



ICTR-97-32-MISC
(12-5-2005)

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OR: ENG

Before: Judge Erik Møse, President

Registrar: Adama Dieng

Date: 12 May 2005

JUDICIAL RECORDS/ARCHIVES
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ICTR

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THE PROSECUTOR

v.

Georges RUGGIU

Case No. : ICTR-97-32-S

**DECISION OF THE PRESIDENT ON THE APPLICATION FOR EARLY RELEASE
OF GEORGES RUGGIU**

**THE PRESIDENT OF THE INTERNATIONAL CRIMINAL TRIBUNAL FOR
RWANDA,**

BEING SEIZED OF Georges Ruggiu's request for early release, filed on 1 December 2004 ("the Application");

RECALLING that, on 1 June 2000, Trial Chamber I rendered its Judgement and Sentence in *The Prosecutor v. Georges Ruggiu*, Case No. ICTR-97-32-I, in which it sentenced Ruggiu to two twelve year sentences of imprisonment which run concurrently from 23 July 1997;

NOTING that Ruggiu has not been transferred to a State for the enforcement of his sentence and remains in the custody of the Tribunal;

CONSIDERING that, pursuant to Article 7 of the Practice Direction of 10 May 2000 on the Procedure for the Determination of Applications for Pardon, Commutation of Sentence and Early Release of Persons Convicted by the International Criminal Tribunal for Rwanda, the President determines, in consultation with the Sentencing Chamber and the Bureau, whether applications for early release should be granted;

HAVING carried out such consultation;

RECALLING that, under Article 27 of the Tribunal Statute, there shall only be pardon or commutation of sentence if the President so decides in the interests of justice and following notification by the State in which the convicted person is imprisoned that he or she is eligible for pardon or commutation of sentence pursuant to the applicable law of that State;

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CONSIDERING that under Rules 125 and 126 of the Tribunal's Rules of Procedure and Evidence, the President shall, in determining whether pardon or commutation is appropriate, take into account the gravity of the crime or crimes for which the prisoner was convicted, the treatment of similarly-situated prisoners, the prisoner's demonstration of rehabilitation and any substantial cooperation of the prisoner with the Prosecutor;

NOTING that the crimes for which Ruggiu was sentenced include those of the utmost gravity, including the direct and public incitement to commit genocide;

TAKING INTO ACCOUNT that the media, particularly the *Radio Television Libre des Milles Collines* ("RTLM") radio, was a key tool used by extremists in Rwanda to mobilize and incite the population to genocide and that Ruggiu was a journalist and broadcaster with the RTLM;

CONSIDERING that to date, no person convicted by this Tribunal has yet applied for commutation or early release, and that those persons granted early release by the International Criminal Tribunal for the former Yugoslavia have not been convicted of genocide;

OBSERVING that the Application refers to Ruggiu's substantial and continuing cooperation with the Office of the Prosecutor, good behaviour within detention, and favourable prospects for reintegration into society;

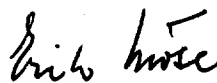
NOTING that the Judgement already considered these factors as mitigating when determining Ruggiu's sentence;

CONSIDERING that these factors do not, at the present stage, warrant early release given the gravity of the crimes in question and the length of the term of imprisonment served to date;

FOR THE ABOVE REASONS,

DENIES the Application.

Arusha, 12 May 2005



Erik Møse
President

[Seal of the Tribunal]

