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International Criminal Tribunal for Rwanda
Tribunal pénal international pour le Rwanda

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TRIAL CHAMBER III Original: English

Before: Judge Lloyd George Williams, Q.C., Presiding
Judge Pavel Dolenc
Judge Andrésia Vaz

Registrar: Mr. Adama Dieng

Date: **11 April 2003**

THE PROSECUTOR
v.
THÉONESTE BAGOSORA
GRATIEN KABILIGI
ALOYS NTABAKUZE and
ANATOLE NSENGIYUMVA

Case No. ICTR-98-41-T

DECISION ON THE PROSECUTOR'S MOTION FOR JUDICIAL NOTICE PURSUANT TO RULES 73, 89 AND 94

The Office of the Prosecutor:

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Defence Counsel

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The International Criminal Tribunal for Rwanda (the "Tribunal"), sitting today as Trial Chamber III composed of Judges Lloyd George Williams, Q.C., Presiding, Pavel Dolenc, and Andrésia Vaz (the "Chamber");

BEING SEISED OF the Prosecutor's Motion for Judicial Notice Pursuant to Rules 73, 89 and 94, filed 23 July 2002;

CONSIDERING Annex A, setting forth facts of which the Prosecutor wishes the Chamber to take judicial notice; and Annex B, containing documents of which judicial notice is also sought, filed 23 July 2002;

CONSIDERING the Prosecutor's Book of Authorities for Judicial Notice and Admission of Evidence, filed 9 August 2002;

CONSIDERING the Defence Response to the Motion together with the Defence Book of Authorities, filed on behalf of the Accused Nsengiyumva on 29 July 2002 (collectively hereinafter, the "Nsengiyumva Response");

CONSIDERING the Response of the Defence for Aloys Ntabakuze to the Motion, filed 9 August 2002, in which the Defence requests an extension of time to respond upon receipt of the French translation of the Motion and the Response of Aloys Ntabakuze's Defence to the Prosecution's Motion for Judicial Notice and to its Annexes A and B, filed 2 September 2002 (collectively, hereinafter, the "Ntabakuze Response");

CONSIDERING the Brief in Response to the Prosecutor's Motion for Judicial Notice, filed on behalf of the Accused Kabiligi 2 October 2002 (hereinafter, the "Kabiligi Response");

CONSIDERING the Brief in Response to the Prosecution's Motion for Judicial Notice, filed on behalf of the Accused Bagosora 14 October 2002 (hereinafter, the "Bagosora Response");

THE TRIBUNAL NOW DECIDES the matter solely on the basis of the written briefs of the parties pursuant to Rule 73(A).

I.

SUBMISSIONS

A. SUBMISSIONS OF THE PROSECUTOR

1. The Prosecutor, proceeding pursuant to Rules 73, 89 and 94, requests that the Chamber take judicial notice of certain facts enumerated in Annex A, and of certain documents listed in Annex B. Judicial notice is in order, claims the Prosecutor because of the paramount importance of efficiency in the context of the complexity of this case. Moreover, the Prosecutor contends that taking judicial notice will enable one to place in context the actions and omissions of the Accused within the larger framework of events in Rwanda during 1994. The Prosecutor notes that she is not requesting that the Chamber take judicial notice of "ultimate facts" that involve findings about the guilt or innocence of any of the Accused.

1. Judicial Notice of Facts of Common Knowledge under Rule 94(A)

2. Reciting the mandatory standard set forth in Rule 94(A), as further explained in the Decision on the Prosecutor's Motion for Judicial Notice in the matter of *Prosecutor v. Semanza*, ICTR-97-20-I, 3 November 2000 (hereinafter, "*Semanza* Judicial Notice I"), the Prosecutor argues that if she is able to satisfy the Chamber that certain facts fall within the rubric of "facts of common knowledge," the Chamber must take judicial notice of them. "Facts of common knowledge" includes within its ambit matters which are "so notorious, or clearly established or susceptible to determination by reference to readily obtainable and authoritative sources that evidence of their existence is unnecessary." *Semanza*, Judicial Notice I, at para. 25.

3. The Prosecutor next posits, that certain jurisprudence of the ICTY empower a Chamber to take judicial notice not only of facts, but also of legal conclusions. *See Prosecutor v. Kvocka, et al.*, (IT-98-30-1-T) Decision on the Prosecutor's Motion for Judicial Notice of Adjudicated Facts, 19 March 1999 at para. 6. Significantly, relying on her interpretation of *Prosecutor v. Kayishema and Ruzindana*, Judgment, 21 May 1999 at para. 273, and *Prosecutor v. Akayesu*, ICTR-96-4-T, Judgement, at para. 129 (2 September 1998), the Prosecutor further expostulates that the Chamber's power to take judicial notice of legal conclusions includes the power to take judicial notice of the "commission of crimes *per se* or the specific elements of crimes, provided that those conclusions do not themselves prove the guilt of any Accused. . . . " By this reasoning, the Prosecutor requests that the Chamber take judicial notice that in Rwanda during 1994 genocide, incitement to genocide, and various crimes against humanity were committed.

4. In Annex A to the Motion, an oeuvre spanning twenty-three pages, the Prosecutor lists seventy-four facts, together with supporting citations to relevant authorities or other materials, which she believes qualify for judicial notice as matters of common knowledge pursuant to Rule 94(A). The Prosecutor has organized the facts into two main categories, namely: (I) Historical Background and (II) Events in Rwanda During 1994, a category which is further subdivided into the following five subjects: (A) Political Facts; (B) Widespread or Systematic Violence; (C) Administrative Structures; (D) The *Forces Armées Rwandaises*; and (E) Legal Conclusions.

I. Historical Background

5. Within the first category entitled Historical Background, the Prosecutor seeks judicial notice of some thirty-four discrete facts, which fall into the following seven loose categories.

a. The Revolution of 1959 and the resulting ethnic strife in Rwanda.

6. Within this initial broad category, the Prosecutor seeks judicial notice of certain facts relating to the Revolution of 1959 and the resulting history of ethnic discrimination and strife in Rwanda. *See* facts indicated as Item Nos. 1, 2, 5, 6, 7, and 8 in Annex A.

b. History and influence of party politics in Rwanda, including the creation of the various political parties as well the creation of associated youth/militia wings of the MRND and CDR political parties, namely, the Interahamwe and the Impuzamugambi, respectively.

