

ICTR-2000-56-I
25-2-2000
(642-640)

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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 2000-56-I

Date : 28 January 2000

ENGLISH

Original: FRENCH

TRIAL CHAMBER

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

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THE PROSECUTOR

Vs.

AUGUSTIN NDINDILYIMANA

DECISION CONFIRMING THE INDICTMENT

Office of the Prosecutor:

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

Counsel for the Defence:

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 on 24 January 2000 from the Prosecutor an indictment dated 20 January 2000 ("the Indictment") against Augustin Ndindiliyimana, and accompanying supporting material, pursuant to Articles 17 and 18 of the Statute of the Tribunal ("the Statute") and Rule 47(A) 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 to believe 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 to 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 to all accused", pursuant to Rule 53 of the Rules;

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

FOR THE FOREGOING REASONS,

THE TRIBUNAL,

CONFIRMS the indictment dated 20 January 2000 issued by the Prosecutor against Augustin Ndindiliyimana in respect of all the counts therein, as amended;

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

ORDERS, consequently, that both 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)
Laïty Kama
Judge