

Prosecutor vs. Georges Ruggiu

Getting started

Original case disclaimer

This case was argued in front of the International Tribunal for Rwanda in Arusha, Tanzania between 1997 and 2000. Mr. Ruggiu was the only non-Rwandan charged before the ICTR. For the purpose of MICC, the indictment has been reduced to one count, and the information provided, whilst being taken from court transcripts, is highly selective, shortened and simplified. Therefore, the original outcome of the case is not relevant for the proceedings at MICC, and we recommend that you do not extend your research beyond the tasks outlined below.

Preparation tasks

Before attending the MICC conference, you should get familiar with the case materials. For that purpose, we have prepared a few tasks we think you should work on before coming to MICC. It's also a good idea to take up contact with other members of your team and prepare preliminary answers. You do not need to have perfect answers: There will be trainers with whom you can discuss your questions and prepare for the trials. But a good background knowledge and some ideas in advance will make the work easier at the conference.

Getting to know the case

- Read all the case materials!
- Read the preamble and the headlines of the articles 1-33 of the Rome Statute¹ in the table of contents here: <https://goo.gl/n0ZxK1>
- Use the case material to establish a timeline of Ruggiu's life. What did he do before coming to Rwanda? How did the events unfold, when the massacres started, what did he do and know at what point in time?
- If time allows, you can research further into the role of the radio during the massacres in Rwanda. Do you understand why it was so popular and how it was used by the governing party?

"Material Element": Genocide

- Read Art. 6 RS2. Do you understand all the words? Try to establish what elements need to be fulfilled to call an action a "genocide".
- Art. 6 RS specifically protects groups only if they are "national, ethnic, racial or religious" Do the Hutu, the Tutsi and the Twa form any of these groups? Which ones can you exclude? Give reasons for your view!
- Art. 6 RS does not mention e.g. political groups. Do you think that is justified, and why?

¹ Lawyers love abbreviations. So from now on, we will shorten "Article 7 paragraph (1) subparagraph (a) number (ii) of the Rome Statute" to Art. 7 (1) (a) (ii) RS – and all other mentions of the Rome Statute accordingly.

² Please always make sure you read the entire article, even if only one case is relevant.

“Mental Element”

- Read Art. 30 RS. Do you understand all the words?
- What do you think was Mr. Ruggiu’s view on the conflict? Did he see it as a genocide, or as a political fight between different parties? Give examples from the case materials!

Mode of responsibility

- Read Art. 25 RS. Do you understand all the words?
- Now focus on Art. 25 (3) (e) RS. Do you think that the references Mr. Ruggiu made were sufficiently direct to establish his responsibility according to this article?
- Art. 25 (3) (e) uses the word “incitement”. What does that mean? And can you show from the case materials that Mr. Ruggiu “incited” others?
- What do you think was George Ruggiu’s role in the conflict? Did he have an opportunity to act different than what he did? Specifically: Do you think he was aware of what was going on around him, or was he a bystander who did not understand the conflict at all? Give reasons for your views.