

**ANNOTATED LEADING CASES OF  
INTERNATIONAL CRIMINAL TRIBUNALS**

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2004**

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Annotated Leading Cases of International Criminal Tribunals

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## PREFACE

This is the eighteenth volume in the series 'Annotated Leading Cases of International Criminal Tribunals' and contains the most important decisions of the International Criminal Tribunal for Rwanda (ICTR) from 23 January 2004 to the end of the year 2004. It is the sixth volume in the series containing decisions of the ICTR. Further selected annotations on ICTR case law are in Volumes 22 and 24.

In contrast to the rather lengthy judgements in the previous volume, the judgments selected for this volume are much shorter. This allows us to cover a longer period and to include many procedural decisions. The present volume is in its approach and structure similar to the previous volumes of the series. Thus, the book contains the full text of all the decisions and judgements, including separate, concurring and dissenting opinions, as well as annexes to the decisions. As in the previous volumes, the editors have ensured that the decisions are fully identical to the *written* original text as issued by the ICTR Press and Information Office and which bears the signatures of the Judges. We are aware that most (not all) decisions are available on the internet. However, only the written decisions bearing the signatures of the Judges can be considered authoritative versions. In the course of our editorial work on this and previous volumes, we have discovered inconsistencies between the written original version of the decision and the internet version, if the latter is available at all. Much of our editorial efforts consist in making the texts in this series identical to the written original version.

We could only include the full text of the decisions in this volume by reducing their original format. Still, we wanted the reader to be able to identify the page number of the original text, which is throughout the text put in brackets [ ]. We are again very happy that a number of scholars in the field of international criminal law were prepared to write interesting and stimulating commentaries to the decisions.

A few words regarding the selection of decisions may give the user insight into our working method. In principle, we select all final judgements. In addition, we publish decisions taken at any stage of the procedure that are important for other reasons: because they deal with a specific legal question, because they are representative of a specific type of decision or because they enter new legal waters. Of course, we cannot publish all decisions. As a result we may not publish decisions in which issues have been decided in a way similar or identical to a decision that has already been selected.

The decisions are presented in different parts and under different headings.

Part 1 covers various issues related to the indictment. Part 2 deals with procedural matters. Mugeraneza complained about an undue delay of 4½ years prior to his trial. Several decisions deal with evidentiary matters. The position of Judge Vaz in the case against Karemera and others led to a number of very strange decisions. Part 2 concludes with two decisions on cooperation. Part 3 contains five judgements and covers most of this volume.

We owe acknowledgements to many persons without whom we could not have completed this eighteenth volume. These include Registrar Adama Dieng of the ICTR and his staff, who offered generous assistance in obtaining all the hard copies of decisions. We are honoured that official translations were made on our request on behalf of the Registrar of the ICTR. Our publisher Intersentia, in particular Hans Kluwer and Isabelle van Dongen, facilitated our work. We also acknowledge the work of our student assistants Thom Dieben (Maastricht) and Hadassa Noorda (Amsterdam), who assisted with the corrections of the text and without whom we would not be able to publish these series. The Netherlands School of Human Rights Research stimulated our work. Steven Freeland from the University of Western Sydney, Australia, offered tremendous help by correcting our English. Last but not least, we wish to thank the distinguished authors for their commentaries to the decisions.

We hope that this volume will contribute to the further dissemination of the important work of the ICTR and that it will provide access to its decisions to practitioners, academics and students.

André Klip and Göran Sluiter  
Maastricht/ Amsterdam, July 2008