

ICTR-99-54-I  
4-10-1999  
(317-315)

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Case no. : ICTR-99-54-I



**International Criminal Tribunal for Rwanda  
Tribunal Pénal International pour le Rwanda**

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Before: Judge Navanethem Pillay

Original : English

Registry: Ms. Marianne Ben-Salimo

Decision of: 1 October 1999

THE PROSECUTOR

versus

AUGUSTIN NGIRABATWARE

and

JEAN DE DIEU KAMUHANDA

ICTR-99-54-I

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ICTR  
CRIMINAL REGISTRY  
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**CONFIRMATION OF THE INDICTMENT AND  
ORDER FOR NON-DISCLOSURE**

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Office of the Prosecutor:

Mr. Mohammed Ayat

S.N\99-54\conf.

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Case no. : ICTR-99-54-I

**THE INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA (the "Tribunal")**

SITTING AS Judge Navanethem Pillay, as designated pursuant to Rule 28 of the Rules of Procedure and Evidence (the "Rules").

On 29 September 1999 the Prosecutor submitted a draft Indictment, dated 27 September 1999 (the "Indictment"), together with Supporting Material, against Augustin Ngirabatware and Jean De Dieu Kamuhanda (the "accused"), for confirmation, pursuant to Articles 17 and 18 of the Statute of the Tribunal (the "Statute"), and Rule 47 of the Rules.

A hearing was held on 30 September 1999 to review the Indictment, pursuant to Rule 47(D) of the Rules. At this hearing, the Prosecutor further requested Warrants of Arrest for both accused and an Order for Non-Disclosure of the Indictment and the Warrants of Arrest.

**AFTER HAVING DELIBERATED**

1. The Tribunal, having reviewed the Indictment and the accompanying Supporting Material, finds that:

(1.1) The Indictment sets forth the names and particulars of both the accused, a concise statement of the facts of the case and the offences with which both accused are charged;

(1.2) There are reasonable grounds for believing that both the accused have committed crimes which fall within the jurisdiction of the Tribunal;

(1.3) The Prosecutor has established a *prima facie* case against Augustin Ngirabatware in respect of all ten counts with which he has been charged in the Indictment and against Jean De Dieu Kamuhanda in respect of all nine counts, with which he has been charged in the indictment.

2. The Tribunal notes that the Prosecutor requested an Order for the Non Disclosure of the Indictment and Warrants of Arrest to the public. The Prosecutor further requested, that the name and other identifying particulars of the one accused shall not be disclosed to the other, pending the arrest of both accused. In support of her requests, the Prosecutor submitted, *inter alia*, that:

(2.1) The accused are presently at large and they are likely to attempt to evade arrest if they learn of the existence and contents of the Indictment and Warrants of Arrest against them;



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(2.2) Where one of the accused is arrested and an Indictment and Warrant of Arrest revealing the identity of the other accused is served on him, he may alert his co-accused if his co-accused is still at large;

(2.3) Disclosure of the Indictment, and Warrants of Arrest will compromise and inhibit the Prosecutor's on-going investigations.

**FOR THESE REASONS THE TRIBUNAL,**

**CONFIRMS** the Indictment, dated 27 September 1999, against Augustin Ngirabatware and Jean De Dieu Kamuhanda, in respect of all counts alleged against each of them.

**TAKES NOTE** of the Prosecutor's request for Warrants of Arrests in respect of both accused;

**ORDERS** that there shall be no disclosure of the Indictment, the Confirmation Order or the Warrants of Arrest to the public until both accused have been arrested;

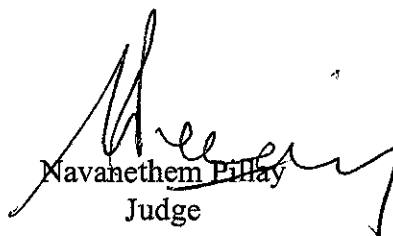
**FURTHER ORDERS** that, in respect of non-disclosure to the accused:

(i) The name and other identifying particulars of Augustin Ngirabatware shall be redacted from the Indictment and the Warrant of Arrest to be served on Jean De Dieu Kamuhanda, if Augustin Ngirabatware is still at large;

(ii) The name and other identifying particulars of Jean De Dieu Kamuhanda shall be redacted from the Indictment and the Warrant of Arrest to be served on Augustin Ngirabatware, if Jean De Dieu Kamuhanda is still at large;

(iii) Where only one of the accused has been arrested, redacted copies of the Indictment, Confirmation Order and Warrant of Arrest, shall be used at the Initial Appearance and other preliminary hearings in respect of that accused, unless the Trial Chamber orders otherwise.

Arusha, 1 October 1999

  
Navanethem Pillay  
Judge

(Seal of the Tribunal)