

Annex 4



UNITED NATIONS
NATIONS UNIES

International Criminal Tribunal for Rwanda
Tribunal Pénal International pour le Rwanda
Arusha International Conference Centre

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Case No. 0050/01/3.2: The Prosecutor v. Mbarushimana, born 24 July 1963 in Ndusu Commune, Ruhengeri Prefecture, Rwanda, of Rwandan nationality

DISCHARGE

The Prosecutor of the International Tribunal for Rwanda

Noting her order of 4 May 2001 to open an investigation of Callixte Mbarushimana for the crimes of genocide, crimes against humanity, and violations of Common Article 3 to the Geneva Conventions and Additional Protocol II, crimes provided for in articles 2 and 3 of the ICTR Statute;

Noting the incriminatory documents in the record of the case concerning the suspect;

Having taken the views of the persons responsible for the investigation and the prosecution;

Considering that, at the current stage of the proceedings, the acts and omissions reported by certain witnesses do not allow the elements of crimes which fall under the jurisdiction of the Tribunal to be established on the basis of the evidence gathered so far.

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Considering that, at the current stage of the proceedings, the investigation has not established the existence of sufficient evidence to justify the indictment of Callixte Mbarushimana for one of the crimes provided for in the ICTR Statute;

Considering that, at the current stage of the proceedings, in light of the investigation, which included the interviewing of 24 witnesses in 2001, it is not expected that further investigations would yield more incriminatory evidence;

STATES

That consequently, there are no grounds for the continuation of investigations of the suspect Callixte Mbarushimana.

ORDERS

As the case stands, the closure of the investigation file.

Arusha, 11 September 2002

Carla Del Ponte

Prosecutor

[signed]

[stamped: ICTR-TPIR, THE PROSECUTOR]