7. Within this loose category, which includes six propositions, the Prosecutor seeks to be relieved of the obligation to present formal proof regarding the history and influence of political parties in Rwanda. *See* Item Nos. 3, 4, 22, 23, 33, and 34 in Annex A to the Motion.

c. The political career and influence of President Habyarimana, including his institution of anti-Tutsi discriminatory policies.

8. In addition to facts relating to the history of the various political parties in Rwanda, the Prosecutor also seeks judicial notice of some thirteen propositions relating to the specific political career and influence of President Habyarimana, including his institution of discriminatory policies against Tutsi. *See* Item Nos. 9, 10, 11, 12, 13, 14, 15, 16, 22, 23, 24, 25 and 27 of Annex A.

d. A précis on the nature of the RPF and the October 1990 attack and its alleged consequences.

9. Similarly, the Prosecutor seeks judicial notice of the facts contained in Item Nos. 17, 18, 19, 20, 21, and 22 of Annex A, which facts generally refer to the nature of the Rwanda Patriotic Front and its attack on Rwanda in October 1990, including the ramifications of the attack.

e. A summary of the provisions of The Arusha Accords, including the Rwandan military's opposition to it and appeals to ethnic violence to prevent its implementation.

10. Within this general category, which includes summaries of certain provisions of the Arusha Accords, the Prosecutor seeks judicial notice of the Accords. In addition, the Prosecutor contends that the Chamber should take judicial notice of certain factual conclusions regarding the Rwandan military's opposition to implementing the operative provisions of the Accords and their instigation of ethnic violence in an effort to forestall the implementation of the operative provisions of the Accords. *See* Item Nos. 27, 28, and 30.

f. President Habyarimana's efforts to spread ethnic violence to the main hate media outlets in Rwanda, including Radio Télévision Libre des Mille Collines (RTLM) and the newspaper Kangura.

11. In a similar vein, the Prosecutor seeks judicial notice of certain facts regarding the efforts of President Habyarimana to foment ethnic violence through the primary hate media outlets in Rwanda, namely, RTLM and the magazine *Kangura*. *See* Item Nos. 31 and 32 of the Annex A.

g. Creation of UNAMIR.

12. Finally, within this first set of facts, the Prosecutor seeks judicial notice of the creation of UNAMIR by the UN Security Council. *See* Item No. 29 of the Annex to the Motion;

II. Events in Rwanda During 1994

13. Under the heading "II. Events in Rwanda During 1994", the Prosecutor seeks judicial notice of facts, which are subdivided into the following five subcategories created by the Prosecutor:

a. Political Facts:

14. In Category II, the Prosecutor seeks judicial notice of a very heterogeneous group of facts that she has gathered under the rubric of political facts. These propositions touch upon the categorisation of the citizens of Rwanda according to ethnic classification as well as of the systematic killing of members of the Tutsi ethnic group and the assassinations of certain Rwandan politicians and the Belgian UNAMIR soldiers by groups of military personnel beginning 7 April 1994. In support of the factual propositions, the Prosecutor cites to the Final Report of the Commission of Experts, the Report of the Special Rapporteur and excerpts of the Judgement in *Akayesu*. *See* Item Nos. 35, 36, 37, 38, and 39.

15. By virtue of the facts recited in Item Nos. 40, 41, 42, 43, 44, and 45 of the Annex A, the Prosecutor next wishes that the Chamber take judicial notice of the composition and workings of the exclusively Hutu Interim Government. In support of the facts relating to the Interim Government, the Prosecutor relies primarily upon the judgements in *Akayesu*, and *Kayishema* as well as upon the report of the Special Rapporteur and the Final Report of the Commission of Experts.

b. Widespread and Systematic Violence

16. By reciting the factual allegations appearing in Item Nos. 46, 47, 48, 49, 50, 51, and 52 of the Annex A to the Motion, the Prosecutor seeks to obtain judicial notice of the existence of widespread and systematic attacks against the civilian population based on identity as Tutsi or on grounds of political affiliation in Rwanda from 6 April to 17 July 1994 as well as the existence of a conspiracy among "Rwandan citizens" and others to exterminate Tutsi, including the components and methods of execution of the alleged plan; namely the distribution of weapons, the preparation of lists of persons to be killed and the erection of roadblocks by soldiers and militiamen, where many persons identified as Tutsi were killed. Among other sources, the Prosecutor relies upon the Judgements in *Kambanda, Akayesu, Kayishema, Rutaganda* and *Musema*, certain UN reports, as well as a Belgian Parliamentary Report on Rwanda and certain reports authored by Human Rights Watch, to support the foregoing factual allegations.

c. Administrative Structures

17. Within the topic "Administrative Structures", the Prosecutor seeks to be relieved of having to adduce formal proof of the administrative organization and composition of

Rwanda into prefectures, communes and *cellules* as well as the authority conferred by law and traditional practice upon the *Préfets* and *Bourgmestres*. *See* Item Nos. 53, 54, 55, 56, 57, 58, 59, 60, and 62 in Annex A to the Motion. In support of the facts recited in the foregoing items, the Prosecutor cites to the Organisation territoriale de la République, Article 1, various laws of Rwanda, and to the Decision on the Prosecutor's Motion for Judicial Notice, dated 16 April 2002 in the matter of *Kajelijeli*. In addition, in Item No. 61, the Prosecutor seeks judicial notice that the advent of multi-party politics did not change the considerable amount of unofficial powers conferred upon the Bourgmestre. For authority for the latter proposition, the Prosecutor refers to the Judgement in *Akayesu*. *See* Item No. 61 of Annex A to the Motion.

d. The Forces Armées Rwandaises

18. Pursuant to the facts recited in Item Nos. 63, 64, 65, 66, 67 and 68, the Prosecutor similarly seeks to be relieved of her obligation to introduce formal evidence regarding the composition and functions of the *Forces Armées Rwandaises* (FAR) and of the *Gendarmerie Nationale* as well as their accountability under the command of the President of the Republic and the *Préfets*, respectively. Certain Arrêtés Présidentiels, provisions of the Rwanda Constitution, and Rwanda Legislative Acts are among the sources cited in support of the foregoing factual propositions.

e. Legal Conclusions

19. Finally, under the section entitled "Legal Conclusions," the Prosecutor lists eighteen discrete but varied legal conclusions that she believes qualify for judicial notice pursuant to the provisions of Rule 94(A). *See* Item Nos. 69, 70, 71, 72, 73, and 74 in Annex A. The Prosecutor invokes the authority of the decision of the ICTY in *Prosecutor v. Kvocka, et al.*, IT-98-30-PT, Decision on Prosecutor's Motion for Judicial Notice of Adjudicated facts, 19 March 1999, at p. 6, in support of the proposition that a Chamber may take judicial notice of legal conclusions. Generally speaking, the legal conclusions for which judicial notice is sought presume that Rwandan citizens committed acts of genocide against the Tutsi or incited the commission of acts of genocide by others. In addition, the legal conclusions infer that certain Rwandan citizens engaged in specific offences which constitute crimes against humanity or violations of Common Article 3 of the Geneva Conventions. In reinforcement of the foregoing legal propositions, the Prosecutor cites to the judgements in the cases of *Akayesu, Musema, Ruggiu*, and *Serushago*, among others, as well as to the Report of the Commission of Experts.

