

Prosecutor vs. Georges Ruggiu

Pleading Prosecution

[ICTR Court Transcripts, 15.05.2000, pp. 5-40; 175-191]

Madam President [Judges]: We can proceed directly to the next stage of these proceedings which in fact involve a trial on a plea of guilty. So, I would ask the Prosecutor then to present her case [...]. So, in other words this is the stage of the proceedings where the court would consider whether it would proceed to make a finding of guilty. And this is where the court will be concerned with the nature of the charges and whether the facts admitted to, support the charges. [...]Mr Othman, you have the floor.

MR OTHMAN [Prosecutor]: Thank you, Your Honours, with your permission what I would like to do is maybe just to highlight some aspects of the plea agreement which relates to factual allegations because part of the requirements in Rule 63 is for Your Honours to be satisfied on the material basis in which Georges Ruggiu has accepted to plead guilty. So, without really going into the whole document, I will just maybe highlight some of the pertinent areas for your consideration. This plea agreement has been drawn and you will find that it follows a certain chronology of dates. We felt both with the Defence that this was an important aspect of presenting the factual basis, that is Mr Ruggiu, his first contact with Rwanda, his engagement as an employee of R.T.L.M. on the 6 of April to the 14 of [July] when he left Rwanda. It also highlights some -- you could say some decisive of cut of dates [...] and one of the key dates which both ourselves and the Defence agree, is the 12 of April, when George Ruggiu as a journalist with RTLM, together with other Journalists was taken [on] a tour of Kigali, and [...]around Kigali by the force army Rwandese [Hutu controlled]. And part of these visits included some concrete observations by Mr Georges Ruggiu on the massacres and the extent of the massacres [on Tutsis]. So, both of us -- both the defence and us agree that this is a decisive date in terms of the accused's involvement in the criminal enterprise that he was involved in.

There are also five specific allegations of direct incitement [to genocide, on the radio] which we have mentioned in the plea agreement. These relate [...] to his call for vigilance[...]at roadblocks. There is a number of [...] broadcasts or allegations or explanations which relate to incidents of incitement related to roadblocks [on June 5, for example, Georges Ruggiu had

said in a broadcast: "My particular greeting goes to our soldiers, to all security agents, to the Youths of parties and to volunteers who are on roadblocks, who are working.¹". Then you have [the] paragraph [...] which relates to specific calls or urges to go to work, which in the context of Rwanda meant to continue killings. Then you have references [...] which relates also to calls, and surround these calls in the use of the word Inyenzi, which had been mentioned here, which in the context of Rwanda meant not only the RPF but also Tutsi ethnic group which had both a basic meaning and an extended meaning. You have also the forth area [...] about completing the revolution of 1959. [...] And then there is a specific incident [...] about a call he specifically made in the Radio broadcasts, about infiltrations in Ngikondo, the result of which he was informed by the Editor in Chief of RTLM that a woman was killed. So, this is some of the allegations related to the factual basis related to direct and public incitement to commit genocide. If I may, just in relation to prosecution, just to add that we have within the agreement used the same factual allegations for direct and public incitement to commit genocide, incorporated them also especially Tutsi, [...] but then also with regard to [...] to moderate Hutus, [...] about their being defined as accomplices and belonging to enemies and so on. And then also you have a number of allegations related to Belgians.[...]

MADAM PRESIDENT: Mr Othman, now reading through the plea agreement signed by Mr Ruggiu, he explains the context of these radio broadcasts that he participated in, and he explains that at the time there was the war between the RPF and the interim government, and that the R.T.L.M. radio station became a mouth piece for the interim government against the RPF. So, it seems to be propaganda that he engaged in, in favour of the government of the day. I would like you to explain why the Chamber shouldn't regard that as freedom of speech even if it's a call for revolution because that may well be a bias in favour of the government and it maybe a freedom of speech entitlement asserted by journalists. In other words we would like you to explain to us the specific intention of the accused, where does that emerge? How do you establish the mens rea of the accused to incite direct and public incitement to genocide?

