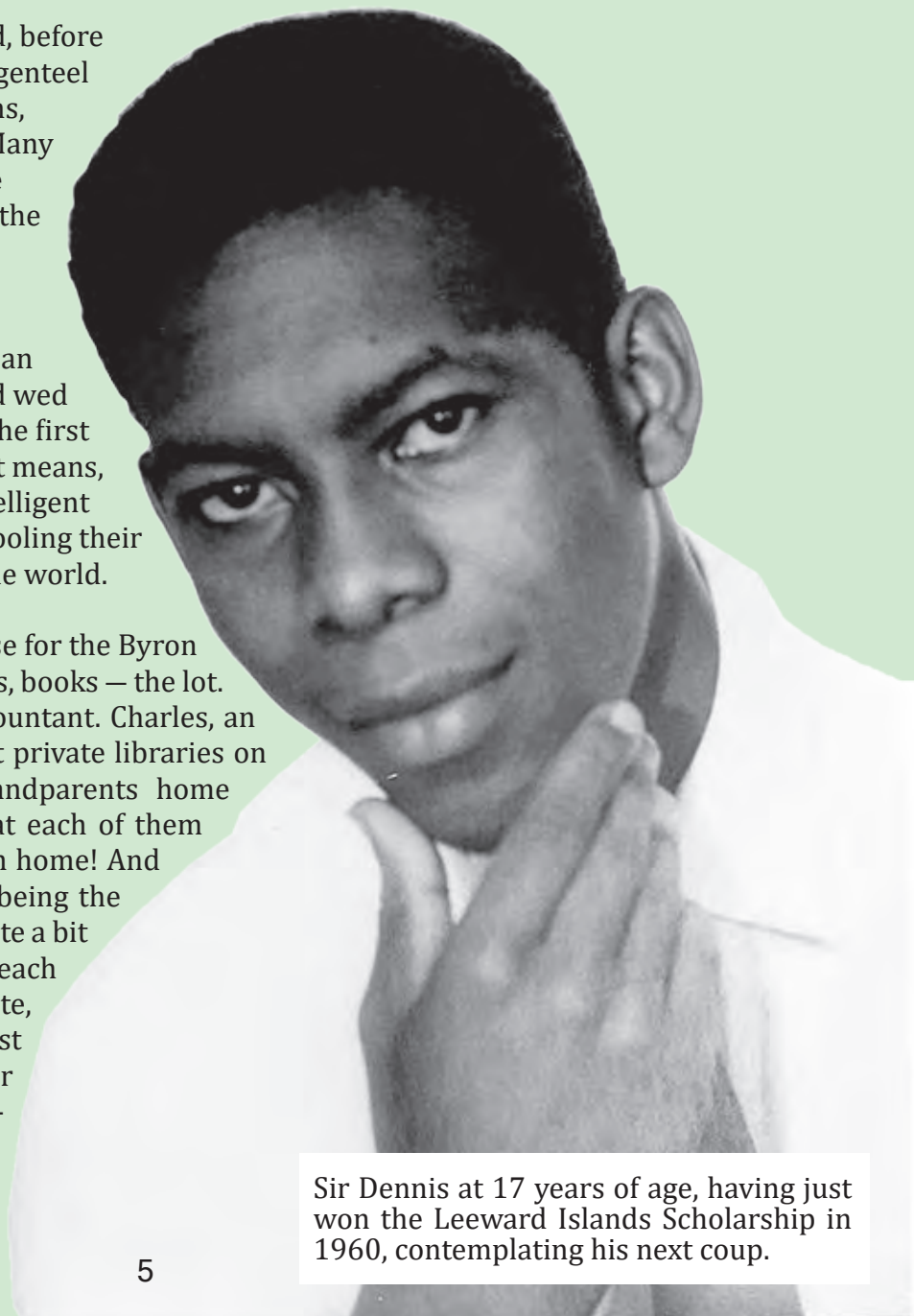
Our family story, like those of the vast majority of our fellow Caribbean citizens, goes back to the days of enslavement of our African forbears. We know that our great-grandfather on our father's mother's side was Abraham Swanston. He was born about 1830 in Nevis, during slavery, and proved to be a man of high ideals, ambitious, relatively well-educated, and certainly highly respected as a local preacher of the Gingerland (Nevis) Methodist Church.

He emerged in the post-emancipation era as an estate manager and a Boss Mason, somehow acquiring a Certificate of Title, one of the first issued under the Leeward Islands Title by Registration Act of 1887, for twenty acres of land at Rawlins Village.

He and his wife Rebecca née Hobson managed, before the close of 19th Century Nevis, to produce a genteel brood of eight children, who became musicians, governesses, teachers and religious leaders. Many migrated to greener pastures. Our great-uncle Edwin Swanston married Zora Tyson, aunt of the celebrated actress Cicely Tyson.

Miriam was Abraham's fifth child, and fifth daughter. She was employed as a governess at an Estate Great House when she was courted and wed by our teacher grandfather Charles Byron in the first decade of the 20th Century. Though of modest means, they formed a dynamic union. Both highly intelligent and highly religious, they set about home schooling their eight children one by one as they came into the world.

The facilities were complete with school-house for the Byron children in the yard, blackboards, easels, desks, books – the lot. Charles had a day job as a Book Keeper/Accountant. Charles, an avid, omnivorous reader, kept one of the best private libraries on Nevis. So thoroughly did our paternal grandparents home school their six sons and two daughters, that each of them won a Scholarship to Secondary School. From home! And they achieved the remarkable distinction of being the first family of eight on Nevis, and, perhaps, quite a bit further afield, between 1927 and 1941, to each gain the coveted Cambridge School Certificate, with as many as four of them achieving First Class Honours. They also stood out in their community as local preachers, choir members, public speakers, concert performers and monologists. They would all go on to become distinguished public servants.



