

3639
ICTR-97-29-I
09 - MAY - 2000
(3639-3638)



International Criminal Tribunal for Rwanda
Tribunal pénal international pour le Rwanda

TRIAL CHAMBER II

Before: Judge Laïty Kama, Presiding
Judge William H. Sekule
Judge Pavel Dolenc

Registry: Dr Agwu Ukiwe Okali

Decision of: 9 May 2000

The Prosecutor
versus
Alphonse NTEZIRYAYO
Case No. ICTR-97-29-I

2000 MAY - 9 P 2: 58
ICTR
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**DECISION ON THE DEFENSE MOTION ASKING THE PROSECUTION
TO CLARIFY AND/OR REMOVE CERTAIN PARAGRAPHS OF THE
INDICTMENT**

The Office of the Prosecutor :
Mr. Japhet Mono
Ms Andra Mobberley

Counsel for the Defense ;
Mr Titinga Frédéric Pacere

Case No ICTR 97-29-I

THE INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA («The Tribunal»),

SITTING as Trial Chamber II composed of Judge Laity Kama, Presiding, Judge William H. Sekule and Judge Pavel Dolenc ;

CONSIDERING the Motion asking the Prosecution to clarify and/or remove certain paragraphs of the Indictment dated 9 March 2000 pursuant to Rules 73 (A) and 47 (C) of the Rules of Procedure and Evidence (« the Rules ») ;

CONSIDERING the Interoffice Memorandum dated 7 April 2000, Ref:ICTR/PRES/49/00 by which the President of the Tribunal assigned Judge Pavel Dolenc to complete Trial Chamber II in the absence of Judge Mehmet Güney to review this motion ;

WHEREAS the review of this motion has enabled the Trial Chamber to note, *in limine litis*, that in reality, what is asked for, by virtue of the Rules, can only be applied for in a preliminary Motion on defects of the Form of the Indictment (Rule 72 of the Rules), application for which the Accused is outside the time limit ;

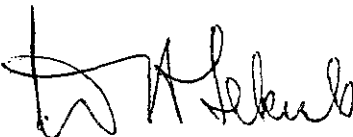
THUS, this motion shall be declared inadmissible.

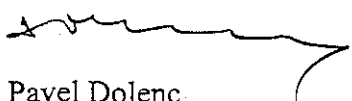
FOR THESE REASONS, THE TRIBUNAL,

DENIES the motion ;

Arusha, 9 May 2000


Laity Kama
Presiding


William H. Sekule
Judge


Pavel Dolenc
Judge

(Seal of the Tribunal)