MR OTHMAN: Yes, Madame President. In trying to come to terms both the Defence and the Prosecution on the mens rea aspect, of course, we were guided by two trial chamber decisions, in Prosecutor and Akayesu, and also Prosecutor and Kayishema and Ruzindana where the Chamber accepted that intention can be derived from words or deeds and also from purposeful action and conduct. So, basically in trying to appraise a mental element we had taken this legal yardstick in consideration, and also therefore, when we were evaluating the facts, we found that basically as we say this cut of dates of the 12 of April, being a pertinent date because

¹ Gulseth, Hege Lovthal, *The Use of Propaganda in the Rwandan Genocide. A Study of Radio Television Libre de Mille Collines*, Thesis submitted at the Department of Political Science, University of Oslo, May 2004, pp. 108

not only of the knowledge but also later on of the gradual involvement of the persons. You would see that basically also in the allegations within the factual indictment we have mentioned basically that for example the broadcasts in Kinyarwanda and in French followed a certain coloration. Of course, those in Kinyarwanda were less vigilant than those in French but they followed the same editorial policy. And there is a number of allegations in the factual indictment which -- in the plea agreement which mentions basically the cementing of both the French and the Kinyarwanda interpretation. So, and also some of the factual basis here for example will mention about telling or the calling directly, go to work, in relation to, or be vigilant in roadblocks. [...] Georges Ruggiu admits being in roadblocks, and knowing that [...] people were being asked identity cards. They were being separated. Some were also being eliminated at the roadblocks. [...]

[Sentencing plea, extract]

MADAM PRESIDENT: Mr Othman, who addresses first on sentence? You wish to do that. Madam Del Ponte, first.

MS DEL PONTE: Yes. Madam President, I will begin. I have just spent ten days in Kigali, ten working days in Kigali, and the other day, I had the opportunity to visit a prison, Rehemera prison, with the Minister of--for Justice. Now, in that prison, there are about 8,000 prisoners accused of genocide by the judicial authorities of Rwanda, who are prosecuting these people. And, amongst them, there are about two [...] thousand [...] who have confessed. And amongst them, amongst those who have confessed is something -- something which touched me is that they said that we are here, we have confessed but we are the small fish. In fact, we were the implementers and we did the implementation because we were told to do this. We were told to kill, we were told to massacre. One or two said, I killed my, my neighbour and her daughter, another person, peasant said, I killed four of my neighbours. But, we were there listening, we were there and we were told to kill. And this is the importance of the radio. These peasants, these craftsmen, these Rwandans who were living in the countryside, in villages, they were listening to the radio. Now, everybody here knows of the importance of what the radio was saying, and Radio Des Mille Collines was the radio which was most listened to, it was the Bible. What was heard on the radio was what one needed to do. So, the accused here today, who is pleading guilty, was one of these messengers on the radio. He was one of these journalists, who on a daily basis transmitted not only information but messages, orders, instructions and the implementers were there, listening. Hundred and twenty thousand in Rwandan prisons, and they are the ones who are also asking for justice, Your Honours. Now, this morning, the defence spoke to us [...] of previous facts, criminal facts which took place on a specific date

