

ICTR-2000-55-I
2-2-2000
(153-151)

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UNITED NATIONS
NATIONS UNIES

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

ORIG: Eng.

Before: Judge Yakov Ostrovsky

Registrar: Dr. Agwu Ukiwe Okali

Decision of : 2 February 2000

**THE PROSECUTOR
versus
THARCISSE MUVUNYI
IDELPHONSE NIZEYIMANA
IDELPHONSE HATEGEKIMANA**

Case No. ICTR-00-55-I

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DECISION TO CONFIRM THE INDICTMENT

Office of the Prosecutor:

Ms. Carla Del Ponte, Prosecutor
Mr. Japhet Daniel Mono
Mr. Ibukunolo Babajide
Ms. Celine Tonye
Ms. Sola Adeboyejo
Ms. Andra Mobberly

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THE INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA (“the Tribunal”),

SITTING AS Judge Yakov Ostrovsky, designated according to Rule 28 of the Rules of Procedure and Evidence of the Tribunal (“the Rules”);

HAVING RECEIVED an indictment against Tharcisse Muvunyi, Idelphonse Nizeyimana, and Idelphonse Hategekimana, dated 21 January 2000, together with supporting materials, pursuant to Articles 17 and 18 of the Statute of the Tribunal (“the Statute”), and Rule 47 of the Rules;

HAVING HEARD the Prosecutor during a hearing on 27 January 2000 pursuant to Rule 47(D) of the Rules;

HAVING ADJOURNED the review of the indictment so as to give the Prosecutor the opportunity to modify the indictment, pursuant to Rule 47(F)(iv) of the Rules;

HAVING RECEIVED a modified indictment against Tharcisse Muvunyi, Idelphonse Nizeyimana, and Idelphonse Hategekimana, dated 21 January 2000 (“the Indictment”), together with revised supporting materials (“the Supporting Materials”);

HAVING REVIEWED the Indictment and the Supporting Materials;

BEING SATISFIED from the material tendered by the Prosecutor that there is sufficient evidence to provide reasonable grounds for believing that each of the suspects has committed crimes within the jurisdiction of the Tribunal, and is thereby convinced that a *prima facie* case has been established with respect to all counts, that is counts 1, 2, 3, 4, and 5, as set out in the Indictment, and in relation to each of the suspects individually;

BEING SEIZED of the Prosecutor’s *Ex Parte* Motion for Non-Disclosure of the Names of Witnesses and Other Identifying Information in the Indictment, Supporting Materials and Witness Statements, dated 22 January 2000 (“the Motion”);

HAVING CONSIDERED the Motion;

HEREBY

CONFIRMS the indictment dated 21 January 2000 against Tharcisse Muvunyi, Idelphonse Nizeyimana, and Idelphonse Hategekimana with respect to all counts, that is counts 1, 2, 3, 4, and 5, of the Indictment;

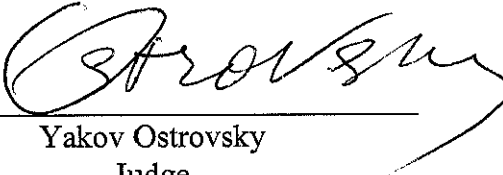
GRANTS the Prosecutor’s Motion and, pursuant to Rule 53 of the Rules, ORDERS:

1. that there be no public disclosure of the Indictment or any part thereof, or information pertaining to it until it is served on all the accused;

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2. that the Indictment not be disclosed to the media or included in any public record of the Tribunal until it has been served on all of the accused;
3. non-disclosure of the names of witnesses and other identifying information in the Supporting Materials to the accused or to their Counsel; and
4. that the Supporting Materials be disclosed to the accused or their Counsel only upon redaction of any information that tends to disclose the identity or address of any witness.

Arusha, 2 February 2000.



Yakov Ostrovsky
Judge

[Seal of the Tribunal]