

ICTR-96-10A-I

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UNITED NATIONS  NATIONS UNIES

International Criminal Tribunal for Rwanda

TRIAL CHAMBER II

ICTR
CRIMINAL REGISTRY
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OR: ENG

Before: Judge William H. Sekule, Presiding
Judge Yakov A. Ostrovsky
Judge Tafazzal H. Khan

Registry: Mr. John Kiyeyeu

THE PROSECUTOR
versus
ANDRÉ NTAGERURA

Case N°: ICTR-96-10-I

**DECISION ON THE PROSECUTION MOTION FOR INTERPRETATION OF A
DECISION BY THE TRIAL CHAMBER**

Office of the Prosecutor:

Mr. Frédéric Ossogo
Mrs. Valentina Tsoneva

Counsel for the Defence:

Mr. Fakhy N'Fa Kaba Konate
Mr. Henry Benoit

Andrentag/correction/19/03/98

ICTR-96-10-I

THE INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA ("the Tribunal")

SITTING AS Trial Chamber II composed of Judge William H. Sekule, Presiding, Judge Yakov A. Ostrovsky and Judge Tafazzal H. Khan;

HAVING NOW BEEN SEIZED of a motion filed by the Prosecution on 23 January 1998 pursuant to rule 54 of the Rules of Procedure and Evidence ("the Rules"), in which the Prosecutor requested the Trial Chamber to verify some orders it had made in its decision of 28 November 1997 subsequent to the Defence motion on defects in the form of indictment;

WHEREAS the Defence Counsel objected to the said motion on the basis that the Prosecutor had failed to respect the Chamber's decision of 28 November 1997 and was now finding excuses to further delay the trial of André Ntagerura;

WHEREAS material typographical errors exist in the operative part of this Trial Chamber's decision of 28 November 1997 in respect of a preliminary motion filed by the Defence on the basis that defects in the form of the indictment existed;

WHEREAS in the said decision reference was made to Count 1 (genocide) instead of Count 2 (conspiracy to commit genocide) and to "direct and public incitement" for which the accused had not been indicted;

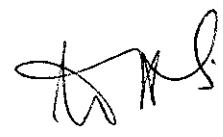
HAVING HEARD the oral arguments of the parties on Tuesday, 17 March 1998;

TAKING INTO ACCOUNT rule 54 of the Rules which, inter alia, empowers either party to make a request to the Trial Chamber to issue such orders as may be necessary for the conduct of the trial;

CONSIDERING rule 73 of the Rules which provides generally for motions;

MINDFUL OF the imperative need to accurately record all proceedings and to correct errors in the records which form part of the proceedings;

UNDERSCORING the need for both parties, as court officers, to notify the Tribunal of any error in the records in order to ensure that as a way of contributing to the development of international criminal law, accurate information is included;



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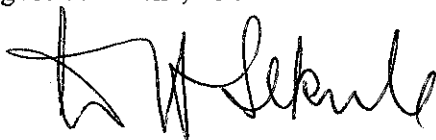
FOR ALL THE ABOVE STATED REASONS

THE TRIBUNAL:-

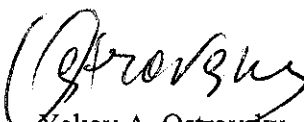
GRANTS the Prosecution Motion and **ORDERS** that the errors in the operative part of the Trial Chamber's Decision of 28 November 1997 be amended immediately as specified below:-

- (i) **Delete** the words "direct and public incitement to and" from paragraph (ii) of the decision of 28 November 1997;
- (ii) **substitute** the words "count 2" for the words "count 1" appearing in paragraph (iii) of the decision. Paragraph (iii) should then read "identify some or all of the persons with whom the accused is alleged to have conspired to commit genocide in count 2."

Signed at Arusha, 30 June 1998



William H. Sekule
Presiding Judge



Yakov A. Ostrofsky
Judge



Tafazzal H. Khan
Judge

Seal of the Tribunal