Sir Dennis at 17 years of age, having just won the Leeward Islands Scholarship in 1960, contemplating his next coup.

The earliest surviving photograph of Sir Dennis shows him at not quite four years old in 1947, standing bravely on the steps of his grandmother Miriam's house in Bath Village, Nevis. All of Miriam's children are there for some occasion, with two daughters-in-law, Sir Dennis and two grand daughters. The gifted uncles and aunts appear as a cloud of witnesses to, and influences on, the future storied career of Sir Dennis.



Sir Dennis around 4 years old with his father's family in Nevis.

By the end of August, 1962, 19 year old Sir Dennis is about to take a leave of absence from the Caribbean to travel to Cambridge University in England to read Law. He will lead an active four years at Fitzwilliam House, later Fitzwilliam College, winning his oar in the College Rowing Team and picking up two University Degrees, while making many enduring friendships. The photograph shows him with his parents and siblings, on the steps of Government House, Anguilla, where his Senior Civil Servant father, Vincent F. Byron, Sr., M.B.E., has just taken up the post of Warden, the Chief Administrative Officer on the island.

On the cover page of this newsletter, we see a jubilant Sir Dennis, at 22 years of age, having just been called to the Bar of England and Wales in 1965 by the Honourable Society of the Inner Temple. Sir Dennis, a fast worker, in between attaining his Bachelor of Arts Degree in Law in June 1965, and re-entering Cam-

bridge University to begin reading for a post graduate Bachelor of Laws Degree in September, 1965, sat and passed his Bar Finals Exams in six to eight weeks – a



Sir Dennis about to leave his family in Anguilla to go to Cambridge.

piece of cake!
 In October, 2000, Sir Dennis, now Chief Justice of the Eastern Caribbean Supreme Court, is at Buckingham Palace to be knighted. The accolade was bestowed by H.R.H. Prince Charles, as Her Majesty the Queen was officially engaged elsewhere. Sir Dennis, both our parents having passed away two years before, invited his siblings for the occasion, and we are all there.



Sir Dennis at Buckingham Palace with his sister and brothers.

Sir Dennis accepted the invitation of United Nations Secretary-General Kofi Annan to join the International Criminal Tribunal for Rwanda (ICTR) in 2004, having served as Chief Justice of the Eastern Caribbean Supreme Court in an acting then substantive capacity since 1997.

A favourite photograph of Sir Dennis during his tenure as two-term President of the ICTR is a snapshot of him delivering a 6th-monthly Report on the ICTR Completion Strategy to the Security Council in New York, as he sits side by side with Jamaican-born H.E. Patrick Robinson, President of the International Criminal Tribunal for Yugoslavia (ICTY).

It was with great affection for Sir Dennis that his family organized a 70th Birthday Bash for him in St. Kitts on 4th-6th July, 2013. He attended a Church Service at the Wesley Methodist Church in Basseterre, St. Kitts, where in his youth he was baptized and confirmed, and he was entertained by friends and family at a luncheon at my home. He posed for this photograph with his wife Lady Norma, also the late Governor of the Eastern Caribbean Central Bank Sir Dwight Venner and departed friend Karl Hudson-Phillips, O.R.T.T., Q.C.

On 2nd December, 2017, Sir Dennis took part in a fund-raising Awards Ceremony hosted by Governor-General of St. Kitts and Nevis Sir Tapley Seaton at Government House, St. Kitts. This was a signature event of the Organizing Committee of the St. Christopher and Nevis High Court for the Celebration of 50 years of the Establishment of the Eastern Caribbean Supreme Court, 1967-2017.

Sir Dennis was a distinguished Awardee for his contribution to the Court and is the youngest of four surviving lawyers who were in practice in St. Kitts and Nevis when the Court was established. He is seen accepting his Award from the Hon. Justice Lorraine Williams, Resident Judge for Nevis.

We, his family, wish our learned brother well!



Two Caribbean Stalwarts, Presidents of ICTY and ICTR at U.N. Security Council.



Sir Dennis and Lady Norma with his friends Sir Dwight and Karl.



Sir Dennis accepts ECSC 50th Anniversary Award.

THE DIFFERENT SIDES OF SIR DENNIS

By Madam Justice
Indra Hariprashad-Charles



Sir Dennis, Justice Don Mitchell and his wife Maggie with Mme. Justice Hariprashad-Charles at the opening of a Judicial Conference in Castries, St. Lucia - ECSC Headquarters.

I am delighted to contribute to a special edition of CAJO's Newsletter to honour the Rt. Honorable Sir Dennis Byron. I feel immensely privileged to do so and I would like to thank the Chairman of CAJO, Honourable Judge Adrian Saunders for giving me this opportunity to share with colleagues and friends

some of the professional and personal interactions that I had with Sir Dennis during the thirty-two years that I have known him.

I was Sir Dennis's Registrar, his Chief Registrar and one of his judges. In fact, it was during his tenure as Chief Justice of the Eastern Caribbean Supreme Court ("ECSC") that I was appointed a High Court Judge.

SIR DENNIS AS A REFORMER

When Sir Dennis was sworn in as Chief Justice of the ECSC in 1999, he remarked with typical confidence and panache that he was taking over a Court in fine shape. In 2004, when Sir Dennis retired early to take up an appointment as President of the International Criminal Tribunal for Rwanda, he left the Court in finer shape. Within five years, he had transformed that Court into a technologically-advanced Court. He visited other technologically-advanced Courts in Canada and the US including the National Center for State Courts in West Virginia and with their assistance, he modernized the ECSC. He introduced the JEMS software simultaneously with audio/court-reporting proceedings. He launched the Judicial Education Institute (with no funding) in a make-shift office housed next to his Chambers. With the assistance of then Justice of Appeal Adrian Saunders, Master Alleyne of Trinidad & Tobago and a few hard-working colleagues, judges as well as staff received regular biannual training. New judges had to attend orientation seminars where they were trained in writing judgments, judicial ethics, sentencing and even judicial deportment. A Code of Ethics for Judges

was also implemented.

