



UNITED NATIONS
NATIONS UNIES

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

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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

JUDICIAL RECORDS/ARCHIVES
ICTR
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**THE PRESIDENT'S DECISION ON THE COMPLAINT FILED BY DETAINEE
GEORGES RUTAGANDA**

Counsel for the Detainee:

Mr. David Jacobs

[Handwritten initials]

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

SITTING as Judge Erik Møse, President;

BEING SEIZED OF a written complaint of 9 June 2003 from Georges Rutaganda relating to his transfer to another cell and a response from the Commanding Officer;

HEREBY CONSIDERS THE COMPLAINT**INTRODUCTION**

On 6 December 1999, Georges Rutaganda ("the detainee") was convicted of genocide and crimes against humanity (extermination and murder). On 26 May 2003, the Appeals Chamber affirmed the conviction of genocide and crimes against humanity (extermination), quashed the conviction of crimes against humanity (murder) and convicted the detainee of violations of Common Article 3 of the Geneva Conventions (murder). The sentence was also affirmed.

The detainee is awaiting transfer to a State for the enforcement of his sentence. He filed a written complaint against the decision of the Commanding Officer of the Tribunal's Detention Facility ("the Commanding Officer"), transferring him to another cell. The Registry forwarded the complaint and the Commanding Officer's response to the President of the Tribunal for consideration.

SUBMISSIONS

The detainee requests that the Commanding Officer's decision transferring him to another cell, be rescinded. He submits that the cell to which he has been transferred does not have adequate space to allow him to work. It also does not have an operating toilet and there is a problem with the sewage system in the area of the cell. As a consequence, there is a "persisting noxious smell". This makes the area of the cell unsanitary and Counsel for the detainee expressed concern about the potential ill-effects that these conditions will have on the detainee's health.

The Commanding Officer submits that the cell to which he transferred the detainee is of "international standard". For the last seven years, it had been occupied by other detainees and there were no complaints of the cell being small or unsanitary. The cell has been recently painted and a new toilet 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 and therefore he and three other detainees are being transferred to other 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

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ensorship, to the Registrar, who shall forward such complaint to the President. It also recalls Rules 14, 15 and 16 of the Rules.

The Tribunal rejects the argument that the cell to which the detainee was transferred has insufficient space to allow him to work. All cells are of a standard size and most detainees work in their cells.

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

FOR THESE REASONS, THE TRIBUNAL

DISMISSES the complaint filed by Georges Rutaganda.

Arusha, 18 June 2003



Erik Møse
President

(Seal of the Tribunal)