

ICTR-97-23-I
16.10.1997
(9-8)

5-117

UNITED NATIONS  NATIONS UNIES
International Criminal Tribunal for Rwanda

OR: ENG

Before: Judge Yakov Ostrovsky
Registry: Mr. Frederik Harhoff & Mr. Antoine K-M Mindua
Decision of: 16 October 1997

THE PROSECUTOR
VERSUS
JEAN KAMBANDA
Case No. ICTR-97-23

ICTR
RECEIVED
16 OCT 1997
ACTION: REGISTRAR
COPY: :

DECISION TO CONFIRM THE INDICTMENT

The Office of the Prosecutor:

Mr. Luc Côté
Mr. Jean Pierre Gervais
Ms. Josée D'Aoust

ICTR-97-23-I

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

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

HAVING RECEIVED on 15 October 1997 from the Prosecutor the enclosed indictment against **Jean Kambanda** 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 16 October 1997 pursuant to Rule 47 (D) of the Rules;

FINDS IT unacceptable that this indictment was filed on 15 October 1997, a day before the expiry of the suspect's detention under Rule 40 BIS (G) on 16 October 1997 as ordered by Judge Navanethem Pillay on 16 September 1997;

DECLARES that such late submission of indictment is incompatible with the due process and the interests of justice and is an irresponsible conduct of the Office of the Prosecutor;

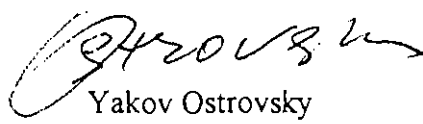
BEING SATISFIED from the material tendered by the Prosecutor that there is sufficient evidence to provide reasonable grounds for believing that the suspect has committed crimes within the jurisdiction of the Tribunal, and is thereby convinced that a *prima facie* case has been established with respect to all counts, 1, 2, 3, 4, 5 and 6 as set out in the indictment;

HEREBY

CONFIRMS the indictment submitted by the Prosecutor against **Jean Kambanda** with respect to Counts 1, 2, 3, 4, 5 and 6 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 Unit.

Arusha, 16 October 1997



Yakov Ostrovsky
Judge

(Seal of the Tribunal)

