



International Criminal Tribunal for Rwanda  
Tribunal pénal international pour le Rwanda

*Office of the president  
Bureau Du President*

Original: English

**Before:** Judge Navanethem Pillay, President

**Registrar:** Adama Dieng

**Date:** 14 August 2002

**The PROSECUTOR  
VS  
LEONIDAS RUSATIRA**

***ICTR-2002-80-I***

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**DECISIONS ON THE PROSECUTORS *EX PARTE* APPLICATION FOR LEAVE  
TO WITHDRAW THE INDICTMENT**

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**Office of the Prosecutor:**

Carla Del Ponte

**THE INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA ("The  
Tribunal")**

SITTING AS Judge Navanethem Pillay, President;

BEING SEIZED of an *Ex Parte* Application by the Prosecutor filed on 12 August 2002  
for leave to withdraw the Indictment against Leonidas Rusatira (the "Accused");

HAVING CONSIDERED that Judge Lloyd George Williams confirmed the Indictment  
against the Accused (the "Indictment") on 12 April 2002 and on the same day issued a  
Warrant for his arrest;

HAVING CONSIDERED that pursuant to Rule 51 of the Rules of Procedure and Evidence (the "Rules), a confirmed indictment may be withdrawn with leave of the confirming judge and in exceptional circumstances, with leave of another judge assigned by the President, provided the accused has not made his or her initial appearance before a trial chamber;

HAVING CONSIDERED that:

- (i) Judge Lloyd George Williams is currently on judicial recess and is therefore unavailable to consider this Application;
- (ii) the Accused has been arrested and is presently detained in the Kingdom of Belgium and this Application should therefore be decided as soon as possible;

FINDS that the aforementioned circumstances constitute exceptional circumstances as envisaged by Rule 51 of the Rules and accordingly ASSIGNS Judge Navanethem Pillay to rule on this Application;

On the Merits

HAVING CONSIDERED the Prosecutor's submissions that:

- (i) The evidence obtained in the course of further investigation of the Accused has been found to be insufficient at this time to proceed to trial;
- (ii) A withdrawal of the Indictment does not preclude the Prosecutor from seeking an indictment on the same counts or other counts in the future, based on evidence gathered in ongoing investigations.

**GRANTS LEAVE** to the Prosecutor, pursuant to Rule 51 of the Rules, to withdraw the Indictment against Leonidas Rusatira without prejudice to her seeking the confirmation of another indictment against him, based on new or additional evidence;

**ORDERS** the immediate withdrawal of the Warrant of Arrest issued on 12 April 2002 in respect of Leonidas Rusatira;

**DIRECTS** the Registrar to immediately transmit this decision to the Kingdom of Belgium.

Arusha, 14 August 2002

Judge Navanethem Pillay  
President

(seal of the Tribunal)