

THE INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA

CASE NO.: ICTR-01-65-I
CHAMBER I

THE PROSECUTOR
OF THE TRIBUNAL
v.
JEAN MPAMBARA

FRIDAY, 29 APRIL 2005
1542H
FURTHER INITIAL APPEARANCE

Before the Judge:

Erik Møse, Presiding

For the Registry:

Ms. Marianne Ben Salimo
Mr. Edward Matemanga

For the Prosecution:

Mr. Richard Karegyesa
Mr. Ousman Jammeh
Mr. Didace Nyirnkwaya

For the Accused Jean Mpambara:

Mr. Arthur Verken

Court Reporter:

Ms. Verna Butler

PROCEEDINGS

1

2 MR. PRESIDENT:

3 Good afternoon. The Court is in session. This is an appearance in connection with an amended
4 indictment. Before proceeding, may I ask the parties to place themselves on record, please. On the
5 Defence side, could you place yourself on record, please.

6 MR. VERCKEN:

7 Good afternoon, Mr. President, I am Mr. Arthur Vercken, lead counsel for Mr. Jean Mpambara, and with
8 me, to my right, Laure Huntzbuchler, who is my legal assistant, and to my left Mr. Jean Mpambara.

9 MR. PRESIDENT:

10 Thank you very much.

11

12 Prosecution, please.

13 MR. KAREGYESA:

14 Thank you, Mr. President. I am Richard Karegyesa, senior trial attorney, and I am appearing with
15 Didace Nyirnkwaya, assistant trial attorney, and Ousman Jammeh, assistant trial attorney, together with
16 our case manager, Kentaro Kanyomozi. Most obliged.

17 MR. PRESIDENT:

18 Thank you.

19

20 I understand that the amended indictment, which was stamped in the English version on the 7th of
21 March and the French version the 8th of April, both versions have been received by the Defence and
22 that the Defence is aware of their contents. Is that true?

23 MR. VERCKEN:

24 That's correct, Mr. President.

25 MR. PRESIDENT:

26 Under these circumstances, I think we could shorten any reading of the indictment to a minimum. I will
27 ask you, Madam Ben Salimo, simply, in a moment to read the three counts, but if you would,
28 Mr. Mpambara, kindly take your seat just in front of me for a few minutes, that would be helpful. Thank
29 you.

30

31 Everything is working with the headset, Mr. Mpambara?

32 THE ACCUSED:

33 Yes, I can hear well.

34 MR. PRESIDENT:

35 Excellent.

36

37 Mrs. Ben Salimo, could you please proceed.

1 MS. BEN SALIMO:

2 Thank you, Mr. President.

3

4 AMENDED INDICTMENT

5

6 Count 1: Genocide

7

8 The Prosecutor of the International Criminal Tribunal for Rwanda charges Jean Mpambara with
9 genocide, a crime stipulated in Article 2(3)(a) of the Statute, in that on or between the dates (*sic*) of 6th
10 of April 1994, particularly in Rukara *commune* and generally in Kibungo *préfecture*, Jean Mpambara
11 was responsible for killing or causing serious bodily harm or mental harm to members of the Tutsi racial
12 or ethnic group with intent to destroy, in whole or in part, a racial or ethnic group, as such, as outlined in
13 paragraphs 1 through 20.

14

15 Or, alternatively,

16

17 Count 2: Complicity in genocide

18

19 The Prosecutor of the International Criminal Tribunal for Rwanda charges Jean Mpambara with
20 complicity in genocide, a crime stipulated in Article 2(3)(e) of the Statute, in that on or between the
21 dates of 6th of April 1994 and 16th of April 1994, particularly in Rukara *commune* and generally in
22 Kibungo *préfecture*, Jean Mpambara was responsible for killing or causing serious bodily or mental
23 harm to members of the Tutsi or racial group with intent to destroy, in whole or in part, a racial or ethnic
24 group, as such, or with knowledge that other people intended to destroy, in whole or in part, the Tutsi
25 racial or ethnic group, as such, and that his assistance would contribute to the crime of genocide, as
26 outlined in paragraphs 1 through 20.

