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ICTR-00-56-I  
26. 7. 2002  
(2567 - 2565)

2567 *amlyg.*

UNITED NATIONS



International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International humanitarian Law Committed in the territory of Rwanda and Rwandan Citizens responsible for genocide and other such violations committed in the territory of neighbouring States, between 1 January 1994 and 31 December 1994

Case No ICTR .....  
Date : .....  
ENGLISH  
Original: FRENCH

**TRIAL CHAMBER**

Before: Judge Laity Kama  
Registry: Ms. Marianne Ben Salimo  
Decision of : 28 January 2000

JUDICIAL RECORDS SECTION  
ICTR  
2002 JUL 26 AM 11:44  
*Amlyg.*

**THE PROSECUTOR**

v.

**AUGUSTIN BIZIMUNGU  
AUGUSTIN NDINDILYIMANA  
PROTAIS MPIRANYA  
FRANCOIS-XAVIER NZUWONEMEYE  
INNOCENT SAGAHATU**

Case No. ICTR-2000-56-I

**DECISION CONFIRMING THE INDICTMENT**

Office of the Prosecutor:

Mr. Mohamed Othman Chande  
Mr. David Spencer  
Ms Josee D'Aoust

L2573(1)

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

SITTING as Judge Laity Kama, designated by the President of the Tribunal in accordance with Rule 28 of the Rules of Procedure and Evidence ("the Rules"),

HAVING RECEIVED from the Prosecutor on 24 January 2000 an indictment dated 20 January 2000 ("the Indictment") against Augustin BIZIMUNGU, Augustin NDINDILYIMANA, Protais MPIRANYA, Francois-Xavier NZUWONEMEYE, Innocent SAGAHATU, and accompanying supporting material, pursuant to Articles 17 and 18 of the Statute of the Tribunal ("the Statute") and Rule 47 of the Rules,

HAVING HEARD the Prosecutor at the hearing held on 28 January 2000 to review the Indictment,

**AFTER HAVING DELIBERATED,**

WHEREAS the Tribunal, after having reviewed the Indictment and accompanying supporting material, finds that, from the material tendered by the Prosecutor, there is sufficient evidence to provide reasonable grounds for believing that the five suspects committed crimes within the jurisdiction of the Tribunal;

Whereas, however, the Tribunal pointed out to the Prosecutor that Count 2 - Genocide - and Count 3 - Complicity in Genocide - are based on the same facts, whereas the Tribunal holds that the Accused cannot be both principal perpetrators and accomplices in the same act;

Whereas the Prosecutor hence undertook to amend the Indictment so that Count 3 - Complicity in Genocide - appears as an alternative to Count 2 - Genocide;

WHEREAS, furthermore, the Prosecutor filed at the hearing of 20 January 2000 a written motion entitled: "Motion for non-disclosure to the media and the public of the indictment until served on all accused and for non-disclosure to the accused and their counsel of the names or any identifying information of the co-accused in the indictment and supporting material until indictment served on all accused", pursuant to Rule 53 of the Rules;

Whereas the Tribunal holds that the motion is founded in fact and law;

**FOR THE FOREGOING REASONS,**

**THE TRIBUNAL,**

**CONFIRMS** the Indictment dated 20 January 2000 issued by the Prosecutor against Augustin BIZIMUNGU, Augustin NDINDILYIMANA, Protais MPIRANYA, Francois-

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Xavier NZUWONEMEYE, Innocent SAGAHATU, in respect of all the counts therein, as amended;

**GRANTS** points (A), (B), (C) and (D) of the Prosecutor's aforementioned motion; and

**ORDERS**, accordingly, that the Indictment, the instant decision confirming said Indictment and the Prosecutor's motion be kept under seal by the Registry of the Tribunal.

Arusha, 28 January 2000

(Signed)  
Laity Kama  
Judge