Thereafter, despite protests from one or two constituent bars in the Eastern Caribbean, he introduced the Civil Procedure Rules in 2000 ("CPR 2000"). He established court administration departments including the Mediation Headquarters in St. Lucia and he moved, with forceful vigour, to establish specialized divisions of the Court, for example, Criminal, Family and Commercial. The list of reforms is non-exhaustive. However, I do not intend much longer to belabor any of them as they are recorded in the annals of history.

In the Eastern Caribbean Supreme Court, Sir Dennis will be remembered as a visionary and a pragmatist; a legal eagle and a genius; a man of action and a dreamer but one whose dreams have become realities. In my opinion, Sir Dennis will only stop dreaming when he is positive that all citizens enjoy equal access to competent, independent, effective and impartial tribunals established by law.

SIR DENNIS AS A JUDGE

It had been our good fortune in the Eastern Caribbean to have had Sir Dennis not only as our Chief Justice but also as a High Court Judge and a Justice of Appeal. He still holds the record as the youngest person to be appointed a judge of the ECSC at age 38. The legal

profession in the Eastern Caribbean and beyond has benefited tremendously from his many erudite judgments. His judgments demonstrate a powerful and analytic intellect, wide reading, appreciation of the law and finely tuned forensic skills.

His vocabulary and his particularly pellucid propensity have enriched the quality of judicial pronouncements to an enviable and competitive standard throughout the English-speaking Caribbean.

I need not reiterate the landmark judgments which he delivered in *Hughes and Spence v The Queen* (consolidated appeals from St. Vincent & St. Lucia) (along with Justice of Appeal Saunders (as he then was) and *Mitcham v The Queen* (St. Christopher & Nevis)), the latter amplifying guidelines on the sentencing phase in murder cases and the former holding that the automatic death penalty was unconstitutional.

When Sir Dennis was a High Court Judge in St. Lucia, he introduced ADR in trials even when it was unheard of.

PERSONAL SIDE OF SIR DENNIS

I have known Sir Dennis from the time he was assigned to Saint Lucia as the Resident High Court Judge in the mid-eighties. In all of those years, there are a few qualities that stood out and which I think aptly describes Charles Michael Dennis Byron: HUMBLE, UNDERSTANDING, HONEST, CARING AND SINCERE. He has a heart of velvet and reaches out to all, especially those in need.

I would be remiss if I do not mention Dennis, the comedian. Dennis has a particular 'knack' for retelling jokes which he had heard with his own flavour; whether it be the dentist who forgot her dentures and borrowed some from her neighbour at the head table; later to find out that the neighbour was an undertaker or Maria who had three husbands. Time does not permit me to go into more detail. Succinctly put, he is funny. Over the years, I have borrowed some of his witticism only to find out that his talent in that area is the subject of much debate.

As Sir Dennis goes into retirement, I envision that he will begin a new chapter of his life; perhaps writing a book or continuing legal education. He will definitely not fade away.

Last but not least, I wish Sir Dennis and Lady Norma (whom I have also known for in excess of thirty years) a fruitful life after retirement.

He urged parties to amicably settle their matters especially when they were related. If and when all avenues of resolution were exhausted, he would become the epitome of a judge in the classic mode and his stern and austere aspect would hold merciless sway. At that stage, he did not countenance slackness and meandering submissions.

It is well known that Sir Dennis never shirks work. On the contrary, he works too hard and too long. Over the years, I had hoped that he would change but my understanding is that he works even harder and longer hours.



Sir Dennis and Madam Justice Hariprashad-Charles at the First Judicial Conference of judges, registrars and magistrates in 1999 at ECSC's Headquarters in Castries, St. Lucia.

My Tribute to the Rt. Hon. Sir C. M. Dennis Byron

By Albert J. Redhead
Justice of Appeal (Retired)



Sir Dennis Byron with Justice Albert Redhead.

On 1st September, 1974 I arrived in St. Kitts and took up the post of Crown Counsel. On 6th September 1974, I had my first assignment and prosecuted a criminal case of smuggling at the Dieppe Magistrate Court. I met and was introduced to Mr. Byron, who was defense counsel in that case- *the Commissioner of Police v John Doe*.

The case for the prosecution was that three men were seen by the police docking a fishing boat. The police approached the beached boat. The men fled. The police gave chase, two of them escaped but Mr. Byron's client who had an impediment, he had lost his left arm was unable to outrun the police. He was apprehended, charged and convicted for the offense. Mr. Byron offered me a lift back to town. I was very much impressed by that kind gesture, as in my view, other lawyers would have looked the other way.

On our way, Mr. Byron offered to take me to lunch at Rotary, I accepted. There I was introduced to many important Kittitians. I became very friendly with Mr. Byron. He had a very wide law practice in St. Kitts, Nevis and Tortola.

As Crown Counsel and later Director of Public Prosecutions in 1980, I prosecuted many cases in which Mr. Byron was involved. He was a very formidable opponent. He is a gentleman and a brilliant legal practitioner with a very sharp mind. I learnt many things in the law from him.

The last case, as Crown Counsel, I prosecuted against one of Mr. Byron's client was *the Queen v John Doe*, and would you believe it? The victim was a one hand man by the alias of Tom Dummey from Tabernacle, St. Kitts.

This case involved a triangular love affair. The accused believed that his girlfriend had a sexual relationship with Tom Dummey. He and the accused had an altercation. The accused beat the deceased with a piece of grape wood about his body. According to the medical evidence a blow at the back of the head killed him instantly. The accused was charged and prosecuted with the offense of murder. He was defended by Mr. Byron.

