

ICTR-97-46-I  
H-5-2000  
(823 - 821)

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UNITED NATIONS  NATIONS UNIES

International Criminal Tribunal for Rwanda

TRIAL CHAMBER III

OR: ENG

Before: Judge Lloyd George Williams, Presiding  
Judge Yakov Ostrovsky  
Judge Pavel Dolenc

Registrar: Dr. Agwu Ukiwe Okali

Decision of: 4 May 2000

THE PROSECUTOR

v.

André NTAGERURA  
Case No. ICTR-96-10-I

THE PROSECUTOR

v.

Emmanuel BAGAMBIKI  
Samuel IMANISHIMWE  
Yusuf MUNYAKAZI  
Case No. ICTR-97-36-I

2000 MAY -4 P 4: 11  
ICTR  
COURT REGISTRY  
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**DECISION ON IMANISHIMWE'S MOTION FOR HEARING,  
ENTRY ON RECORD AND FORMAL CONFIRMATION OF THE  
PROSECUTOR'S INTENTIONS BY TRIAL CHAMBER III**

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The Office of the Prosecutor:  
Léonard Assira Éngouté  
Liliane Rasendra  
Richard Karegyesa  
Alexandra Harvey

Counsel for Samuel Imanishimwe:  
Marie-Louise Mbida  
Georges So'o

1. **THE INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA** (the “Tribunal”)

**SITTING** as Trial Chamber III, composed of Judge Lloyd G. Williams, presiding, Judge Yakov Ostrovsky and Judge Pavel Dolenc (the “Trial Chamber”);

**BEING NOW SEIZED OF** the Imanishimwe’s Motion for Hearing, Entry on Record and Formal Confirmation of the Prosecutor’s Intentions by Trial Chamber III (the “Motion”) filed with the Registry on 1 March 2000;

**NOTING** the Notice of the Prosecutor to Withdraw all Pending Motions (the “Notice to Withdraw”) filed with the Registry on 14 February 2000;

**DECIDES** this motion.

**THE SUBMISSIONS OF THE DEFENCE**

- 2. In the Motion, the Defence submits that the Notice to Withdraw amounts to a discontinuance or withdrawal of the proceeding and that it compels the Registrar to forward the cause forthwith to the Trial Chamber to be heard and entered on the record.
- 3. The Defence seeks a confirmation decision and an opportunity to have the Prosecutor specify whether it intends to file any motion in the future seeking the same relief sought in the motion that is withdrawn by the Notice to Withdraw.


**THE SUBMISSIONS OF THE PROSECUTOR**

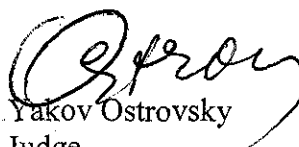
- 4. The Trial Chamber does not deem it necessary to receive submissions from the Prosecutor in this matter.

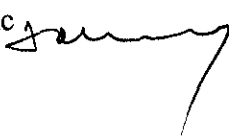
**DELIBERATION**

5. The Trial Chamber holds that in the circumstances of this case, there is no need for any order with respect to the Prosecutor's withdrawal of the motion to amend the Indictment. The withdrawal has put an end to that matter. There is therefore no necessity for any further adjudication on the issue.
  
6. As to what action the Prosecutor may institute in the future, with respect to same, that is a matter within the sole discretion of the Prosecutor, provided such an action accords with the Rules of Procedure and Evidence. Therefore the Trial Chamber sees no necessity to make a ruling on that matter.
  
7. **FOR THESE REASONS**, the Tribunal **DENIES** the Motion.

Arusha, 4 May 2000.

  
Lloyd George Williams  
Presiding Judge

  
Yakov Ostrovsky  
Judge

Pavel Dolenc  
Judge 

Seal of the Tribunal