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**International Criminal Tribunal for Rwanda
Tribunal Pénal International pour le Rwanda**

UNITED NATIONS
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**Office of the President
Cabinet du Président**

Before: Judge Erik Møse

OR: ENG

Registrar: Mr. Adama Dieng

Decision of: 18 June 2003

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**THE PRESIDENT'S DECISION ON THE COMPLAINT FILED BY DETAINEE
GÉRARD NTAKIRUTIMANA**

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

SITTING as Judge Erik Møse, President;

BEING SEIZED OF a written complaint of 3 June 2003 from Gérard Ntakirutimana relating to his transfer to another cell and a response from the Commanding Officer;

HEREBY CONSIDERS THE COMPLAINT

INTRODUCTION

On 21 February 2003, Gérard Ntakirutimana ("the detainee") was convicted of genocide and crimes against humanity (murder), and sentenced to 25 years imprisonment. He has filed an appeal against his conviction.

The detainee filed a written complaint against the decision of the Commanding Officer of the Tribunal's Detention Facility ("the Commanding Officer") to transfer him to another cell. The Registry forwarded the complaint and the Commanding Officer's response to the President for consideration.

SUBMISSIONS

The detainee requests a reversal of the Commanding Officer's decision to transfer him to another cell. He submits that he is presently working on his appeal brief that will be filed on 23 June 2003. The cell to which the Commanding Officer intends to transfer him, is smaller than his present cell and it cannot accommodate the transcripts and other documents needed to prepare his appeal. Further, this cell is connected to a sewage system that does not function properly.

The Commanding Officer submits that the cell to which he intends transferring the detainee is of "international standard". It was occupied by other detainees over the last seven years and there were no complaints of the cell being small or unsanitary. The cell has been recently painted and new toilet facilities fitted. Shelves were installed to cater for the detainee's documents. The International Committee of the Red Cross had on more than twenty-three occasions inspected the Tribunal's Detention Facility. It has never found the cells to be small or the area of the cells unsanitary.

The Commanding Officer stated orally, that the transfer of the detainee and three others to new cells is being done in the interests of effective management and administration of the Tribunal's Detention Facility. The detainee will not be required for any court proceedings for some time, and therefore he and three other detainees are being transferred to new cells in an effort to facilitate the easy access and movement of other detainees who are required for court proceedings.

DELIBERATIONS

The Tribunal recalls that pursuant to Rule 83 of the Rules Covering the Detention of Persons Awaiting Trial or Appeal Before the Tribunal ("the Rules"), a detainee, if not satisfied with the response from the Commanding Officer, has the right to submit a written complaint, without censorship, to the Registrar, who shall forward such complaint to the President. It also recalls Rules 14, 15 and 16 of the Rules.

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The Tribunal rejects the argument that the cell to which the detainee is to be transferred has insufficient space to accommodate the detainee's documents. All cells are of a standard size and most detainees have large volumes of documents which are kept in their cells.

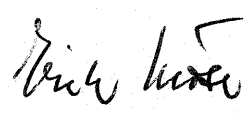
The Tribunal notes that the cell to which the detainee is to be transferred was recently renovated. On 12 June 2003, the cell was inspected by the Special Assistant to the President who noted that it met all requirements with regard to health and hygiene.

However, the Tribunal notes that the detainee is presently working on his appeal brief which will be filed on 23 June 2003. His immediate transfer to another cell may therefore cause a disruption to his work.

FOR THESE REASONS, THE TRIBUNAL

DECIDES that the transfer of Gérard Ntakirutimana to another cell, ordered by the Commanding Officer, shall take place after 23 June 2003.

Arusha, 18 June 2003



Erik Møse
President

(Seal of the Tribunal)