In 1982 Mr. Byron, this brilliant lawyer, was appointed judge of the Eastern Caribbean States Supreme Court. Justice Byron performed with distinction.

On 1st February 1985, I was appointed High Court judge and posted to Antigua. I was elated to join my good friend and mentor on the bench, where I served as judge (31 years and 6 months). No one has worked as long as I have with Sir Dennis.

In 1986 the Honorable Mr. Justice Byron was appointed to act as Chief Justice in Grenada to undertake the Maurice Bishop trial. In my opinion, there was no one at the time more suited to undertake this arduous task. Justice Byron is always calm, I have never known him to have lost his temper. He is always soft spoken. He dispensed justice in a very humane way. Throughout the trial, the accused did their best to disrupt the proceedings by stomping on the floor, hissing, and making loud noises so as to prevent the trial from going forward. Their disruptive antics did not deter Byron C.J (Ag). As a result, the public referred to him as "Mr. Justice Patience".

Justice Byron returned to the High Court in Antigua as judge in 1986.

Sir Byron was appointed to act as Chief Justice in 1996, on the retirement of Sir Vincent Floissac in July 1996. His substantive appointment was made in 1999. I would consider him to be one of the greatest Chief Justices. He is regarded as "the great reformer". He took on the Herculean task of reforming the civil and criminal law. Prior to this, civil cases languished in the system for many years. The criminal cases also took years to come to court (I know of a murder case which took 9 years before coming to trial). In other words, the system was broken. Sir Dennis worked indefatigably to accomplish the task of fixing the system. In this regard the Honourable Chief Justice, undertook the reforming of the civil procedure (the Rules then were Rules of the Supreme Court 1970), this resulted in the Civil Procedure Rules 2000. He then undertook the reform of the criminal law; criminal cases now take about three months from commission of offense to trial and disposition.

He wrote the leading judgement in the landmark case of *Spence and Hughes v the Queen* (see Spence and Hughes, 2001 60 WIR at page 156). This case quashed the mandatory sentence of death on an accused convicted of murder.

During that period, he actively encouraged all the judges to become computer literate. He also setup the judicial institute for the training of judges and masters. To undertake this reform, we were required to have sessions on Saturdays. He involved the judges and lawyers in the participation of this exercise through video link.

Shortly after completing this mammoth task, Sir Dennis took up the appointment as Judge of the International Criminal Tribunal in Rwanda in 2004. This, to my mind, was devastating and a great loss to the development of the jurisprudence in our region. This however, was fortunately temporary, as Sir Dennis returned to the region to take up the very important post of President of Caribbean Court of Justice (CCJ) in 2011. Shortly after his appointment Sir Denis embarked upon the task of encouraging the rest of the region to become members of the CCJ in its appellatant jurisdiction.

He with other judges travelled extensively throughout the region in educating members of the recalcitrant governments, lawyers and residents of the advantages of being members of the Caribbean Court of Justice (see the very important decisions of the Court including, *Shanique Myrie v Barbados* - 2013).

Unfortunately, the time has come when Sir Dennis Byron, this great jurist who bestrode the legal scene like a colossus will retire. This in my considered opinion, will be a permanent loss to the further development of the jurisprudence in the OECS and the wider Caribbean region.

I and on behalf of my family wish Sir Dennis Byron a happy retirement, God's bountiful blessing, good health and protection to him and his dear wife, Lady Byron.

A Teacher and a Pillar of Justice

by His Lordship Justice Constant K. Hometowu
Justice of the High Court of Ghana

“And I’ve seen the Promised Land. I may not get there with you. But I want you to know tonight, that we, as a people, will get to the Promised Land. And I’m happy, tonight. I’m not worried about anything. I’m not fearing any man. Mine eyes have seen the glory of the coming of the Lord.”

These words of Martin Luther King, the renowned American Civil Rights Activist of blessed memory, resonate in my ears as I write this article, in honour of the Rt. Hon Sir Dennis Byron, President of the Caribbean Court of Justice (CCJ), former President of the International Criminal Tribunal for Rwanda, (ICTR), Arusha – Tanzania, and former Presiding Judge of Trial Chamber III, of the ICTR. As I seek to establish a link between the personality of Sir Dennis, affectionately referred to as Judge Byron, and the dreams espoused in the statement, I came to the realisation that a nexus of visionary leadership and definiteness of purpose remain a solid bridge that likens the aspirations of Judge Byron to those of Martin Luther King.

The Rt. Honourable Sir Charles Michael Dennis Byron was appointed as Permanent Judge of the ICTR on 20th April, 2004. He arrived in Arusha, Tanzania, on 23rd June 2004, to take up the appointment, and was made the Presiding Judge of Trial Chamber III, which he inherited from the late Judge Williams of blessed memory.

Judge Byron was elected President of the ICTR on 21st May, 2007, to complete the term of Judge Lloyd Williams of St. Kitts and Nevis, the Caribbean, who passed on to eternity before the end of his term. He was re-elected President on 8th May 2009 and left ICTR in August 2011 to take up a new appointment as President of the CCJ.

Then, the Courtroom Officer and Coordinator of Trial Chamber III, I had the privilege to interact with with him, as the Presiding Judge, on a daily basis. We clicked instantly during our first meeting and it was clear to me that we were going to get along well. Being a Ghanaian, from a country Judge Byron adored and had numerous friends from, we immediately had a lot to talk about. He told me about his deep feeling that his ancestors might have certainly come from Ghana, a country he visited on at least two occasions. On one such visit, I had him over, for dinner with my family and the ICTR colleagues in Ghana. That day, he taught me a lesson in humility when he descended from his

pedestal, as an accomplished and internationally-acclaimed legal mind and judge, to honour my invitation and interact with all dinner guests, regardless of status.