from the 6th of January to the 14th of July. Now, those are the incriminating facts. Now, with regard to antecedents, you heard the defence this morning, who gave you an interpretation of the facts which leaves us somewhat surprised so much so that we are asking how was it possible that the Accused, Ruggiu, pleads guilty? Guilty of what? So, I am inviting you, Madam President, Your Honours, [...] I shall allow myself some consideration of what we are calling the antecedents of the criminal activities of the Accused, Ruggiu. He himself told us that in the middle of 1992, the interest for Rwanda political life was great, he not only had contacts, and there was also what you learn from reading the press, reading literature, and it must be said that abroad, the opposition was strong. So, here you have a first point, the Accused, Ruggiu, who is already in the middle of 1992, is informed on the political situation in Rwanda in a profound manner. So, he knew very well what the situation prevailing there was at the time. [In] the same period, he participates to in six to eight meetings of the Belgian section of the MRND. There must have been something. Here is a political party, we see the role that he played at the time of the genocide. He is [also] part of the reflection group which is made up of Rwandan and Belgians, and he is an active member. And what was one of the main issues tackled by this reflection group, and this was the, a critic of the Arusha Accords, we shouldn't forget this. Because this means that the Accused, Ruggiu, at that time already was taking a position, a very clear position on what was to be his future area of crime. But there is more, there is more to this. He was still in Belgium and he knew Mr Nahimana [one of the founders of RTML]. [...] [T]his was a link for him. And he himself says [...] that in February 93, he became not only an observer, but he becomes an active participant in Rwandan politics, and, he himself says this. He is sending mail, he is taking a stand, he is taking a position, adopting a position. Now, you are suppose to believe but, Your Honours, that this poor Henry Ruggiu, when he was in Rwanda, he meets the Presidential escort and the President stops and he get into the car. This is true. Yes. But, you were not told that the Accused, Ruggiu, met the President in Brussels during a visit and that some days later, he met him again at the Hilton Hotel [...]. He had a discussion with the President, he listened and he listened, not only for his activities in the Belgian group of the MRND [...]. But asked him his opinion. So, we can't be accused of saying much [...] that while he was still in Belgium, the Accused, Ruggiu became the adviser of the President. That is quite rare, an adviser abroad, but this shows you the important-- the importance of this person. Because we all understand that President Habyarimana's Government, who had a European, a European, who had espouse the political cause, the political struggle of his party as President. Someone who was working abroad, this was extremely important, this was an asset. And, it is from here, from this political relationship, that the job follows in Rwanda, because [...] it's Nahimana who goes to Brussels, and they speak about the project of establishing the new radio station and Mr Ruggiu, is also seeking through the RTLM, he is looking for shares. So, he is modestly a shareholder, an owner [...]. [H]e [...]

meets Nzirorera in Belgium, and it's there, that he received the job of -- for RTLM, and [...] they refer to this job offer. Now, this tells you that this political commitment, and we all agree, this is a political commitment but it is one which is total, it's complete, it's full with all the necessary information. So, we shouldn't be told here that he was misinformed, that he was manipulated. He had all the information, all the information since he was in Belgium, [was] be able to have the most full information necessary. So, [...] from the 6th of January to the 14th of July, he can go to Rwanda, he can go to Kigali, he finds a job, and he works at the radio station, and finally he can implement what had politically been prepared well before his arrival in Rwanda. So, what is quite clear in all this is that, being on the spot, on the 7th of April 1994, Ruggiu becomes aware of the real situation, he is aware of the massacre of the civilians, he becomes aware of what is happening in Kigali, in Rwanda, he becomes aware of the genocide. He becomes aware [...] of roadblocks, which are erected for the identification of Tutsis so that they can be eliminated. So, what does he do? Our poor journalist whom we have heard from the witness telling us that he is a good person, he is dynamic, he is intelligent, he has all the good qualities. The Journalist, Ruggiu, continued his work at the radio station. He continues his activities of incitement and he goes even further. Because at a given point in time, the army gives him the best protection. Supposedly, because he needs it because the soldiers, the Belgian soldiers are after his skin. I want you to reflect on these suggestions which are purely from the film screens. UNAMIR was there, and it was not certainly the Journalist, Ruggiu, who was a problem for them in those days after the 12th of April. When we know what the situation was, that prevailed, when UNAMIR itself had to, to leave Rwanda. But the accused is taken to a military camp, the Kigali camp, he is protected, and he is wearing uniform, he receives pistol, not only that, he also has a vehicle with a bodyguard and a driver and he can freely drive around the city of Kigali, because he also had a Laisser Passer, which is stuck on his windscreen. Now, Madam President, Your Honours, do you really believe that [...] the Accused, Ruggiu, was the person whom the defence want us to believe? That, should the soldiers protect him like that? Do you believe that the messages were so important that this foreign journalist had to be protected in such a manner? This has nothing to do with the freedom of the press and we all know this. Because, here, we are well, well beyond what can be admitted as the freedom of the press. Because we are indeed dealing with instructions, messages with instructions. As you well know, in national systems, there are anti-racist laws and it is simply, you referred to concentration camps and you can-- and it is possible to be condemned. So, I don't think that we need to go into this issue any further. The Accused, Ruggiu, was in the service of the Government of President Habyarimana and the Interim Government. He used the radio broadcast to sent messages and orders to kill, to massacre, and he saw the mutilated bodies, he saw the numerous civilian victims. He even told us that one day, that he was able to count 129 bodies. There is also a very important issue [...] which

