

ICTR-97-27-I
E-10-1997
(24-23)

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UNITED NATIONS  NATIONS UNIES
International Criminal Tribunal for Rwanda

OR: ENG

Before: Judge Lennart Aspegren

Registry: Mr. Frederik Harhoff
Ms. Prisca Nyambe

Decision of: 3 October 1997

THE PROSECUTOR

VERSUS

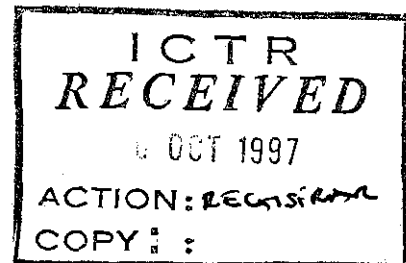
HASSAN NGEZE

Case No. ICTR-97-27-I

DECISION TO CONFIRM THE INDICTMENT

The Office of the Prosecutor:

Mr. James Stewart
Mr. Craig McConaghy



ICTR-97-27-I

THE INTERNATIONAL CRIMINAL TRIBUNAL for RWANDA (the "TRIBUNAL"),

SITTING as Judge Lennart Aspegren, designated by the President of the Tribunal according to Rule 28 of the Rules of Procedure and Evidence ("the Rules");

HAVING RECEIVED on 1 October 1997 from the Prosecutor the enclosed indictment against **Hassan Ngeze** and the supporting material attached to this indictment, pursuant to Articles 17 and 18 of the Statute of the Tribunal ("the Statute"), and Rule 47 of the Rules;

HAVING HEARD the Prosecutor during the hearing held on 3 October 1997 pursuant to Rule 47 (D) of the Rules;

WHEREAS the Tribunal notes that although Article 6 of the Statute sets out the conditions for individual criminal responsibility for the crimes referred to in Articles 2 to 4 of the Statute, it does not by itself establish an independent crime;

WHEREAS, in light thereof, the Tribunal is of the opinion that the supporting material does not provide reasonable grounds for believing that the accused himself executed the crime which he is alleged to have committed in Count 1 in violation of Article 2(2)(a) and/or (b) and Article 2(3)(a) of the Statute;

BEING SATISFIED, then, that there is sufficient evidence in the material tendered by the Prosecutor to provide reasonable grounds for believing that the suspect has committed crimes within the jurisdiction of the Tribunal, and is thereby convinced that a *prima facie* case has been established with respect to counts 2-4 as set out in the indictment;

HEREBY

DISMISSES Count 1 of the indictment;

CONFIRMS the indictment submitted by the Prosecutor against **Hassan Ngeze** with respect to Counts 2-4 of the indictment;

TAKES NOTE of the Prosecutor's prayer that a warrant of arrest be issued against the said accused, who is currently detained in the Tribunal's Detention Facilities;

AUTHORISES the Registrar to implement the corrections suggested by the Prosecutor and approved by the Tribunal during the hearing on 3 October 1997.

Arusha, 3 October 1997

Lennart Aspegren
Lennart Aspegren
Judge

