

ICTR-98-44-I
1-9-2003
(6084-6083)

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UNITED NATIONS
NATIONS UNIES

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

ENGLISH
(OR: FR)

TRIAL CHAMBER III

Before: Judge Lloyd G. Williams, Q.C., presiding
Judge Andréia Vaz
Judge Khalida Rachid Khan

Registrar: Adama Dieng

Date: 1st September 2003

The Prosecutor

v.

**Augustin Bizimana
Edouard Karemera
Callixte Nzabonimana
André Rwamakuba
Mathieu Ngirumpatse
Joseph Nzirorera
Félicien Kabuga**

Case No. ICTR-98-44-I

2003 SEP - 1 P 12: 08
ICTR
INTERNATIONAL RECORDS/ARCHIVES
AR-RW-03

**DECISION ON THE PROSECUTOR'S MOTION FOR SEVERANCE OF
FÉLICIEN KABUGA'S TRIAL AND FOR LEAVE TO AMEND
THE ACCUSED'S INDICTMENT**

Rule 82(B) of the Rules of Procedure and Evidence

Counsel for the Prosecution:

Stephen Rapp
Amanda Reichman
Fatou Bensouda

Counsel for the Defence:

Didier Skornicki
Charles Roach
David Hooper
Frederic Weyl
Peter Robinson

THE INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA (the Tribunal),

SITTING as Trial Chamber III composed of Judges Lloyd G. Williams, Q.C., presiding, Andrézia Vaz and Khalida Rachid Khan (the Chamber);

CONSIDERING the Motion for Severance of Félicien Kabuga's Trial and for Amendment of the Indictment, filed by the Prosecutor on 16 June 2003;

CONSIDERING that, pursuant to Rule 82(B) of the Rules of Procedure and Evidence (the Rules) the Chamber may order the severance of a trial in case of a « conflict of interests that might cause serious prejudice to the accused, or to protect the interests of justice »;

CONSIDERING that, in the instant case, Accused Félicien Kabuga has not yet been arrested, and that commencement of the trial of his co-Accused is scheduled for November 2003;

CONSIDERING that Félicien Kabuga's trial should be severed from that of his co-Accused in the interests of justice, and that the severance will further safeguard the rights of the Accused as well as those of his co-Accused in provisional detention;

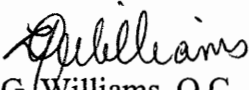
THE TRIBUNAL,


I. GRANTS the Prosecutor's Motion for Severance of Félicien Kabuga's Trial from the trial in the so-called Government I Case;


II. ORDERS the Prosecutor to file, within thirty (30) days from the date of this decision, an amended indictment pertaining solely to Félicien Kabuga, pursuant to the relevant provisions in the Rules;

Done in both English and French, the French version being authoritative,

Arusha, 1st September 2003


Lloyd G. Williams, Q.C.
Judge
Presiding


Andrézia Vaz
Judge


Khalida Rachid Khan
Judge

[Seal of the Tribunal]