As Courtroom Officer, I always participated in almost all court sessions he presided over. We discussed issues related to court management, change management, dealing with Lawyers (Defence and Prosecution) and their clients. Our interaction grew from strength to strength, culminating in my involvement, on the authority of the Judges, in out-of-court settlement of issues between the parties.

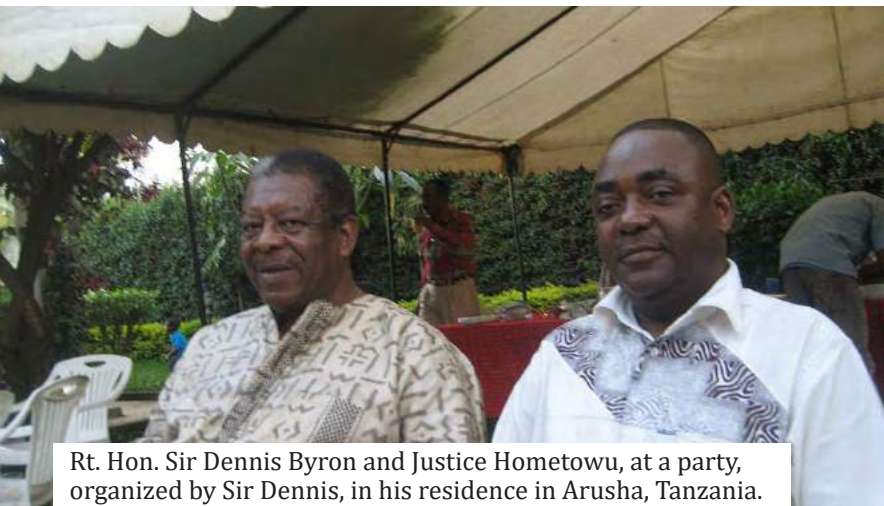
In the Karemera et al trial in particular, over which Judge Byron presided, assisted by Judge Vagn Joensen and Judge Gustave Kam, he taught me “shuttle-diplomacy” in resolving issues amicably between parties. The Karemera bench would from time to time give me the mandate to perform this role on its behalf, which responsibility earned me the title “Justice Hometowu”, as far back as 2008, or thereabout, even before I became a Justice of the High Court in 2013.

Today, as Justice of the High Court, I have the conviction that he had impacted numerous ideas and thoughts into my thinking process, having had the privilege to sit right in front of him in his courtroom and learn at his feet, in Arusha, then in my capacity as Courtroom Officer and Coordinator of Trial Chamber III. There are moments today, when faced with situations that required a balanced determination, in my Court, I would often ask myself, “What decision would Judge Byron have taken if he were faced with this conflict situation?” In most cases, I will take decisions, based on due process and the principles of justice, bearing in mind the judicial discretion courts are endowed with. The balancing act never left out the huge influence Judge Byron impacted on me, then and even now, from a distant location spanning thousands of kilometres, from Accra to Port of Spain.

Judge Byron wanted me to succeed not only in life in general, but also in my current profession as a Judge.



Rt. Hon. Sir Dennis Byron and his colleague Judges of Trial Chamber III, ICTR, Arusha - Tanzania.



Rt. Hon. Sir Dennis Byron and Justice Hometowu, at a party, organized by Sir Dennis, in his residence in Arusha, Tanzania.



Ms. Paula Pierre, then CCJ Registrar, Justice Hometowu and Rt. Hon. Sir Dennis Byron, in the President's office at the CCJ, during a working visit of Justice Hometowu, at the invitation of Rt. Hon. Sir Dennis Byron.



Rt. Hon. Sir Dennis Byron and his Judges of the Trial and Appeals Chambers, including Registrar Adama Dieng and Prosecutor Hassan Bubaccar Jallow, all of the ICTR.

This was what he said “Dear Constant, My Lordship, please accept sincere congratulations on the attainment of this laudable appointment. I am delighted and proud. I share this joy with your family. I know that you deserve the appointment and am sure that you will serve the people and judiciary of Ghana well. I will continue to hold you in high esteem and look forward to working with you in judicial education and reform programs”.

These words of encouragement, coming from a person of such high repute, as Sir Dennis, were, to me, the foundation upon which I am building my career. In particular, his opinion that I deserve the appointment did not only make me humble, it also served as the catalyst of encouragement that gave me the confidence needed to lift me up in my new profession.

I have always held the opinion, and still do, that judgeship is a daunting task, which requires a lot of thinking and an intuitive mind, to dispense justice, with integrity, and in fulfilment of the wishes of the Supreme Judge, the Almighty God, on whose behalf, we, mere mortals, are privileged to have been called upon to represent here on earth. What a daunting task. I therefore consider Judge Byron as a special gift from God, not only in my life but also that of my family.

My daughter, Elsie Akofa Hometowu, as far back as 2010, when she was barely twelve (12) years old, had a special admiration for Judge Byron. After she met him during one of our encounters, she said to me “Daddy, Judge Byron is a great man. I will take after him”. Years down the line, Akofa is now a first year Law student at the Lancaster University, Ghana. Need I say more? His influence transcended my generation. The proof is there for all to see. What an impact-making man!!! My lovely daughter, Akofa Hometowu, as far as I know, views Maya Angelou as her mentor. Her WhatsApp DP has the inscription “Your legacy is every life you have touched”. It is a statement attributed to Maya Angelou. How appropriate at this time. Judge Byron has left a huge legacy within the national and international legal fraternity as well as humanity in general.