27

28 Count 3: Extermination as a crime against humanity

29

30 The Prosecutor of the International Criminal Tribunal for Rwanda charges Jean Mpambara with
31 extermination as a crime against humanity, a crime stipulated in Article 3(b) of the Statute, in that on or
32 between 6th of April and 16th of April 1994, particularly in Rukara *commune* and generally in Kibungo
33 *préfecture*, Jean Mpambara was responsible for killing persons, or causing persons to be killed, during
34 mass killing events, as part of a widespread or systematic attack against a civilian population on racial,
35 ethnic and political grounds, as outlined in paragraphs 1 through 19 and paragraphs 21 and 22.

36

37 The acts and omissions of Jean Mpambara detailed herein are punishable in reference to Articles 22

1 and 23 of Statute.

2

3 Dated at Arusha, this 27th day of November 2004.

4 Signed: Hassan Bubacar Jallow, the Prosecutor.

5

6 Thank you, Mr. President.

7 MR. PRESIDENT:

8 Thank you, very much, Mrs. Ben Salimo.

9

10 Now, Mr. Mpambara, I note that you have counsel. I also understand that you have read the indictment
11 and that you have understood the indictment. Is that so?

12 THE ACCUSED:

13 That is so.

14 MR. PRESIDENT:

15 I will then ask you whether in relation to the first count, 1, genocide, you plead guilty or not guilty to that
16 count.

17 THE WITNESS:

18 Not guilty.

19 MR. PRESIDENT:

20 A plea of not guilty is entered on behalf of the Accused.

21

22 I then ask you, in relation Count 2, complicity in genocide, how do you plead?

23 THE ACCUSED:

24 Not guilty.

25 MR. PRESIDENT:

26 Not guilty.

27

28 And then, finally, the third count, extermination as a crime against humanity, how do you plead?

29 THE ACCUSED:

30 Not guilty.

31 MR. PRESIDENT:

32 Thank you very much. So this implies in relation to all three counts that a plea of not guilty has been
33 entered in relation to all of them. And then, in accordance with Rule 62, there will then be issued an
34 instruction to the Registry to set a date for your trial. Thank you very much. Maybe you could now take
35 your place again next to your counsel. Thank you.

36 THE WITNESS:

37 Thank you, Mr. President.

1 MR. PRESIDENT:

2 There is one issue: I see that the indictment is actually dated 27th day of November 2004, and I
3 assume that that is a date when the Prosecutor signed the indictment and sent it for confirmation to the
4 Trial Chamber. But, of course, the indictment was actually only confirmed and entered into effect after
5 it had been approved by the Trial Chamber.

6

7 So, what is your view on this, Mr. Karegyesa? Would it be more elegant to say that this is dated the 7th
8 of March, namely, the day it was filed with the registry?

9 MR. KAREGYESA:

10 Your Honour, the order of the Chamber -- or, the decision confirming the amended indictment
11 confirmed the annex to the application and it was the annexed application that was filed. There -- it
12 wasn't deemed necessary, Your Honour, to render any changes since the annex was confirmed as is,
13 and I believe it causes no prejudice to the Accused or to these proceedings. Most obliged,
14 Your Honour.

15 MR. PRESIDENT:

16 Yes. If I do not hear anything from the Defence, maybe we could simply, for simplicity reasons,
17 consider this indictment dated the 27th of November, it being understood that the procedural history is
18 as we have just outlined.

19 MR. VERCKEN:

20 We agree, Mr. President.

21 MR. PRESIDENT:

22 Thank you, very much indeed. And it is also on record that you also consented to the reading of the
23 indictment in the way we just did.

24

25 The best way to proceed now, I think, would be that we move into a status conference which would
26 normally take place in closed session. And the purpose of that status conference is to ensure that the
27 parties can air all possible issues that may have an effect on the fixing of the trial date.

28

29 So we will then consider this appearance as closed and move into a closed session. Thank you very
30 much indeed.

31 *(Court adjourned to a status conference at 1453H)*

32 *(Pages 1 to 4 by Verna Butler)*

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CERTIFICATE

I, Verna Butler, Official Court Reporter for the International Criminal Tribunal for Rwanda, do hereby certify that the foregoing proceedings in the above-entitled cause were taken at the time and place as stated; that it was taken in shorthand (*stenotype*) and thereafter transcribed by computer; that the foregoing pages contain a true and correct transcription of said proceedings to the best of my ability and understanding.

I further certify that I am not of counsel nor related to any of the parties to this cause and that I am in nowise interested in the result of said cause.

Verna Butler