2. Judicial Notice of Adjudicated Facts: Rule 94 (B)

20. In addition to claiming that the propositions she describes in Annex A belong to the domain of facts of common knowledge, thereby qualifying them for compulsory judicial notice under Rule 94(A), the Prosecutor maintains that some of the facts listed in Annex A qualify for judicial notice under Rule 94(B) because they have been adjudicated by other Trial Chambers of this Tribunal. Again, the Prosecutor insists that the Chamber may take judicial notice of legal conclusions drawn in other proceedings based on the authority vested in it by Rule 94(B). The only caveat, posits the Prosecutor, is that the Chamber must stop short of taking judicial notice of legal conclusions that relate to the guilt of the Accused in this trial.

B. SUBMISSION OF THE DEFENCE FOR NSENGIYUMVA

21. The Defence for Nsengiyumva argues that the virtual entirety of the factual propositions of which the Prosecutor seeks judicial notice is fundamentally disputable, and therefore, not matters of common knowledge as required by Rule 94(A). Moreover, the majority of the facts are at the basis of the counts of the Indictment for which the Prosecutor carries the burden of proof. It is clear, according to the Defence, that the Prosecutor seeks nothing short of utilising the doctrine of judicial notice to sustain her obligation to prove the allegations against the Accused. The Defence remonstrates that the Prosecutor, while admitting she has no support for the allegations she seeks to have judicially noticed, is maliciously using the doctrine as a tool to tyrannize the Accused; proposing to deny them their right to refute the accusations levelled against them. Moreover, argues the Defence, the Prosecutor impermissibly seeks recourse to the doctrine of judicial notice as a way to evade her burden of proof, which she unsuccessfully sought to shift to the Accused by the mechanism of a request for admissions.

22. Relying upon the jurisprudence of this Tribunal as well as that of the ICTY, the Defence stresses that "disputable facts" should not invade the proceedings by way of judicial notice. Rather, such contestable matter must be proved by way of the adversarial process, which requires the Prosecutor to present formal proofs and affords an opportunity for the Defence to present contradictory evidence. *See e.g.*, Annex A at Item Nos. 14, 16, 17, 18, 27, 28, 30, 31 36, 37, 46, 47, 61, 63, 64, 72, 73, and 74. Although judicial notice is permissibly used to realise judicial economy, the Chamber should be careful not to apply the doctrine in the way suggested by the Prosecutor, which would occasion the abrogation of the right of the Accused to an equitable trial guaranteed by Article 20 of the Statute.

23. The Defence first maintains that the majority of the facts in Annex A that the Prosecutor seeks to import from other trial proceedings and judgments are not relevant to the issues to be tried in this case. Consequently, instead of fostering judicial economy the Prosecutor's Motion wastes the resources of the Tribunal and risks littering the trial record with irrelevant matters. The Defence asks that the Chamber require the Prosecutor to first demonstrate the relevance of such facts to the instant trial proceedings before addressing the propriety of judicial notice. *See e.g.*, Item Nos. 9, 43, 44, and 45, 52-57, 60, 62, 67, and 68 of Annex A .

24. The Defence also contends that the facts for which judicial notice is sought are nothing but "myths," from derived facts of public notoriety among certain groups and persons and therefore do not qualify for judicial notice. For this reason, the Defence pleads with the Chamber not to allow the introduction of falsehoods, rumours, generalisations, suppositions, and isolated or half-truths transmitted throughout the generations by way of Rule 94. *See e.*g., Items Nos. 1, 3, 6, 8, 15, 21, 31. Similarly, the Defence claims that certain facts for which judicial notice is sought are stated in an "inaccurate" or "inexact manner" leaving ambiguities decidedly to the advantage of the Prosecutor. *See. e.g.,* Item No. 66 in Annex A.

25. As to the legal conclusions that the Prosecutor seeks to have judicially noticed, the Defence protests that they are part of the essential elements of the crimes charged and as such are not properly susceptible to judicial notice. Relying on previous decisions of the

Chamber, the Defence asserts that judicial notice is not a device that may be used to take notice of raw legal conclusions. *See* e.g., Item Nos. 69, 70, 71. To permit the Prosecutor to take judicial notice of legal conclusions such as, "Certain Rwandan citizens directly and publicly incited others to commit genocide," is tantamount to permitting the Prosecutor to obtain a guilty plea indirectly.

C. SUBMISSIONS OF THE DEFENCE FOR KABILIGI

26. In addition to joining the principal arguments advanced by the Defence for Nsengiyumva, the Defence for Kabiligi makes the following arguments. First, the Defence indicates that the Prosecutor served upon the Defence a Request for Admission on 9 April 2001 in English. Unable to decipher the Prosecutor's request because Kabiligi and his counsel do not work in English, the Defence requested a French translation of the Request for Admissions. Rather than submit the French translation as requested, the Prosecutor abandoned the Request for Admissions and filed the instant motion in its stead as a means of alleviating her burden of proving certain facts before the Chamber at trial. Having abandoned her request for admissions, the Prosecutor should be barred from admitting the very same facts by the process of judicial notice.

27. The Defence contends that every fact in Annex A to the Motion is disputable and controversial, and more importantly, at odds with the version of Rwandan political and social history that the Defence hopes to present at trial. *See* Kabiligi Response at para. 15 .