Judge Byron taught me the essence of judicial comportment, integrity, impartiality, ethical behaviour and case management, among others. These attributes, he emphasised, are tenets to hold high in the adjudication of cases and to stand tall in my career as a Judge. I remember asking him one day whether he regrets his

decision to become a Judge. The stern look on his face and the grim smile that accompanied it was a resounding confirmation of his love for his chosen career – judgeship, which role he played with distinction, having occupied very important positions, notable among them, Chief Justice of the ECSC, President of the ICTR (a position which was equivalent to that of Under Secretary General of the United Nations), President of the Caribbean Court of Justice, inter alia.

Sir Dennis loves smart case management. This was his favourite theory and practice when I served under him in a triple capacity as Courtroom Officer, Coordinator of Trial Chamber III as well Officer-in-charge of the Judicial Proceedings Unit of the UN-ICTR. His engagements with me related, most often, to how to move proceedings faster so as not to waste time and resources of the Tribunal. Effective judicial case management was his passion. I had the rare privilege and opportunity of discussing with him issues such as e-filing, performance standards and the use of court technology to advance the course of justice. In fact, I was a student of case management learning under his tutorship and leadership. Little did I know that one day, those useful lessons would come in handy.

In the introduction to his Case Management for Guyana Judiciary, a paper he presented on 30th June 2017, President Byron had this to say: “The expression “changing the litigation culture” seems to have become very fashionable. But it is necessary to reinforce the idea that change is incremental.



Rt. Hon. Sir Dennis Byron, Constant Hometowu and Judge Vagn Joensen at a party in Arusha, Tanzania.

Court excellence is not a state that some courts achieve. It is rather the practice of continuous self-assessment, implementing plans for improvement and

then evaluating the results”.

These sentiments represent a true reflection of Judge Byron’s thought pattern. His love for continuous improvement in the justice delivery process knows no bounds. The effectiveness of visits to locus in quo, in the process of ascertaining the truth was one extremely useful lesson I learnt from him. In my present role as Judge, I cannot but agree with his belief that site visits are crucial in making an informed determination on matters in controversy. I have indeed made several such orders and the impacts have been phenomenal. And I always smile anytime I succeeded in making up my mind following a site visit. Those were moments reminiscent of Judge Byron, particularly our site visits to Rwanda.

My relationship and interaction with Sir Dennis reached its pinnacle when, in May 2013, he sought permission from the then President of the ICTR, his successor, Judge Vagn Joensen, and invited me to come and share my thoughts and experience in case management with the staff of the CCJ. “Wow”, I thought silently. How will I be able to make the desired impact on court management in an institution of repute like the CCJ? I had no option but to pluck up courage and deliver to expectation. The trip, till today, has been one of the best ever in my life. It was a two-week programme, which was both didactic and entertaining. It offered me the rare opportunity to share the best practices acquired in e-filing at the ICTR with the Registry staff of the CCJ. I had a smooth working relationship with Ms. Paula Pierre, the then Registrar of the CCJ. Her competent staff members were absolutely cooperative and gave me unparalleled support. I equally had tremendous assistance and support from all CCJ Court staff, including those from the Office of the President.

I also had the chance of working closely with some of the Judges of the Court. In particular, I have not forgotten the discussion sessions I had with the Judges in fine-tuning a Practice Direction issued by the President of the CCJ, under the Chairmanship of Judge Adrian Saunders. I eventually developed a closer relationship with Judge Saunders, who, I am told, is the in-coming President of the CCJ.

Certainly, my visit to Port of Spain, Trinidad and Tobago, (T&T), in the company of my dear wife, Mildred, would never have been complete without a

one-day trip to Tobago, which was facilitated by the Registry staff. The tour of Tobago, the visit to the sandy beaches in Trinidad, was facilitated by President Byron, who made a vehicle and a driver available to us throughout the visit. I have a vivid recollection of some of the food items we tasted – Crab & Dumpling; Bake & Shark - happen to be some of them. The party, Judge Byron and Lady Norma organised in our honour was most heart-warming, as he invited the Judges and Staff of the CCJ, as well as former colleagues of the ICTR, who came from T&T, and some members of the Ghanaian community in T&T. And to crown it all, the night before our departure from T&T, the evening of 24th May 2013, saw us, in the company of Sir Dennis, Lady Norma, Judge Saunders and some other friends at a Pan Yard. We had a good time, listening to live performances of authentic Caribbean music. What a night to always remember!!!

It is obvious that Sir Dennis is one person who has had a huge impact on my life and career and continues to do so today. I consult him when confronted with issues that require deep reflection and serious decision-making and he has always been open to me. He expanded my circle of friends. His beloved wife, Lady Norma, Judge Saunders’ wife, Marilyn, have become friends to my dear wife, Mildred.

Sir Dennis is a great man. A man of vision who taught me the principles of judicial integrity, judicial comportment, as well as the virtue of humility. I remain forever grateful that our paths have crossed. I have in Judge Byron a father, a mentor, an advisor, and a friend. I am really blessed.

As his tour of duty ends on 4th July 2018, I wish him God’s blessings, good health, joy, happiness and a fruitful retirement.



Judges of the Karemera et al trial, with Defence Counsel and Registry Staff, Trial Chamber III, ICTR. From left to right: Dior Diagne, Justice Joensen, Chantal Hounkpatin, Rt. Hon. Sir Dennis Byron, Frederic Weyl, Zerthun Belay, Justice Kam and Justice Hometowu.

Interactions with Sir Charles Michael Dennis Byron

By Justice Vagn Joensen

Sir Charles Michael Dennis Byron (“Sir Dennis”) was my colleague at the United Nations International Criminal Tribunal for Rwanda (“ICTR”), based in Arusha, Tanzania, and, perhaps, most importantly, became a close friend.

Sir Dennis joined the Tribunal in June 2004 and soon became Presiding Judge of Trial Chamber III of the ICTR where he took over the seminal Government I case. About a year into the trial, one of the associate judges had to resign from the case and I was called to replace him. After I had familiarized myself with the trial record, the trial resumed with Sir Dennis presiding and Judge Gustave Gberdao Kam (Burkina Faso) and myself (Denmark) as associate Judges.