we didn't refer to [yet]. [W]hen [...] [Ruggiu] went back to his job, he went back to his job but Habimana, to whom he had said what he saw, told him, Mr Ruggiu, it's up to you to make your choice, you can continue or you can leave the country, or not work any more. This is important because at that point in time, Ruggiu can make a choice, and he did make his choice. He did make his choice and he continued. He even went to Gitarama where the Interim Government set up in order to interview the Prime Minister. And there, there is another important meeting with Nahimana, because Nahimana congratulates himself for the important work, and listen to this carefully, for the quality of the work done, the quality of the work done by this journalist on the radio. And, this is Nahimana who is congratulating him. He is happy about this. Now, Ruggiu, the journalist, who finds hospitality at the Diplomat Hotel in Kigali, in April, up until the 4th of July, he is in the Hotel Diplomat where the politicians are, the soldiers are, this was the hotel where the political and military officials of the country were set up, the Interim Government was also there, and Ruggiu also, was there. Do you believe that if his activities, that the defence is seeking to minimize, is seeking to make inconsequential, do you believe really, that he would have had this treatment on the part of the Rwandan government of the time? Madam President, Your Honours, Mr Ruggiu confessed, he confessed to crimes which are the most serious crimes against humanity. Now, to state what is the most aggravating of these crimes, it is aggravating because he is European, he is not Hutu, he is not Rwandan. He is Belgian, and he has a dual nationality, he Belgian, he is Italian. Do you realize the impact, the advertising impact, the impact that a foreign journalist on radio in Rwanda, is transmitting the messages that we heard? He was the oracle. The second aggravating circumstance is that he voluntarily participated in these acts. He participated in the highest sphere of the planning of the genocide, and he is a co-perpetrator. He did everything fully aware of the facts, and he even admits this although he reduces his knowledge at a given point in time, and this for only 1994, the year 1994. So, what is the theory suggested concerning manipulation? This theory doesn't really have any place here. We shouldn't forget that the position of criminal responsibility of Ruggiu, is that according to the Rwandans, he is in the list of the first category of perpetrators. The first list according to the Rwandan law is equivalent to the death penalty. Fortunately, we do not have the death penalty here. [...] But here, the situation is somewhat different. So, we also have mitigating circumstances and certainly, confessions are included therein. We also need to take into account the fact that he didn't have an official position. Yes. He did leave with the ministers, with the soldiers and with high personalities in politics but formally, he didn't have any official position. He has not been previously condemned, so he is a clear case, judicially speaking, and he promised, he told us that he will cooperate with us. Madam President, Your Honours, these are some aspects which I wanted to underscore. [...]

MADAM PRESIDENT: Ms Del Ponte, [...] has [Mr Ruggiu] promised future cooperation with the Prosecution?

MS DEL PONTE: Yes. He promised future cooperation and we hope that it will be done.