28. More importantly, the Defence claims that it cannot envisage taking judicial notice of the facts contained in Annex A without consequently depriving the Defence of his only right-- the right to defend himself. In this vein, the Defence points to the Prosecutor's request to take judicial notice that there was "systematic violence." To take judicial notice of such a fact, contends the Defence, would be tantamount to taking judicial notice of the bulk of the charges levelled against the Accused Kabiligi in the Indictment, which the Prosecutor is obligated to prove beyond a reasonable doubt.

29. The Defence argues that the Chamber cannot address the issues raised in the Motion without first holding an "*inter partes* hearing and judgement."

30. While conceding that documents listed in Annex B may qualify for judicial notice, the Defence then indicates that they may not be admitted at all because they are, at best, only indirectly and remotely relevant to issues in this case. The Defence cautions that if the Chamber deems it proper to take judicial notice of the documents in Annex B, judicial notice should be restricted to the existence and authenticity of such documents, stopping short of taking judicial notice of the veracity of the contents thereof, a ruling that would first require a hearing of the parties.

31. As to the legal conclusions, the Defence indicates that the Prosecutor's reliance on the judicial notice decision in *Prosecutor v. Kvocka* is misplaced and relies upon a subjective interpretation of that decision. According to the Defence, the authority of this Tribunal's decision in *Semanza*, provides the better guiding authority wherein the Chamber concluded that it would refrain from taking judicial notice of bare legal conclusions. *See Semanza* Judicial Notice I, at para. 35.

32. The Defence also draws a distinction between the application of the doctrine of judicial notice in the common law, where it is liberally used, and in the civil law jurisdictions, where it has a very limited scope of application, because in the latter jurisdictions the judges must conduct investigations in order to take judicial notice of a fact or event.

33. Finally, the Defence reminds the Chamber that judicial notice may not abrogate, in the pursuit of judicial economy, the rights of the Accused to a full and equitable trial as guaranteed under Article 20 of the Statute.

34. Notwithstanding the foregoing arguments, the Defence concedes that judicial notice may be taken of the facts indicated at paras. 53, 54, 55, 56, 57, 62, 63, 64, 65, 67, 68, 73 and 74 of Annex A. Similarly, the Defence concedes that judicial notice may be taken of the existence and authenticity of the documents listed at paras. 9, 10, 11, 12, 13, 15, 16 and 17 of Annex B.

D. SUBMISSIONS OF THE DEFENCE FOR BAGOSORA

35. The Defence for Bagosora reiterates and adopts the arguments advanced by the Defence for Ntabakuze. The Defence believes that the pronouncements of the ICTY in the matter of *Prosecutor v. Sikirica*, should be applied when considering the propriety of taking judicial notice pursuant to Rule 94 (B). Significantly, the *Sikirica* Decision held that the Chamber was not bound by the decisions of another Trial Chamber regarding legal conclusions which are contested and therefore subject to debate.

36. The Bagosora Response then performs an item-by-item analysis of each of the facts in Annex A and attempts to lay waste to the Prosecutor's claim to judicial notice with respect to each. Principally the Defence arguments fall into the following four categories. First, the Defence contends that many of the facts the Prosecutor seeks judicial notice for are historically and demonstrably false or inaccurate. For example, the fact stated at para. no. 1, wherein the Prosecutor claims that the Revolution of 1959 marked the beginning of ethnic confrontations between the Hutu and Tutsi of Rwanda, is contradicted by the Prosecutor's own expert witness, Dr. Alison Des Forges. Similarly, the Defence decries as false the contention in para. no. 6, that the ethnic confrontation in 1973 caused a new massive exodus of the Tutsi minority.

37. Second, the Defence contends that some of the statements of fact in Annex A are irrelevant to the trial in this case. In this vein, among others, the Defence condemns as irrelevant (and unproved) the contention in para. no. 4 to the effect that the MDR-PARMEHUTU was the only party to present candidates in the elections of 1965. Third, the Defence takes issue with those facts that are stated in a simplistic, vague or otherwise imprecise manner. For example, it denounces, as extremely simplistic and vague, the conclusion drawn in para. no. 5, that during the beginning of 1973, the First Republic suffered new episodes of ethnic violence. Likewise, the conclusion in para no. 7, namely that numerous Tutsi in exile made violent incursions into Rwanda from neighbouring countries, is too vague to be the proper subject of judicial notice.

38. Finally, the Defence believes that certain formulations of the facts for which the Prosecutor seeks judicial notice are tendentious. The Defence takes particular issue with what it believes are contentious issues stated in paras. No. 46, 47, and 48 which, *inter*

alia, seek judicial notice that the FAR together with certain citizens planned the extermination of Tutsi and executed systematic attacks upon a largely Tutsi civilian population. Such contentions, claims the Defence, concern central issues in this case, which must be proven to the Chamber at trial.

39. While maintaining the foregoing and other objections to the relief sought in the Motion, the Defence nevertheless agrees to the taking of judicial notice of the matters stated in Item Nos. 53, 54, 55, 56, 57, and 58 of Annex A.

40. With regard to the legal conclusions for which the Prosecutor seeks judicial notice, the Defence argues that each legal conclusion must be proved beyond a reasonable doubt at trial otherwise the judicial process will be deprived of its very essence.

E. SUBMISSIONS OF THE DEFENCE FOR NTABAKUZE

41. The Defence for Ntabakuze reiterates many of the same legal arguments advanced by the other three Defence Teams as to the nature and aims of the doctrine of judicial notice. In addition, the Defence claims that because the Accused has contested the majority of the facts of which the Prosecutor seeks judicial notice, which are at the very heart of the counts of the indictment, the Prosecutor should be made to formally discharge her burden of proving such facts. Otherwise, claims the Defence, there is a risk of destroying the presumption of innocence and thereby causing irreparable prejudice to the Accused by effectively depriving him of his right to a full defence. The Defence for Ntabakuze also performs an analysis of the various factual and legal propositions for which the Prosecutor seeks judicial notice and finds them to be lacking in relevance or deficient in the quality of 'indisputability' or public notoriety as would qualify them for application of Rule 94(A).

II.

DELIBERATIONS

A. Judicial Notice Pursuant to Rule 94(A): Facts of Common Knowledge

42. Rule 94(A) requires the Chamber to take judicial notice of all facts of common knowledge. Thus, in order to qualify for "compulsory" judicial notice the Prosecutor must demonstrate that the factual propositions for which she seeks judicial notice are in the genre of matters of common knowledge. Failing such a showing, the Chamber is without authority to relieve the Prosecutor of her burden of formally proving such matters.