It was quite a challenge to be catapulted into an ongoing trial, especially one with hybrid legal procedures composed of elements from both Common Law and Civil Law. I comforted myself with the fact that I would be in the less stressful position of working as an associate judge and only on one case. That was, however, before I learned what it meant to work alongside Sir Dennis.



Sir Dennis Byron and Justice Joensen in a relaxed frame.

A few weeks after I joined his Chamber, Sir Dennis was elected President of the ICTR. Presiding over a multi-accused trial while simultaneously managing the Presidency is incredibly time consuming, and even more so because Sir Dennis is a reformer. Indeed, while balancing both functions, Sir Dennis initiated an overhaul of the ICTR’s procedural rules and working methods, relying on his vast experience as President of the Commonwealth Institute for Judicial Training. I still remember that, during breaks in the trial, Judge Kam and I would act as a test board for some of Sir Dennis’s ideas, which included the creation of a Rules Committee to review the ICTR’s Rules of

Procedure and Evidence. This Committee was composed of 3 Judges, including Judge Kam and myself (as chair) and representatives from the Prosecution, the Registry, and the Defence. He also initiated a similar pre-trial working group, which led to the creation of a Pre-Trial Chamber that handled the preliminary steps in all new cases before referral to a Trial Chamber as well as a reporting system for the progress of trial preparation.

Sir Dennis also devoted special attention to the rights of the ad litem judges. In 2003-2004, the Security Council amended the Statutes of the ICTR and its sister tribunal, the International Criminal Tribunal for the former Yugoslavia (“ICTY”), creating a roster of ad litem judges to be called to join trial chambers and expand the capacity of both tribunals. Unfortunately, the ad litem judges, who were expected to be called intermittently and for limited periods, were not entitled to any pension, not entitled to be elected President of either tribunal or to vote at elections or Judges’ plenaries, and were not entitled to preside over trials. However, these judges were assigned to long running multi-accused trials and their terms of office were continually extended because it made little sense to replace judges possessing extensive tribunal experience with judges without any. Over time, most of these ad litem judges had seniority that matched or exceeded the seniority of the permanent judges.

Despite little support, Sir Dennis frequently confronted the Security Council, the General Assembly’s Fifth Committee, and the Advisory Committee on Administrative and Budgetary Questions calling for equal conditions between ad litem and permanent judges. Against all odds, Sir Dennis succeeded and the General Assembly

adopted a lump sum scheme for the ad litem judges of both tribunals in lieu of a pension scheme. The Security Council would eventually also remove the limitations on the ad litem judges' rights vis a vis the permanent Judges. Consequently, the remaining new trials were assigned to ad litem judges as Presiding Judges and I, as an ad litem judge, was elected first as Vice-President and then as President of the ICTR with an ad litem judge as Vice-President.

The ad litem Judges, and not least of all myself, are eternally grateful to Sir Dennis for his solidarity and determination to ensure equal rights between the judges of both tribunals.

Furthermore, together with the Prosecutor and the Registrar, Sir Dennis initiated outreach programmes throughout Africa with other international, regional, and national courts dealing with the prosecution of international crimes. Sir Dennis recognized that the ICTR had a wealth of experience on how to run an international court and how to prosecute and adjudicate international crimes. He was, therefore, committed to sharing these lessons learned through seminars and through the exchange of staff to/from the ICTR. This endeavor continued even after Sir Dennis became President of the Caribbean Court of Justice ("CCJ"). Specifically, staff from the ICTR were invited to the CCJ to engage in a dialogue with CCJ staff, and Sir Dennis,

together with Mr. Justice Adrian Saunders, organized a seminar in Arusha, which brought together Judges from the African Court on Human and Peoples' Rights, the ICTR, and the Constitutional Court of South Africa for a judicial dialogue.

Finally, I wish to mention Sir Dennis' and, at this point, also Lady Norma Byron's outreach on a more personal level. The Byron residence was by far the most hospitable in Arusha. Sir Dennis and Lady Norma brought together the ICTR's Judges, Prosecutor, Registrar, staff, and defense counsel, and succeeded in creating an environment of mutual respect despite our different, more or less adversarial, professional roles. They also introduced us to the local civil society and to their family, friends, and colleagues, visiting from the Caribbean, earning their residence the nickname, "the Caribbean Embassy". This outreach has continued after Sir Dennis' and Lady Norma's departure from Arusha. I, among others, have been warmly received at their residence in the Port of Spain and introduced to the CCJ as well as the wider legal profession and civil society in the Caribbean.

Sir Dennis and Lady Norma will forever have a special place in the hearts of the many people who had the privilege of enjoying their company and Sir Dennis will always be remembered as one of the most well-respected Judges of the ICTR.

More Memorable Moments with Sir Dennis




Sir Dennis and Lady Norma at Mr. Justice Saunders' Book launch.



