



UNITED NATIONS
NATIONS UNIES

ICTR-2001-73-1
10-6-2005
(2239 - 2237)
International Criminal Tribunal for Rwanda
Tribunal pénal international pour le Rwanda

2239
June

OR: ENG

TRIAL CHAMBER III

Before Judges: Dennis C. M. Byron, Presiding
Flavia Lattanzi
Gberdao Gustave Kam

Registrar: Adama Dieng

Date: 10 June 2005

THE PROSECUTOR

v.

Simon BIKINDI

Case No. ICTR-2001-72-R54

JUDICIAL RECORDS/ARCHIVES
ICTR
2005 JUN 10 A 11: 08

**ORDER ON THE COMPLIANCE WITH THE DECISION GRANTING LEAVE
TO AMEND THE INDICTMENT AND TO FILE IT**

Rules 54 and 50(A) of the Rules of procedure and evidence

Office of the Prosecutor:
William Egbe
Amina Ibrahim

Defence Counsel
Wilfred Ngunjiri Nderitu

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

SITTING as Trial Chamber III composed of Judges Dennis C. M. Byron, Presiding, Flavia Lattanzi and Gberdao Gustave Kam (“Chamber”), pursuant to Rule 54 of the Rules of Procedure and Evidence (“Rules”);

RECALLING the Chamber’s Decisions of 22 September 2003 granting leave to amend the Indictment (“Decision of 22 September 2003”), of 11 May 2005 ordering the Prosecutor to provide particulars in the Amended Indictment (“Decision of 11 May 2005”), and of 16 May 2005 granting extension of time to file the Amended Indictment (“Decision of 16 May 2005”);

CONSIDERING that on 20 May 2005, the Prosecutor has filed the Amended Indictment, pursuant to the Decisions of 11 and 16 May 2005;

HAVING REVIEWED the Amended Indictment as submitted on 20 May 2005;

CONSIDERING the Statute of the Tribunal and the Rules;

NOW DECIDES, as follows.

1. The Chambers requests the Prosecutor to present additional information to complete compliance with the Order made in Paragraph 38(ii) of the Decision of 22 September 2003, in which the Prosecutor was ordered to specify the supporting paragraphs of the allegations included under Paragraph 3 of the Indictment. This Order was fulfilled in the Submissions of Particulars, filed by the Prosecutor on 22 October 2003, in which it was stated that the agreement alleged in Paragraph 3 of the Indictment should be inferred from the facts set out in the subsequent paragraphs. The Chamber is of the opinion that the Prosecutor should include in Paragraph 3 of the Amended Indictment a specific reference to the subsequent paragraphs which support the allegations under Paragraph 3;

2. The Chamber notes that the Prosecutor included a new allegation in Paragraph 9 of the Amended Indictment submitted on 20 May 2005 by stating that Simon Bikindi was a shareholder of RTLM. Since no leave to include such new allegation was granted to the Prosecutor, it contravenes the prohibition, in the Decision of 22 September 2003, against

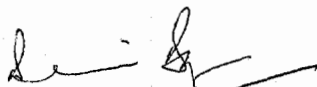
“any further amendment to the original indictment other than those amendments expressly allowed”. The newly alleged fact should therefore be removed from the Amended Indictment.

3. Finally, the Chamber, considering that the Prosecutor complied with the Decisions of 22 September 2003 and 11 May 2005 in all other respects, and that the corrected Amended Indictment to be filed by the Prosecution contains new charges, will call the Accused for a Further Initial Appearance. The Chamber also reminds the Prosecutor of the order made in the Decision of 11 May 2005 to withdraw the two submissions of particulars filed on 22 October 2003 and 1 February 2005.

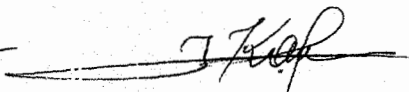
FOR THE ABOVE MENTIONED REASONS, THE CHAMBER:

- I. **DIRECTS** that the Prosecutor include under Paragraph 3 of the Amended Indictment a specific reference to the subsequent paragraphs which support the allegations contained in Paragraph 3; and that he remove the new allegation appearing in Paragraph 9 of the Amended Indictment;
- II. **ORDERS** that the Prosecutor file the corrected Amended Indictment no later than 15 June 2005;
- III. **DIRECTS** the Registrar to consult with the parties and to schedule the Further Initial Appearance as soon as practical.

Arusha, 10 June 2005, done in English.


Dennis C. M. Byron
Presiding Judge




Gberdao Gustave Kam
Judge