43. It is widely accepted that judicial notice is a mechanism that fosters judicial efficiency and consistency by permitting parties to dispense with the obligation to present formal proof of facts that are of common knowledge or public notoriety where the proof of such facts would be both difficult and prohibitively time consuming. *See Semanza*, Judicial Notice I, at para. 20; *Prosecutor v. Nyiramasuhuko, et. al.*, Case No. ICTR-97-21-T, (ICTR) Tr. Ch., Decision on the Prosecutor's Motion for Judicial Notice and Admission of Evidence, 15 May 2002, para. 36; *Prosecutor v. Sikirica, et al.*, Case

No. IT-95-8, (ICTY), Tr. Ch., Decision on Prosecution Motion for Judicial Notice of Adjudicated Facts, 27 September 2000, p.4.

44. In addition, to the extent that Rule 94(A) provides no guidance as to what types of facts may be considered matters of common knowledge, the Chamber has previously provided some parameters for the classification of such matters. *Semanza* Judicial Notice I, at para. 23; *Prosecutor v. Nyiramasuhuko, et. al.*, Case No. ICTR-97-21-T, (ICTR) Tr. Ch., Decision on the Prosecutor's Motion for Judicial Notice and Admission of Evidence, 15 May 2002, para. 38. Matters of common knowledge include, without limitation, facts which are not subject to dispute among reasonable persons, including common or universally known facts, such as historical facts, generally known geographical facts and the laws of nature, or facts that are generally known within the area of the Tribunal's territorial jurisdiction. In addition, "matters of common knowledge" captures those facts which are readily verifiable by reference to a reliable and authoritative source.

45. Applying the above criteria, the Chamber finds that the facts stated in Item Nos. 2, 3, 7, 9, 10, 11, 12, 16, 18, 19, 29, 33, 35, 36, 41, 46(b), 73, and 74 qualify for judicial notice as matters of common knowledge, of public or historical notoriety under Rule 94(A). The Chamber takes judicial notice of the foregoing facts as indicated in Annex 1 to this Decision. In addition, the Chamber finds that the documents listed in support of the factual conclusions stated at Item Nos. 27, 28, 53, 54, 55, 56, 57, 58, 59, 60(a)-(d), 62, 63, 64, 65, 66, 67, 68, 73, and 74 qualify for judicial notice as matters of common knowledge within the territorial jurisdiction of the Tribunal because they present the relevant legislative, executive, and administrative and organizational laws of Rwanda. Accordingly, the Chamber takes judicial notice of the documents cited in the foregoing paragraphs of Annex A. *See* Annex 2 to this Decision.

1. Difference Between Judicial Notice and Admissions

46. In view of the foregoing principles regarding the definition of matters of common knowledge, it appears that the Prosecutor has confounded the two devices of judicial notice and party admissions. While both have the resulting effect of obviating the need to introduce formal proofs at trial the legal principles supporting each are quite different. The analysis in *Semanza* Judicial Notice I bears repeating:

> The Chamber is mindful not to confound the related but discrete concepts of admissions and judicial notice.. . . . [F]acts that are voluntarily admitted by an accused in the context of a proceeding are not the proper subject of judicial notice because such admissions speak neither to the general currency of the fact nor to its indisputable character.

Semanza Judicial Notice I, at para. 34.

47. By the simple expedience of changing the title of her request for admissions into a motion for judicial notice, the Prosecutor cannot imbue very contentious and controversial issues in this case with the quality of being matters of common knowledge. If the Prosecutor wishes to extract admissions on these issues of fact, the Chamber suggests that she prepare a proper request for admissions for the contentious items to

which the various Defence have expressed a willingness to admit. *See* e.g., Item Nos. 2, 3, 20, 24, and 25, of Annex A.

48. Following the error committed by the Prosecutor, the Defence for Bagosora has treated the Motion as a request for admissions. This is apparent from the terminology and manner in which the Defence for Bagosora has treated certain facts. While contesting that they qualify for judicial notice pursuant to Rule 94(A), the Defence is nevertheless willing to "admit" some of the Prosecutor's factual propositions. *See e.g.*, Bagosora Response at Item No. 30, 39. Notwithstanding the willingness of the Defence to admit such facts, they do not qualify for admission by judicial notice pursuant to Rule 94(A) because they are not matters of common knowledge.

2. Controversial Matters Do Not Qualify for Judicial Notice as Matters of Common Knowledge Pursuant to Rule 94(A)

49. Applying the letter of Rule 94(A) and the foregoing interpretative principles, the Chamber is constrained to find that the majority of the facts and documents of which the Prosecutor seeks judicial notice do not qualify for such treatment because they do not belong to the body of facts of common knowledge of which the Chamber may take judicial notice. Accordingly, the Chamber declines to take judicial notice of any of the facts appearing under the title 'I.: Historical Background" appearing at Item Nos. 1 to 26, 30, 31, 32, 34, of Annex A to the Motion. Very few of the facts stated under this particular category belong to the genre of matters of common knowledge or matters which may be readily verified by reference to generally accepted authoritative source. Rather, a great many of the facts appearing in these items are subject to a great amount of controversy among reasonable persons. For example, there is great controversy even among expert witnesses as to the meaning and origins of the word "*Inyenzi.*" *See* Item No. 8 in Annex A. Similarly, whether the government of President Habyarimana installed and enforced a system of ethnic and regional quotas within educational and employment schemes is a contentious fact even among reasonably minded persons. *See* Item No. 13 in Annex A.

50. Moreover, the Chamber stresses that although one of the aims of judicial notice is to foster judicial economy, that economy is not to be realized at the risk of visiting unfair prejudice upon the Accused. The device of judicial notice was not intended to be wielded in the way envisioned by the Prosecutor in her Motion so as to relieve her of proving beyond a reasonable doubt the very controversial core elements of the crimes she has charged in the Indictments in this case. In this regard, it must be noted that matters of common knowledge must also be reasonably indisputable in order to come within the scope of matters that may properly be the subject of judicial notice under Rule 94(A).

51. Accordingly, the Chamber is constrained to deny the Prosecutor's invitation to take judicial notice of controversial facts that form the core of the charges she must prove against each of the four Accused in this case. Such matters do not qualify as matters of "common knowledge," and are therefore not subject to judicial notice. *See* e.g., Item Nos. 30 ("Determined to avoid the power sharing prescribed in the Arusha Accords, several prominent civilian and military figures pursued their strategy of ethnic division and incitement to violence"); and 31.

