

I CTR - 97-32-DP  
9-10-97  
(80-77)

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

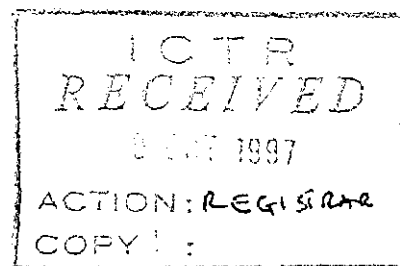
Decision of : 14 August 1997

THE PROSECUTOR

VERSUS

GEORGES HENRI YVON JOSEPH RUGGIU

Case No. : ICTR-97-32-DP



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**DECISION ON THE EXTENSION OF THE PROVISIONAL DETENTION  
FOR A MAXIMUM PERIOD OF THIRTY DAYS  
( IN ACCORDANCE WITH RULE 40 BIS (F)  
OF THE RULES OF PROCEDURE AND EVIDENCE)**

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Office of the Prosecutor: Mr. Mohamed C. Othman  
Mr. James Stewart  
Mr. Oyvind Olsen  
Mr. Pierre Duclos

Counsel for the Defence: Mr. Mohamed Aouini

Registry: Mr. Antoine Kesia-Mbe Mindua

**THE TRIBUNAL,**

SITTING in the person of Judge Laïty Kama.

CONSIDERING that the suspect Georges Henri Yvon Joseph Omar Ruggiu was transferred to the Detention Facility of the Tribunal on 24 July 1997, and that he will be incarcerated there up to and including 23 August 1997, on the basis of an order issued by Judge Laïty Kama on 16 July 1997 pursuant to Rule 40 *bis* of the Rules of Procedure and Evidence of the Tribunal (the 'Rules'), following a request he received from the Prosecutor on 14 July 1997,

CONSIDERING the request submitted by the Prosecutor on 12 August 1997, pursuant to the provisions of Rule 40 *bis* (F) of the Rules, seeking the extension of the provisional detention of the suspect Georges Ruggiu (the 'request') for a further period of thirty days and considering the affidavit drawn up by Mr. Oyvind Olsen, Commander of Investigations at the Office of the Prosecutor, attached to the said request,

HAVING HEARD the parties during an *inter partes* hearing held on 14 August 1997 to that end,

**AFTER HAVING DELIBERATED,**

WHEREAS sub-Rule 40 *bis* (F) provides that :

" (...)

(F) At the end of the period of detention, at the Prosecutor's request indicating the grounds upon which it is made and if warranted by the needs of the investigation, the Judge who made the order, or another Judge of the same Trial Chamber, may decide, subsequent to an *inter partes* hearing, to extend the detention for a period not exceeding 30 days.

(...)";

WHEREAS, according to the Tribunal, in consideration of the Fundamental Freedoms of the Individual, this provision can only be applied where exceptional circumstances prevail, such as, in particular, serious problems which may arise during the investigations,

WHEREAS, in support of her request for the extension of the detention of the suspect Georges Ruggiu for a further period of thirty days, the Prosecutor states, in accordance with the provisions of Rule 40 *bis* (F), the needs of the investigation, which would justify the application of this provision,

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WHEREAS, in her request, the Prosecutor has explained that she is seeking the extension of the detention of Georges Ruggiu because she is not yet ready to file an indictment against him due to:

- a. The complexity of the investigations concerning the suspect;
- b. The persistent difficulty in conducting investigations throughout the territory of Rwanda;
- c. The necessity to analyse and assess all the evidentiary materials seized at the time of the suspect's arrest and to determine the precise charges to be laid against him;
- d. The necessity, in order to present a concise and a precise indictment, to analyse the involvement and role of the suspect not only in the events that occurred in Rwanda in 1994 but also his alleged participation in the preparation, organization and execution of the crimes committed during that time in complicity with other suspects;
- e. The necessity to amend existing indictments in order to join the suspect with other accused,

FOR Whereas in support of her request, the Prosecutor submitted, during the hearing, that the investigations into the crimes allegedly committed by Georges Ruggiu require the transcription of the audio tapes of programmes broadcast on Radio Télévision Libre des Mille Collines and that this particularly meticulous work, slows the investigation,

Whereas the Prosecutor submits, furthermore, that the extension of the provisional detention of the suspect is a necessary measure for the investigations in order to ensure that he does not attempt to evade Justice, as the fact that, at the time of his arrest, he was in possession of false papers and seemed to have attempted to change his physical appearance, would seem to suggest,

WHEREAS the Defence, for its part, requested the provisional release of the suspect, on the grounds, firstly, that there was no inventory of the objects, money and documents which were seized from the suspect at the time of the arrest, secondly, that the Defence has yet to receive the transcripts of the questioning of the suspect by the Prosecutor, as required under Rule 43 of the Rules, thirdly, that the conditions of detention do not conform strictly to the Rules Covering the Detention of Persons Awaiting Trial or Appeal Before the Tribunal or Otherwise Detained on the Authority of the Tribunal ('Rules of Detention'); the suspect not being allowed at least one hour of walking per day,

WHEREAS, on the arguments put forward by the Defence about the questioning of the suspect having not been transcribed, the Tribunal reminds the Prosecutor of her obligation, under Rule 43 (iv) of the Rules, should the facts disclosed by the Defence be true, to transcribe the questioning of the suspect as soon as possible, and to supply him with a copy of the transcript,

Whereas, on the violations of the Rules of Detention which the suspect allegedly has had to suffer, the Tribunal requests the Registrar, if need be, to remind the Commanding Officer of the Detention Facility to ensure strict adherence to all the provisions of the Rules of Detention,

WHEREAS the Tribunal, based on information provided by the Prosecutor and the affidavit

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provided in support of her request, is of the view, however, that the needs of the investigation do, indeed, warrant the extension of the detention of the suspect,

Whereas the Tribunal, nevertheless, invites the Prosecutor to take due account of the provisions of Article 9 of the International Covenant on Civil and Political Rights, the spirit of which is echoed by Article 20 of the Statute of the Tribunal, which provides that any person deprived of his freedom must be informed promptly, after his arrest, of all the charges against him,

Whereas, to this end, similar to the above-mentioned provisions, Rule 40 *bis* provides that the total period of provisional detention of a suspect shall in no case exceed 90 days, at the end of which, if the Prosecutor has not issued an indictment and had it confirmed by the Tribunal, the suspect shall be released immediately or, if need be, delivered to the national authorities to whom the initial request was made,

FOR ALL THESE REASONS, the Tribunal is convinced that it is appropriate to grant the Prosecutor's request;

**ON THESE GROUNDS,**

**THE TRIBUNAL**

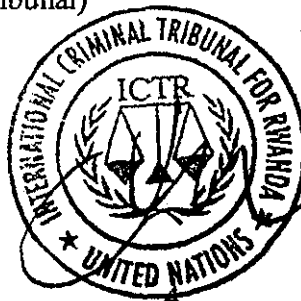
**GRANTS** the Prosecutor's request;

**ORDERS**, consequently, the extension of the provisional detention of Georges Ruggiu at the Detention Facility of the Tribunal for a further period not exceeding 30 days, beginning from 23 August 1997.

Arusha, 14 August 1997.

Laïty Kama  
Judge

(Seal of the Tribunal)



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