

ICTR-2000-56-1

75-2-2000  
(648-645)

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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

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TRIAL CHAMBER

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

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THE PROSECUTOR

Vs.

INNOCENT SAGAHUTU

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DECISION CONFIRMING THE INDICTMENT

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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 Laïty 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 Innocent Sagahutu, 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 Innocent Sagahutu in respect of all the counts therein, as amended;

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

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**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