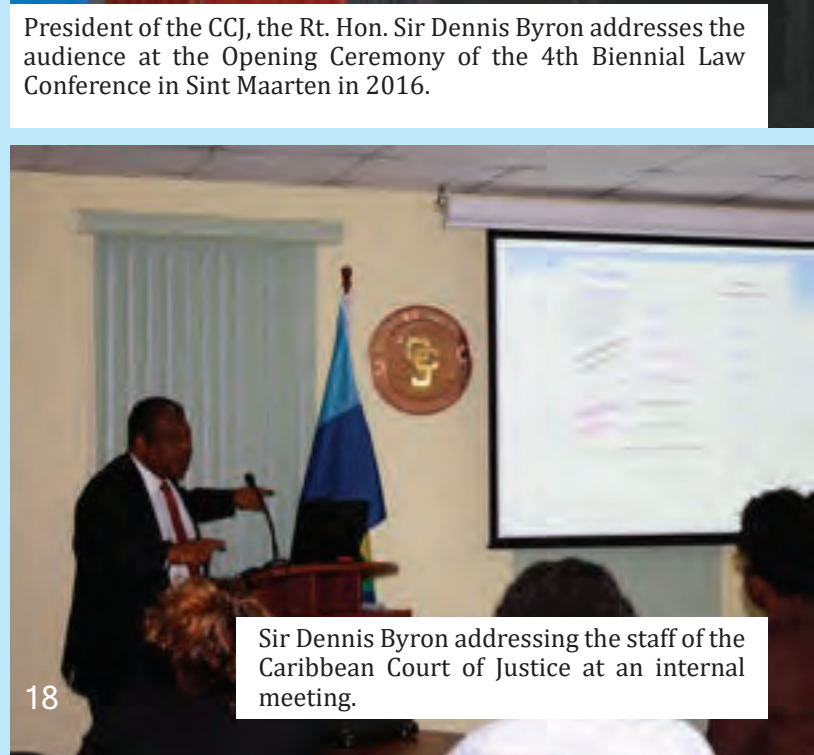
Sir Dennis enjoying a light moment with national entertainers.

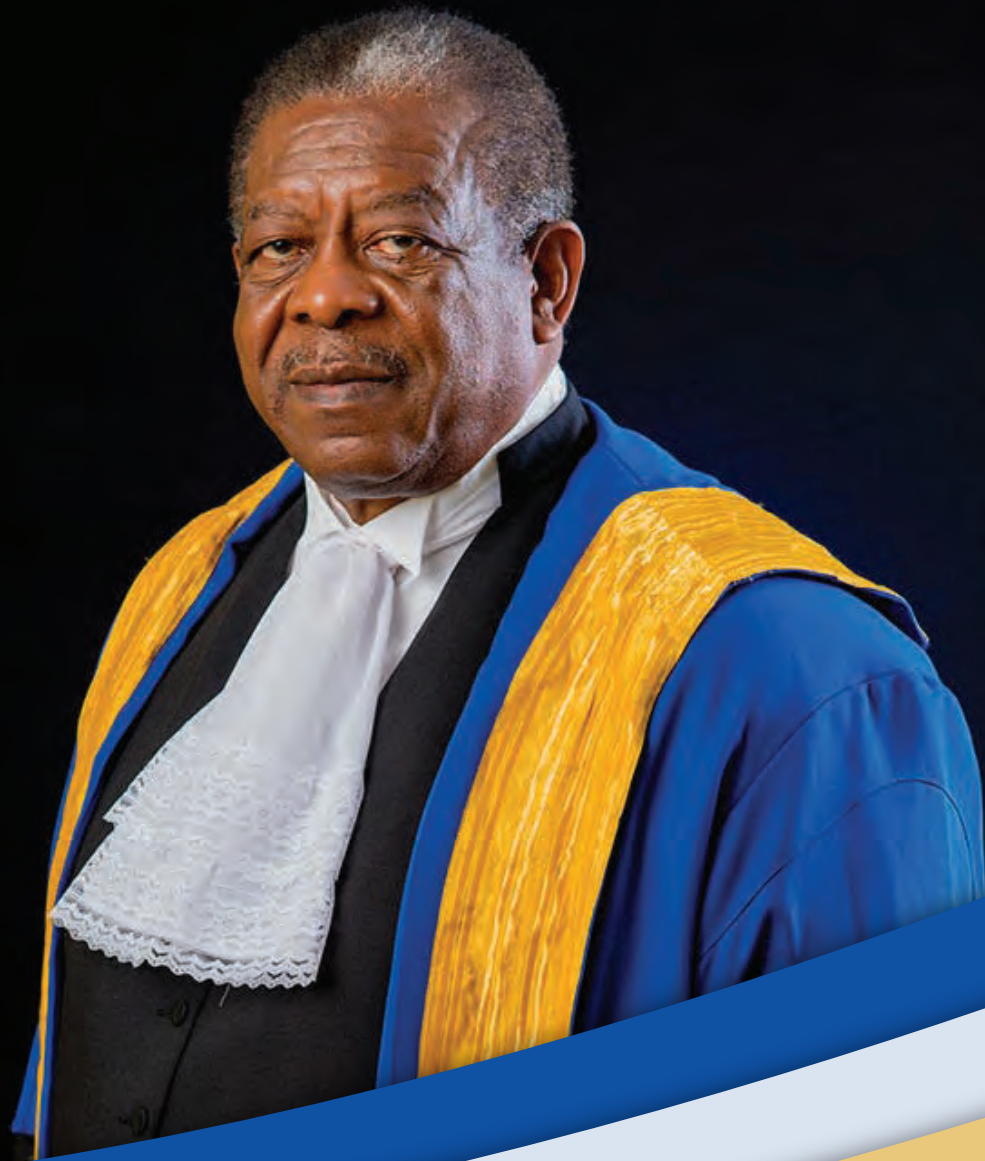
Sir Dennis Byron as a Judicial Educator

The Rt. Hon Justice Sir Dennis Byron has shown great prowess as a judicial educator. Whether it be at conferences or during courtesy calls or court visits he makes the effort to share his knowledge and experience with his audience. From students to diplomats and all types of dignitaries, Sir Dennis Byron advises everyone, often with a healthy dose of humour and wit.



At the 2015 CAJO conference in Willemstad, Curacao, Sir Dennis Byron addresses the audiences in his capacity as President of the Caribbean Court of Justice.





The Caribbean Association of Judicial Officers extends
heartfelt thanks to

The Right Honourable Sir C.M. Dennis Byron

for the 7 years of wisdom, support and guidance
he invariably extended.

We wish him a happy and vibrant retirement!