52. For similar reasons, the Chamber may not take judicial notice of the majority of the facts appearing under the title "II. Events in Rwanda during 1994," because the factual matters the Prosecutor has stated are not matters of common knowledge, as that term has been interpreted within the jurisprudence of this Tribunal or in any other authoritative source. Consequently, the Chamber will not take judicial notice of the factual matters stated in Annex A at Item Nos. 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46(d), 46(e), 47, 48, 49, 50, 51, and 52. Notably, again, the Prosecutor seems to have lapsed in her assessment of the utility of doctrine of judicial notice. Judicial notice was not intended to relieve the Prosecutor of her burden of producing formal proofs of key contentious elements of the crimes she has charged in the Indictment. However, the Chamber will take judicial notice of the facts appearing at Items 46 (a) and 46 (c), as indicated in Item Nos. 2(a)- 2(c) of the Annex 1 to this Decision. The facts stated in the foregoing two paragraphs are matters of common knowledge because they are reasonably indisputable or are readily verifiable by reference to authoritative sources.

53. Within the subcategory entitled "C. Administrative Structures," the Chamber finds that the *documents* upon which the Prosecutor relied to draft the factual propositions are admissible as matters of common knowledge within the area of the geographical jurisdiction of this Tribunal. It is well settled that the legislation and documents relating to the administrative organisation of a geographic area and the legislative law of a country fall within matters of common knowledge, which may fairly be judicially noticed. *See Semanza* Judicial Notice I at para. 23. Consequently, because the facts stated at Item Nos. 63-68 may be verified by reference to readily available and reliable sources, the Chamber shall take judicial notice of the various executive, administrative and legislative documents, including Arrêtés Presidentiels, legislative laws, and provisions of the Rwandan Constitution, cited in support of the factual propositions appearing at Item Nos. 53 to 60 (b), 62, 63 to 68 of Annex A. The Chamber shall not, however, place the imprimatur of judicial notice on the conclusions the Prosecutor has drawn from the documents. Because the various documents provide the relevant data, the Chamber need not depend upon, and therefore will not take judicial notice of, the factual conclusions of the Prosecutor drawn from the materials. Accordingly, the Chamber takes judicial notice of the documents listed in support of the facts appearing at Item Nos. 53 to 60 (a)-(d), 62, 63 to 68 of Annex A.

54. Although in these circumstances judicial notice of the laws and other governing rules of Rwanda is taken as an alternative to taking judicial notice of the Prosecutor's conclusions drawn from them, the Chamber notes that ordinarily the laws of a particular jurisdiction are tendered into evidence by a party at the time of trial without the formality of judicial notice.

55. In contrast, the factual matters stated in Item Nos. 60(e), and 61, represent controversial opinions and conclusions that the Prosecutor has drawn on the basis of her own construction of the laws and political atmosphere existing in Rwanda at the time of events covered by the indictment. Consequently such conclusions and opinions are not matters of common knowledge and do not qualify for judicial notice pursuant to Rule 94(A).

3. Judicial Notice Motions Should Not Abuse Judicial Resources and Time

56. After having taken pains to consider the voluminous submissions of the Prosecutor and of the various Defence teams with respect to Rule 94(A), the Chamber finds that the tendering of extensive documents by the Prosecutor and the Defence on issues concerning judicial notice of matters of common knowledge shows little regard for judicial time and fritters away the resources of the Tribunal.

B. Judicial Notice of Documents in Annex B

57. The documents listed in Annex B fall within the parameters of matters of common knowledge or of public notoriety. Consequently, as indicated in Annex 2 to this Decision, the Chamber takes judicial notice of the documents appearing at Item. Nos. 2 to 17 of Annex B. However, because the Prosecutor has not indicated particular documents she wishes judicially noticed and failed to demonstrate the relevance of all the documents within the United Nations Blue Book Series, the Chamber will not take judicial notice of the book. *See* Item No. 1 in Annex B to the Motion. By taking judicial notice of the documents listed in Annex 2, the Chamber merely relieves the Prosecutor of her formal burden of establishing the authenticity and admissibility of such documents. However, the Chamber declines to take judicial notice of the veracity of the statements and conclusions in such documents. To the extent that Annex B also contains legislative acts of the Rwandan Legislature as well as provisions of the Rwandan Constitution, the Chamber judicially notices such matters as conclusive proof of the laws and constitutional provisions applicable in Rwanda.

C. Judicial Notice of Adjudicated Facts Pursuant to Rule 94(B)

58. Rule 94(B) vests the Chamber with the power to take judicial notice of facts which have been previously adjudicated or of documentary evidence from other proceedings of the Tribunal after hearing the parties. To the extent that the Prosecutor claims that the facts in Annex A to the Motion also qualify for judicial notice pursuant to Rule 94(B), the Chamber must determine whether the factual propositions stated in Annex A which did not qualify for judicial notice pursuant to Rule 94(A) meet the threshold requirements for judicial notice through Rule 94(B).

59. Rule 94(B) fails to delimit the nature or scope of "adjudicated facts." Nevertheless, "adjudicated facts" has been defined as including within its ambit those facts which have been finally determined in a proceeding before the Tribunal for which the parties have either exhausted all permissible appeals or are not subject to the right of appeal. *Prosecutor v. Ntakirutimana*, Case No. ICTR-96-10-T, Tr. Ch., Decision on the Prosecutor's Motion for Judicial Notice of adjudicated Facts, 22 November 2001, para. 26. In addition, "adjudicated facts" does not include those matters which have been previously established as a result of guilty pleas, or of admissions voluntarily made by the parties in the course of the proceedings because such facts have not been subject to the full scrutiny of the Tribunal in the context of an adversarial trial process where the usual burdens of proof must be sustained. *See Id.*, at para. 26. Notably, unlike Rule 94(A), which by its use of the imperative "*shall*" creates a mandatory obligation for the Chamber to take judicial notice of matters of common knowledge, Rule 94(B) is discretionary because it only provides that a Chamber "*may*" take judicial notice of

adjudicated facts. Thus, under Rule 94(B) once a Chamber determines that a matter is indeed an adjudicated fact, it may exercise its discretion to either admit the matter by judicial notice or not. *Nyiramasuhuko, surpa,* at para. 40.

