

ICTR-97-23-DP
19.9.1997
(51-49)

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Case no : ICTR-97-23-DP



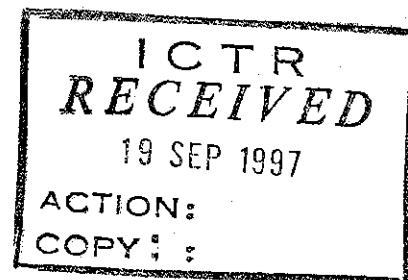
**International Criminal Tribunal for Rwanda
Tribunal pénal international pour le Rwanda**

OR:ENG

Before : Judge Navanethem Pillay

Decision of : 16 September 1997

Registry: Ms. Prisca M. Nyambe



**PROSECUTOR
VERSUS
JEAN KAMBANDA**

Case No.: ICTR-97-23-DP

**EXTENSION OF THE PROVISIONAL DETENTION
FOR A MAXIMUM PERIOD OF THIRTY DAYS
(IN ACCORDANCE WITH RULE 40 BIS (G)
OF THE RULES OF PROCEDURE AND EVIDENCE)**

Office of the Prosecutor: Mr James Stewart

Counsel for the Defence: Appeared in-person

EXT40BIS(G)97-23-DP, ENG.

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THE INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA (the "TRIBUNAL"),
SITTING in the person of Judge Navanethem Pillay;

CONSIDERING that the suspect Jean Kambanda is currently detained at the Detention Facility of the Tribunal, following an order for transfer and provisional detention issued on 16 July 1997 by Judge Kama, pursuant to Rule 40*bis*(B) of the Rules of Procedure and Evidence of the Tribunal (the 'Rules') and extended on 14 August 1997 by Judge Kama pursuant to Rule 40*bis*(F) for another period of 30 days beginning on 18 August 1997;

CONSIDERING the request by the Prosecutor, dated 10 September 1997 and filed with the Registry on 11 September 1997, pursuant to the provisions of Rule 40*bis*(G) of the Rules, seeking the extension of the provisional detention of the suspect Jean Kambanda for a further period of thirty days;

HAVING HEARD the Prosecutor at a hearing on 16 September 1997 and having perused the sworn statement of Commander Øyvind Olsen;

HAVING NOTED that the suspect affirmed that he was fully aware of the rights embodied in Rule 42 of the Rules;

HAVING ALSO NOTED that the suspect voluntarily waived his right to counsel for the time being in accordance with Rule 42(B) of the Rules;

HAVING HEARD the suspect who stated that he has no objection to the further extension of his provisional detention;

HAVING CONSIDERED the written statement filed by the suspect on 16 September 1997 with the Tribunal, confirming his consent to the further extension of his provisional detention.

THE TRIBUNAL,

FINDS THAT there are sufficient grounds as required in Rule 40 *bis* (G) of the Rules for an extension of the period of provisional detention;

ORDERS THAT :

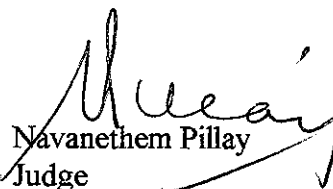
- (1) the suspect Jean Kambanda shall be kept in provisional detention, at the Detention Facility of the Tribunal for a further period not exceeding 30 days, commencing on 17 September 1997 and expiring on 16 October 1997, both days included;

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(2) this shall be the final period of provisional detention and no further extensions shall be allowed;

(3) pursuant to Rule 40*bis*(H) of the Rules, in the event the indictment has not been confirmed and an arrest warrant signed by 16 October 1997, the suspect Jean Kambanda shall be released or, if appropriate, be delivered to the authorities of the State to whom the original request for transfer was made.

Arusha, 16 September 1997


Navanethem Pillay
Judge

(Seal of the Tribunal)

