

ICTR-97-32-DP
(25-8-97
(30-27))

30

Case No.: ICTR-97-32-DP

UNITED NATIONS



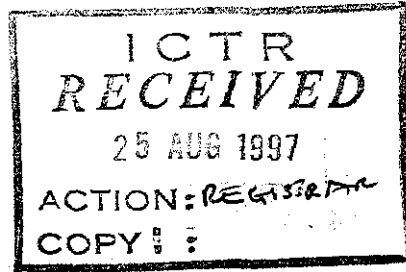
NATIONS UNIES

**International Criminal Tribunal for Rwanda
Tribunal pénal international pour le Rwanda**

OR:FR

Before: Judge Laïty Kama

Decision of: 16 July 1997



**THE PROSECUTOR
VERSUS
GEORGES HENRI YVON JOSEPH RUGGIU**

Case No.: ICTR-97-32-DP

**ORDER FOR TRANSFER AND PROVISIONAL DETENTION
(IN ACCORDANCE WITH RULE 40 BIS OF THE RULES)**

Office of the Prosecutor: Mr. Bernard A. Muna

Registry: Mr. Antoine Kesia-Mbe Mindua

L496
ICTR-97-32-DP/decdp32/eng

A handwritten signature in black ink, appearing to be "tup".

Case no.: ICTR-97-32-DP

THE TRIBUNAL,

SITTING in the person of Judge Laïty Kama,

HAVING RECEIVED on 14 July 1997 from the Prosecutor a request dated 9 July 1997 for the transfer and provisional detention of the suspect Georges Henri Yvon Joseph Ruggiu, a Belgian national, born on 12 October 1957, in accordance with Rule 40 bis of the Rules of Procedure and Evidence of the Tribunal ('the Rules');

CONSIDERING the affidavit dated 10 July 1997, attached to the said request from the Prosecutor;

HAVING HEARD the Prosecutor during a hearing held to that end on 15 July 1997;

CONSIDERING the formal request dated 9 July 1997, addressed by the Prosecutor to the authorities of the Republic of Kenya to arrest and place in custody the suspect Georges Henri Yvon Joseph Ruggiu, in accordance with Rule 40 of the Rules;

CONSIDERING Resolution 955 of 8 November 1994 adopted by the United Nations Security Council, the Statute of the Tribunal, annexed to the said Resolution, particularly Article 28 of the said Statute and the pertinent provisions of the Rules, notably Rules 40 and 40 bis;

AFTER HAVING DELIBERATED,

WHEREAS Rule 40 bis of the Rules provides that :

“ (...)

- (B) The Judge shall order the transfer and provisional detention of the suspect if the following conditions are met:
 - (i) the Prosecutor has requested a State to arrest the suspect provisionally, in accordance with Rule 40, or the suspect is otherwise detained by a State;
 - (ii) after hearing the Prosecutor, the Judge considers that there is a reliable and consistent body of material which tends to show that the suspect may have committed a crime over which the Tribunal has jurisdiction; and
 - (iii) the Judge considers provisional detention to be a necessary measure to prevent the escape of the suspect, injury to or intimidation of a victim or witness or the destruction of evidence, or to be otherwise necessary for the conduct of the investigation. (...).”

WHEREAS the Prosecutor formally requested the authorities of the Republic of Kenya on 9 July 1997 to arrest and place in custody the suspect Georges Henri Yvon Joseph Ruggiu, pursuant to Rule 40 of the Rules;

WHEREAS the Prosecutor reports that she is currently investigating crimes allegedly committed by Georges Henri Yvon Joseph Ruggiu in the territory of the Republic of Rwanda in 1994, which fall within the jurisdiction of the Tribunal;

L496
ICTR-97-32-DP/decdp32/.eng

Case no.: ICTR-97-32-DP

Whereas the Prosecutor states that, in 1994, Georges Henri Yvon Joseph Ruggiu was a journalist and presenter on the radio station *Radio Télévision Libre des Mille Collines* ("RTL"), which was broadcasting from premises located in Kigali, Rwanda;

Whereas, in this capacity, he allegedly made numerous broadcasts in French inciting violence and hatred against the Tutsis, moderate Hutus and Belgian nationals;

WHEREAS the Tribunal considers, based on the request submitted by the Prosecutor, on the evidence brought to its attention in the affidavit attached to the request and on the information disclosed during the hearing, that there exists a reliable and consistent body of material which tends to show that Georges Henri Yvon Joseph Ruggiu may have committed the crimes of genocide, crimes against humanity and violations of Article 3 common to the Geneva Conventions, and of Additional Protocol II, offences which fall within the jurisdiction of the Tribunal;

WHEREAS, furthermore, the Prosecutor explained to the Tribunal that she deemed the provisional detention of Georges Henri Yvon Joseph Ruggiu at the Detention Facility of the Tribunal in Arusha, following his transfer, to be necessary;

Whereas, according to the Prosecutor, it is, in fact feared that, with the massive movement of Rwandan refugees into Kenya from the former Zaire, the suspect may seek to intimidate or cause bodily harm to the victims or witnesses or to destroy evidence;

Whereas the Tribunal is thereby convinced that the provisional detention of Georges Henri Yvon Joseph Ruggiu is, in this case and all things considered, necessary;

FOR ALL THESE REASONS, the Tribunal considers that the request submitted by the Prosecutor for the transfer and provisional detention of Georges Henri Yvon Joseph Ruggiu meets the conditions required under Rule 40 bis (B) of the Rules and that consequently the request should be granted;



Case no.: ICTR-97-32-DP

ON THESE GROUNDS,

THE TRIBUNAL,

GRANTS the request submitted by the Prosecutor and, consequently, orders that, as soon as possible after his arrest, Georges Henri Yvon Joseph Ruggiu be transferred to the Detention Facility of the Tribunal, and placed in provisional detention for a maximum period of thirty days from the day after his transfer;

INSTRUCTS the Registrar to serve the present decision upon the Kenyan Government and to inform the Rwandan and Belgian Governments about it ;

REQUESTS the Kenyan Government, to kindly comply with the present order of the Tribunal, pursuant to Resolution 955 of 8 November 1994, adopted by the United Nations Security Council and the Statute of the Tribunal annexed thereto.

Arusha, 16 July 1997,



Latty Kama
Judge.