



International Criminal Tribunal for Rwanda
Tribunal pénal international pour le Rwanda

Original: English

Before: Judge Navanethem Pillay, President

Order of: 17 January 2003

**THE PROSECUTOR
VERSUS
GEORGES RUGGIU**

The President's Decision on the Prosecutor's *Ex Parte* Application for the continued detention of Georges Ruggiu in the Tribunal's Detention Facility in Arusha

Prosecutor: Carla Del Ponte

THE INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA (the "Tribunal")

SITTING in the person of Judge Navanethem Pillay, President;

CONSIDERING an *Ex Parte* Application by the Prosecutor, filed on 8 January 2003, for an order extending the Detention Order of 14 July 1999, for the continued detention of Georges Ruggiu ("Ruggiu") in the Tribunal's Detention Facility in Arusha ("UNDF"), for a further period of twelve months;

CONSIDERING that on 14 July 1999, Ruggiu was incarcerated under conditions of detention ordered by Judge Erik Mrse. Judge Mrse also ruled that this Order, as well as the written motion in respect thereof, must not be disclosed to the public;

CONSIDERING that on 31 January 2001, Judge Pillay extended the Order issued by Judge Mrse for a further period of six months, at the request of the Prosecutor;

CONSIDERING that on 4 June 2001, Judge Pillay rescinded the non-disclosure provision incorporated in the Detention Order of 31 January 2001, at the request of the Prosecutor;

CONSIDERING that on 10 July 2001, Judge Pillay extended the Detention Order of 14 July 1999 for a further twelve months, subject to the modifications ordered on 4 June 2001, at the request of the Prosecutor;

CONSIDERING that on 9 July 2002, Judge Pillay extended the Detention Order of 14 July 1999 for a further six months, subject to the modifications ordered on 4 June 2001, at the request of the Prosecutor;

CONSIDERING that Ruggiu is currently serving a sentence of twelve years imprisonment, after having been convicted of Direct and Public Incitement to Commit Genocide, pursuant to Article 2(3)(c) of the Statute and Crime against Humanity (Persecution), pursuant to Article 3(h) of the Statute;

CONSIDERING that in its judgment of 1 June 2000, Trial Chamber I [\[1\]](#) ordered that Ruggiu's sentence

"...shall be served in a State designated by the President of the Tribunal, in consultation with the Trial Chamber, and the said designation shall be conveyed to the Government of Rwanda and the designated State by the Registry..."

CONSIDERING the Prosecutor's submissions that:

- (i) Ruggiu has agreed to cooperate with the Prosecutor and he is therefore needed to be in Arusha in order to facilitate the Prosecutor's ease of access to him;
- (ii) Ruggiu is a key prosecution witness in the joint trial of Theoneste Bagosora, Anatole Nsengiyumva, Gratien Kabiligi and Aloys Ntabakuze (Military I Case), which is currently in progress. Ruggiu is *inter alia* expected to testify to the alleged connection between the Military and the RTLM, during the genocide;
- (iii) The trial in Military I case has commenced. However, as a result of lengthy cross-examination, the testimonies of only two witnesses have been completed after 32 trial days and thus Ruggiu was unable to testify in September 2002, as originally anticipated. This trial has been adjourned *sine die*. Trial Chamber III is fully engaged with other cases until 4 April 2003 and this trial is not likely to resume before April 2003;
- (iv) Ruggiu will not suffer any prejudice if this Application is granted, as the UNDF will afford him as reasonable a place of imprisonment as any State to which he might be transferred;
- (v) Ruggiu has expressed his satisfaction at remaining at the UNDF pending his testimony and the finalisation of the cooperation of a State to enforce his sentence.

CONSIDERING that Rule 54 of the Tribunal's Rules of Procedure and Evidence allows for the Prosecutor to request any order that is necessary to facilitate her investigations, her trial preparations and the conduct of trial. Ruggiu is a witness in an on going trial before the Tribunal and his continued incarceration in the UNDF is required for this purpose;

CONSIDERING that Ruggiu has, in the past, co-operated with the Prosecutor and, notwithstanding his conviction and sentence, has agreed to continue this co-operation and to testify as a prosecution witness, in the Military I trial;

HAVING CONSULTED Judges Erik Mrse and Pavel Dolenc who were members of Trial Chamber I;

THE TRIBUNAL:

FINDS that:

- (i) Ruggiu's co-operation with the Prosecutor will be best facilitated if he is temporarily incarcerated in close proximity to the Prosecutor's office and the courts in Arusha, Tanzania;
- (ii) in the interests of his safety and his co-operation with the Prosecutor, Ruggiu should continue to be incarcerated in an Annex of the UNDF;

GRANTS the Prosecutor's motion;

ORDERS that:

- (i) a decision on the designation of a State in which Ruggiu will serve his sentence will be held over, pending his co-operation with the Prosecutor and the completion of his testimony as a prosecution witness in the Military I Case before the Tribunal;
- (ii) the Detention Order of 14 July 1999 is further extended for a period of twelve months from date hereof, subject to the modifications ordered on 4 June 2001.

Arusha, 17 January 2003

Navanethem Pillay
President

(Seal of the Tribunal)

[\[1\]](#) Trial Chamber I was composed of Judges Navanethem Pillay, Erik Møse and Pavel Dolenc.