



International Criminal Tribunal for Rwanda
Tribunal pénal international pour le Rwanda

OR: ENG

TRIAL CHAMBER III

Before Judges: Dennis C. M. Byron, Presiding
Emile Francis Short
Gberdao Gustave Kam

Registrar: Adama Dieng

Date: 9 September 2005

THE PROSECUTOR

v.

Edouard KAREMERA
Mathieu NGIRUMPATSE
Joseph NZIRORERA

Case No. ICTR-98-44-T

ORAL DECISION ON PROSECUTOR'S SUBMISSION IN COMPLIANCE WITH THE CHAMBER'S DECISION OF 10 AUGUST 2005

Office of the Prosecutor:

Don Webster
Gregory Lombardi
Iain Morley
Gilles Lahaye
Sunkarie Ballah-Conteh
Takeh Sendze

Defence Counsel for Édouard Karemera

Dior Diagne Mbaye and Félix Sow

Defence Counsel for Mathieu Ngirumpatse

Chantal Hounkpatin and Frédéric Weyl

Defence Counsel for Joseph Nzirorera

Peter Robinson

See transcripts E (Original): p. 2; l. 1-22 – F: p. 2; l. 7-34

MR. PRESIDENT:

This is a continuation of the pre-trial conference that we started last week. Perhaps I can start it off by delivering three oral decisions which we thought might be important to address at this time.

Now, the first one has to do with the Prosecutor's submission in purported compliance with our decision of 10th August 2005. Our decision is: On the 8th of August 2005, the Chamber ordered the Prosecution to indicate which paragraphs of the 2001 indictment corresponds to paragraphs 40, 59, 63 sub paragraphs 2, 66, 68 and 69 of the amended indictment. After reviewing the supplementary information filed by the Prosecution on 10th August 2005, the Chamber is satisfied that a *prima facie* case exists with respect to paragraphs 59, 63, sub paragraphs 2, 66, 68 and 69 of the current amended indictment. Concerning paragraph 40 of the amended indictment, the Defence for Nzirorera claimed that it is not supported by any material provided by the Prosecution and should therefore be stricken from the amended indictment, or modified to delete the allegation that Mr. Nzirorera participated in the meeting described therein.

Now, the Chamber recalls that the purpose of reviewing supporting material provided to obtain leave to amend the indictment is to ensure that the Prosecution has shown sufficient grounds to indict the Accused with the charges as amended without going into any specific evaluation of the culpability of the Accused. In the present case, the Chamber is of the view that the objection raised by the Defence is an evidentiary matter that should be addressed at a later stage. The Chamber is satisfied that a *prima facie* case has been established with respect to paragraph 40 of the amended indictment. That concludes the first ruling we have.