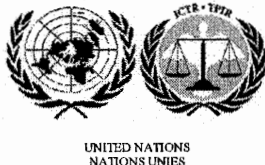


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ICTR-01-71-1
(1129 - 1127)
International Criminal Tribunal for Rwanda
Tribunal pénal international pour le Rwanda
30-06-2003

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TRIAL CHAMBER I

Before: Judge Erik Møse
Registrar: Adama Dieng
Date: 30 June 2003

THE PROSECUTOR
v.
Emanuel NDINDABAHIZI
Case No. : ICTR-2001-71-I

JUDICIAL RECORDS/ARCHIVES
ICTR
2003 JUN 30 1 A 9: 14

DECISION ON PROSECUTION REQUEST TO AMEND INDICTMENT

The Office of the Prosecutor

Charles Adeogun-Phillips
Wallace Kapaya
Renifa Madenga
Peter Tafah

The Defence

Pascal Besnier

E.M.

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

SITTING as Judge Erik Møse, designated by the Trial Chamber, pursuant to Rule 73 of the Rules of Procedure and Evidence (“the Rules”);

BEING SEIZED OF the Prosecution “Motion for Leave to Amend an Indictment Pursuant to Rules 73 and 50 of the Rules of Procedure and Evidence”, filed on 9 May 2003;

CONSIDERING the Defence “Réponse de la défense à la requête du procureur en modification de l’acte d’accusation”, filed on 16 May 2003;

HEREBY DECIDES the motion.

INTRODUCTION

1. The original indictment of the Accused was confirmed on 5 July 2001. A modified indictment was filed on 5 October 2001, with leave, adding a separate charge of crime against humanity (rape), and added allegations of command responsibility under Article 6(3) of the Statute in respect of the charges of genocide and crimes against humanity (murder, extermination and rape).

SUBMISSIONS OF THE PARTIES

2. The Prosecution requests leave to amend its indictment so as to withdraw the charge of incitement to commit genocide, and related factual allegations; withdraw the charge of crime against humanity (rape), and related factual allegations; withdraw all allegations of command responsibility under Article 6(3) of the Statute, and related factual allegations. The Prosecution submits that the withdrawal of these charges and allegations will leave a more streamlined indictment which will facilitate a speedy trial and is, therefore, in the interests of justice. It states that it is ready to proceed in September 2003 on the basis of these amendments.

3. The Defence does not oppose the Prosecution’s application.

DELIBERATIONS

4. The modifications requested by the Prosecution will neither delay the proceedings, nor interfere with the rights of the Accused. On the basis of these amendments, the Prosecution states that it is prepared to commence trial proceedings in September 2003, as currently expected by the Court and requested by the Defence. Any rights of the Accused that might be relevant are fully protected here by the consent of the Defence.

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FOR THE ABOVE REASONS, THE CHAMBER

GRANTS leave to the Prosecution to amend the indictment of the Accused Ndindabahizi as requested, subject to "Count 4" being entitled "Count 3".

Arusha, 30 June 2003



Erik Møse
Judge

[Seal of the Tribunal]