60. While noting that "[t]he Rules are silent on this point of whether a judgement of a Trial Chamber can amount to either 'adjudicated facts' or "documentary evidence' within the province of Rule 94(B)," the Appeals Chamber of the ICTY deemed it "unwise" to take as adjudicated facts issues which were yet to be settled by review by the Appeals Chamber or on which the right of appeal had not yet been exhausted. *Kupreskic, et al.*, at para 6.

61. In addition, because Article 20(3) of the Statute guarantees each accused the right to be presumed innocent until proven guilty, Rule 94(B) must be interpreted as preventing the taking of judicial notice of any adjudicated facts or documentary evidence that go to the guilt of any of the Accused in the instant trial proceedings.

62. Applying the above guidelines, and bearing in mind the facts of common knowledge already judicially noticed pursuant to Rule 94(A), the Chamber finds that none of the remaining factual propositions stated at Annex A qualify as adjudicated facts under Rule 94(B). Moreover, to the extent that the matters stated in Item Nos. 8, 17, 21, 22, 23, 25, 26, 27, 28, 34, 39, 40, 44, 52, 60(e), and 61 inaccurately reflect the matter adjudicated the Chamber shall not take judicial notice of them . E.g., Item No 8 in Annex A states: "The word *Inyenzi*, meaning cockroach, came to be used to refer to Tutsi." This statement misrepresents what the actual factual findings were in the judgements cited in support of this proposition. *See Akayesu*, Judgment at para. 90 (stating: "The victory of Hutu parties increased the departure of Tutsi to neighbouring countries from where Tutsi exiles made incursions into Rwanda. The word *Inyenzi*, meaning cockroach, came to be used to refer to these assailants."). Moreover, because the propositions stated in Items Nos. 13, 14, 15, 20, 21, 30, 31, 32, 37, 38, 40, 43, 44, 45, 46(d), 46(e), 47, 48, 49, 50, and 51 may touch upon the guilt or innocence of the Accused in the instant case, the Chamber cannot take judicial notice of such matters. Finally, the Chamber will not take judicial notice of matters which are not "adjudicated facts," in the sense that they have not been the subject of any trial proceedings before this Tribunal or of one before any other tribunal having concurrent jurisdiction. *See* Item Nos. 24, and 42 of Annex A.

1. No Hearing is Necessary if the Parties Make Written Submissions With Respect to Rule 94(B)

63. Contrary to the admonition of the Defence for Bagosora, the Chamber need not hold an oral hearing where the parties have filed written submissions in order to enable it to take judicial notice pursuant to Rule 94 (B). *Prosecutor v. Zoran Kupreskic, et al.*, ICTY Appeals Chamber, Decision on the Motions of Drago Josipovic, Zoran Kupreskic and Vlatko Kupreskic to Admit Additional Evidence Pursuant to Rule 115 And For Judicial Notice To Be Taken Pursuant To Rule 94(B) (8 May 2001), at para. 6, (holding that Rule 94(B) hearing requirement was met where the parties have filed written submissions).

D. Legal Conclusions May not Be Judicially Noticed Pursuant to Rule 94(A) or 94(B)

64. As to the legal conclusions of which the Prosecutor wishes the Chamber to take judicial notice, the Chamber must once again call the Prosecutor's attention to its holding in the *Semanza* Judicial Notice I. The Chamber is not disposed to take judicial notice of conclusory legal assertions. The Prosecutor's reliance in this regard upon the authority of *Kvocka* is misplaced because it is based on an erroneous interpretation of the facts and finding of that case. *Prosecutor v. Kvocka, et al,* IT-98-30/1-T, Judgement 2 November 2001, at para. 790. *See also*, ICTY Press Release No. 631, dated 2 November 2001.

65. The accused in *Kvocka* agreed by and large to the *admission* of the facts stated in some 444 paragraphs of the Prosecutor's submissions in her motion for judicial notice. On the basis of the 444 admitted factual allegations, the Trial Chamber in Kvocka proceeded to draw certain legal conclusions, many among them relating to core elements of the crimes charged in the various indictments.[1] It must be noted however, that judicial notice was *not* taken over the objections of the various defence teams claiming that granting such relief would be tantamount to entering guilty pleas against the accused with various core elements of the crimes charged pursuant to Articles 3 and 5 of the ICTY Statute in the indictments. *See Kvocka,* Judgement, at paras. 790-791. In contrast, the Accused in this case uniformly and determinedly oppose the admission of the very facts from which any legal conclusions may be drawn. Thus, it is perhaps more accurate to interpret what took place in *Kvocka* as more in the nature of admissions rather than matters of which the Chamber took veritable judicial notice *See Prosecutor v. Kupreskic, et al.*, at para. 6.

66. The facts, analysis and holding in *Prosecutor v. Dusko Sikirica, et al.*, IT-95-8 , Decision on Prosecution Motion For Judicial Notice of Adjudicated Facts, 27 September 2000 are more instructive in the present circumstances and are also consistent with the similar finding in Semanza Judicial Notice I, which was decided a matter of weeks later. In the *Sikirica* case, decided five years after the decisions on judicial notice in *Kvocka*, the ICTY, interpreting Rule 94 (B), held that the Rule empowered it only to take judicial notice of facts which are beyond reasonable dispute and did not permit the admission, without formal proofs, of "interpretations or legal characterizations" of facts. *See Sikirica* at p. 2.

67. Consequently, the Chamber declines to take judicial notice of the legal conclusions appearing at Item No. 69, 70, 71, and 72. Nevertheless, the Chamber takes judicial notice of the facts appearing at Item Nos. 73 and 74 of Annex A pursuant to Rule 94(A) because such matters are within the realm of matters of common knowledge or historical notoriety and are verifiable by reference to reliable and authoritative sources.

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[1] That *Kvocka* is not on all fours with the present case is also evident in the opening remarks of the Chamber when delivering its judgement which are memorialized in an ICTY Press Release No. 631, dated 2 November 2001, wherein the Trial Chamber states with regard to the Prosecutor's judicial notice decision in that case: "This decision, *largely the result of agreement between the two parties*, made it possible to limit the facts at issue and to centre the discussion on the individual responsibility of each of the accused" (emphasis added).

68. For the foregoing reasons, the Chamber:

GRANTS the Motion in the following limited respects:

(i) The Chamber takes judicial notice, pursuant to Rule 94(A), of the matters of common knowledge as listed in Annex 1, attached to this Decision; and further

(ii) The Chamber takes judicial notice, pursuant to Rule 94(A), of the documents listed in Annex 2, attached to this Decision; and further.

