

ICTR-2001-63-I  
23-06-2001  
(366 - 364)

366  
HM

Case no. : ICTR-2001-63-DP



UNITED NATIONS  
NATIONS UNIES

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

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*Office of the President  
Bureau du Président*

Before: Judge Navanethem Pillay

Original: English

Registrar: Adama Dieng

Decision of: 23 June 2001

**THE PROSECUTOR**  
versus  
**SIMÉON NCHAMIHIGO**  
ICTR-2001-63 -DP

JUDICIAL RECORDS/ARCHIVES  
ICTR  
2001 JUN 23 P 8:19  
*[Signature]*

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**CONFIRMATION OF THE INDICTMENT**

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Office of the Prosecutor:

Holo Makwaia

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

SITTING in the person of Judge Navanethem Pillay;

CONSIDERING an *ex parte* Application made by the Prosecutor for the review and confirmation of an indictment against Siméon Nshamihigo (the "Accused"), dated 11 June 2001 and filed on 21 June 2001;

CONSIDERING that the Prosecutor also requested non-disclosure orders in respect of her "Explanatory Notes" and un-redacted witness statements;

CONSIDERING that a confirmation hearing was held on 22 June 2001;

CONSIDERING that the Prosecutor withdrew her "Explanatory Notes" and the redacted statements that accompanied the Indictment were accepted by the Confirming Judge, the requests for non-disclosure orders fell away;

CONSIDERING Articles 17 and 18 of the Tribunal's Statute and Rule 47 of the Tribunal's Rules of Procedure and Evidence;

AFTER HAVING reviewed the Indictment, the Tribunal finds that:

- (i) The Indictment sets forth the names and particulars of the Accused, a concise statement of the facts of the case and the offences with which he is charged;
- (ii) There are reasonable grounds for believing that the Accused has committed crimes that fall within the jurisdiction of the Tribunal;
- (iii) The Prosecutor has established a *prima facie* case against the Accused in respect of all three counts with which he has been charged in the Indictment.

**FOR THESE REASONS THE TRIBUNAL,**

**CONFIRMS** the Indictment, dated 11 June 2001 against Siméon Nshamihigo in respect of all counts alleged against him, and orders that the following amendments be made:

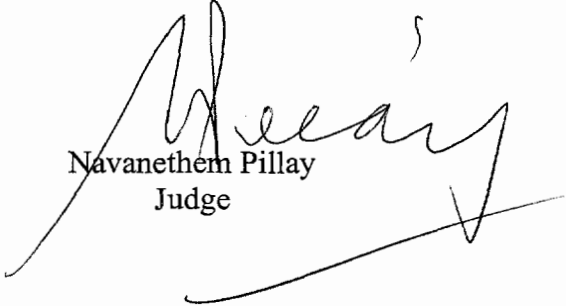
- (i) Correct the page numbering of the Indictment;
- (ii) Replace the word "peasantry" with the word "population" in paragraph 4 of the Indictment;
- (iii) Clarify whether the person referred to in paragraph 8 of the Indictment is "Karagwa" or "Karangwa", as the witness statements refer to "Karangwa";
- (iv) Delete the statement in paragraph 9 of the Indictment which reads "...including the meeting of 11 April 1994 where prefectorial authorities decided that



refugees should be removed to Kamarampaka Stadium...” for the reason that no supporting evidence has been provided;

- (v) Clarify the number of people allegedly removed from the stadium in paragraph 14 (c) of the Indictment, as the number sixteen is not supported;
- (vi) Clarify the time period “Approximately two days later, on or about 18 April 1994...” alleged in paragraph 15 of the Indictment, as there is no support for this time period;
- (vii) Delete paragraph 18 of the Indictment because there is no supporting evidence for the alleged act of participation by the Accused;
- (viii) The words cited as quotations in the allegation in paragraph 20 of the Indictment do not appear in the supporting material. Either delete these words or quote the words of the witness accurately;
- (ix) Adjust the time frame in the allegation in paragraph 21 of the Indictment to include the month alleged in paragraph 21 (d) of the Indictment.

Arusha, 23 June 2001

  
Navanethem Pillay  
Judge

(Seal of the Tribunal)