

ICTR-97-19-I
24.10.1997
(31-29)

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UNITED NATIONS  NATIONS UNIES

International Criminal Tribunal for Rwanda

OR: ENG

Before: Judge Lennart Aspegren

Registry: Mr. Frederik Harhoff
Mr. Antoine Mindua

Decision of: 23 October 1997

THE PROSECUTOR

VERSUS

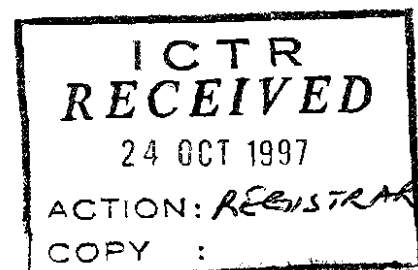
JEAN BOSCO BARAYAGWIZA

Case N° ICTR-97-19-I

DECISION CONFIRMING THE INDICTMENT

The Office of the Prosecutor:

Mr. Craig McConaghy
Mr. Mathias Marcussen



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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 Tribunal's Rules of Procedure and Evidence ("the Rules");

HAVING RECEIVED on 22 October 1997 from the Prosecutor the enclosed indictment against **Jean Bosco BARAYAGWIZA** and the supporting material attached to this indictment, pursuant to Articles 17 and 18 of the Statute of the Tribunal and Rule 47 (A), (B) and (C) of the Rules;

TAKING INTO ACCOUNT the Tribunal's decision of 3 March 1997 pursuant to Rule 40bis(B) of the Rules, in which the Tribunal requested the Cameroonian authorities to proceed with the transfer of Jean Bosco BARAYAGWIZA to the Tribunal's Detention Unit;

HAVING HEARD the Prosecutor during the review held on 23 October 1997 under Rule 47 (D) of the Rules;

HAVING NOTED that the Prosecutor, upon questions asked by the Tribunal during the review, made the following amendments to the indictment:

- in paragraphs 2.1 and 3.7 in the statement of facts in the English version of the indictment: the word "President" is replaced by: "Chairman";
- in count four of the French version of the indictment the words: "et/ou 6(3)" are deleted;
- in count five of the French version of the indictment the words: "l'article 3(h) du Statut" are replaced with "l'article 3(a) du Statut";
- count 6 in both the English and French version of the indictment is withdrawn and count seven becomes the new count six;

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 in relation to the suspect with regard to each of the six counts as set out in the indictment;

HEREBY

CONFIRMS the indictment submitted by the Prosecutor against **Jean Bosco BARAYAGWIZA** with respect to all six counts of the indictment, namely:

- genocide;
- complicity in genocide;

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- incitement to commit genocide;
- conspiracy to commit genocide;
- crimes against humanity (murder); and
- crimes against humanity (persecution);

TAKES NOTE of the Prosecutor's prayer that a warrant of arrest and an order for surrender to the Tribunal's Detention Facility be issued against the accused Jean Bosco BARAYAGWIZA, who is presently held in custody in Yaoundé in the Republic of Cameroon since his arrest on 27 March 1996 by the Cameroonian authorities;

ORDERS, pursuant to Rule 53(B) of the Rules and after consultation with the Prosecutor during the review of this indictment, that there be non-disclosure to the public of the indictment until the warrant of arrest has been served on the accused;

DIRECTS the Registrar, in accordance with Rule 55(B) of the Rules, to serve this Decision and the Tribunal's warrant of arrest and order for surrender of the accused on the Government of the Republic of Cameroon.

Arusha, 23 October 1997


Lennart Aspegren
Judge