ORDERS that this Decision together with its two (2) Annexes become part of the trial record of this case; and further

DENIES the Motion in all other respects.

Arusha 11 April 2003

Lloyd G. Williams, Q.C.,	Pavel Dolenc	Andrésia Vaz
Presiding Judge	Judge	Judge

[Seal of the Tribunal]

ANNEX 1

Judicial Notice of Facts of Common Knowledge Pursuant to Rule 94(A)

1. The revolution of 1959 led to the abolition of the monarchy.

2. Legislative elections held in September 1961 confirmed the dominant position of the, essentially Hutu, MDR-PARMEHUTU (Mouvement Démocratique Républicain-Parti du Mouvement d'Emancipation Hutu), led by Grégoire Kayibanda, who was subsequently elected President of the Republic by the Legislative Assembly on 26 October 1961.

3. During the 1990's in particular, many Tutsi in exile made violent incursions back into Rwanda from neighbouring countries.

4. On 5 July 1973, General Juvénal Habyarimana seized power in a military coup.

5. In 1975, Juvénal Habyarimana founded the Mouvement Révolutionnaire National pour le Développement (MRND).

6. Juvénal Habyarimana assumed the position of Chairman of the Mouvement Révolutionnaire National pour le Développement (MRND).

7. From 1978 until the advent of multi party system, every Rwandan was automatically a member of the MRND from birth.

8. Some Tutsi in exile formed a political organization called the Rwandan Patriotic Front (RPF).

9. The RPF's military wing was called the Rwandan Patriotic Army (RPA).

10. On 1 October 1990, the Rwandan Patriotic Front (RPF) attacked Rwanda.

12. On 5 October 1993, the U.N. Security Council resolved to establish and deploy an international peace-keeping force in Rwanda named "United Nations Assistance Mission for Rwanda" (UNAMIR).

13. Several political parties established youth organizations, including

(a) The MRND established a youth wing referred to as the Interahamwe.

(b) The CDR established a youth wing referred to as the Impuzamugambi.

14. Between 1 January 1994 and 17 July 1994, citizens native to Rwanda were identified according to the following ethnic classifications: Tutsi, Hutu and Twa.

15. On 6 April 1994, the President of the Republic of Rwanda, Juvénal Habyarimana was

killed when his plane was shot down on its approach to Kigali airport.

16. Jean Kambanda was appointed Prime Minister of the Interim Government that was officially sworn in on 9 April 1994.

17 The following state of affairs, among others, prevailed in Rwanda between 6 April 1994 and 17 July 1994: Widespread or systematic attacks were directed against a civilian population.

18. Between 1 January 1994 and 17 July 1994, Rwanda was state party to the *Convention on the Prevention and Punishment of the Crime of Genocide* (1948) – having acceded to it on 16 April 1975.

19. Between 1 January 1994 and 17 July 1994, Rwanda was a Contracting Party to the Geneva Conventions of 12 August 1949 and their Additional Protocol II of 8 June 1977 – having acceded to the Geneva Conventions of 12 August 1949 on 5 May 1964 and acceded to Protocols additional thereto of 8 June 1977 on 19 November 1984.

ANNEX 2

Judicial Notice of Documents Pursuant to Rule 94(A)

1. Arusha Peace Accords Between the Government of the Republic of Rwanda and the Rwandan Patriotic Front (English and French versions), UN Doc. No. A148/824, S/26915, 23 December 1993.

2. United Nations Security Council Resolution Establishing UNAMIR, UN Doc. No. S/RES/872 (1993) 5 October 1993 .

3. Oganisation terrritoriale de la République, 15 avril 1963, Article 1.

4. Décret-Loi no. 10/75, Organisation et fonctionnement de la préfecture, 11 mars 1975, Articles 4, 8, et 15.

5. Loi, Organisation communale, 23 novembre 1963, Articles 3, 13, 38, 46, 48, 59, 60, and 85.

6. Décret-Loi, Création de la Gendarmerie Nationale, 23 janvier 1974, Articles 4, 24, et 28 .

7. Ordonnance Législative no. R/85/25, Création de l'Armée Rwandaise, 10 mai 1962, Articles 4.

8. Arrêté Présidentiel no. 86/08, Intégration de la Police dans L'Armée Rwandaise, 26 juin 1973, Articles 1, and 2.

9. The Constitution of the Republic of Rwanda, 10 June 1991 Article 45 (Gazette, 1991, p.615).

10. Arrêté Présidentiel no. 01/02, Statut des Officiers des Forces Armeés Rwandaises, 3 janvier 1977, Article 2.

11. Legislative Act of 23 January 1974 on the Creation of the *Gendarmerie*, Articles 2, 3, 29, 32, 33, and 38.

United Nations Reports: (Annex B to the Motion)

12. UN Secretary-General, "Report on the situation of Human Rights in Rwanda" submitted by Mr. R Degni-Ségui, Special Rapporteur of the Commission on Human Rights, under paragraph 20 of commission resolution E/DN.4/S-3/1 of 25 May 1994, 28 June 1994, UN Document E/CD.4/1995/7.

13. Report of the United Nations High Commission for Human Rights on his Mission to Rwanda of 11–12 May 1994, dated 19 May 1994. UN Document E/CN.4/S-3/3;

14. United Nations Independent Commission of Experts, 'Interim Report' (S/1994/1125, dated 4 October 1994 (in The United Nation and Rwanda 1993-1996. The United

Nations Blue Book Series, Volume X);

15. UN Secretary-General, "Final Report of the Commission of Experts Established Pursuant to Security Council Resolution 935 (1994)". UN Document S/1994/1405, 9 December 1994.

16. United Nations Special Rapporteur, "Report on the Situation of Human Rights in Rwanda." UN Document E/CN.4/1996/68, dated 29 January 1996.

17. Report of the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions on his mission to Rwanda, submitted by Mr. Bacre Waly Ndiaye, 8–17 April 1993, including as annex II the statement of 7 April 1993 of the Government of Rwanda concerning the final report of the independent International Commission of Inquiry on human rights violations in Rwanda since 1 October 1990. UN Document E/CN.4/1994/7/Add.1, dated 11 August 1993.

18. Rapport spécial du Secrétaire Général sur la Mission des Nations Unies pour l'assistance au Rwanda (MINUAR), le 20 avril 1994. UN Document S/1994/470.