



ICTR-99-54A-T
08-4-2002
(829-827)

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Mwama

International Criminal Tribunal for Rwanda
Tribunal pénal international pour le Rwanda

OR: ENG

TRIAL CHAMBER II

Before: Judge William H. Sekule, Presiding
Judge Winston C. Matanzima Maqutu
Judge Arlette Ramaroson

Registrar: Adama Dieng

Date: 8 April 2002

The PROSECUTOR v. Jean de Dieu KAMUHANDA

Case No. ICTR-99-54A-T

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DECISION ON THE DEFENCE MOTION TO CORRECT A MATERIAL
ERROR IN THE NOTICE OF ALIBI

Office of the Prosecutor
Marks Moore
Ibukunolu Babajide

Defence Counsel for Kamuhanda
Aicha Condé
Grace Amakye

[Handwritten signature]

THE INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA (the “Tribunal”),

SITTING as Trial Chamber II composed of Judge William H. Sekule, Presiding, Judge William C. Matanzima Maqutu and Judge Arlette Ramaroson, (the “Chamber”);

BEING SEIZED of the “Requête en rectification d’erreur matérielle”¹, filed by the Defence on 12 March 2002;

CONSIDERING the “Prosecutor’s Response to the Defence’s Motion to Correct a Material Mistake in the Notice of Alibi”, filed by the Prosecution on 13 March 2002;

CONSIDERING the Statute of the Tribunal (the “Statute”) and the Rules of Procedure and Evidence (the “Rules”), and in particular Rules 73, 54, 39 and 68 of the Rules;

NOW DECIDES THE MOTION on the basis of the written briefs pursuant to Rule 73(A) of the Rules.

HAVING DELIBERATED,

1. The Defence recalls that it filed a notice of alibi on 28 December 2000 pursuant to Rule 67 of the Rules. On 29 March 2001, after a Decision on protective measures for Defence witnesses had been rendered, the Defence disclosed to the Prosecution the identity of alibi witnesses.
2. However, the Defence indicates that page two of the notice of alibi contains a material mistake. It currently reads as follows :

En raison des combats violents qui se déroulaient dans le ville et non loin du quartier Kaeyiru où habitait Monsieur KAMUHANDA, celui-ci s’est réfugié avec les siens chez des voisins Monsieur et Madame NDEKEZI, se sont également réfugiés dans cette maison le Docteur Isaac SEYONI et sa famille. Etaient également présents Monsieur Venant NZAMUKWEREKA et sa famille.

(Unofficial translation of the paragraph: Because of violent fighting occurring in town and not far from the Kaeyiru area where Mr KAMUHANDA lived, the latter and his family took refuge at the home of their neighbours, Mr and Ms NDEKEZI, **Doctor Isaac SEYONI and his family also sought refuge in this house. Also present were Mr Venant NZAMUKWEREKA and his family.**)

3. The Defence submits that the said paragraph should read as follows :

En raison des combats violents qui se déroulaient dans la ville et non loin du quartier Kaeyiru où habitait Monsieur KAMUHANDA, celui-ci s’est réfugié avec les siens chez des voisins Monsieur et Madame NDEKEZI, se sont également réfugiés dans cette maison Monsieur Venant NZAMUKWEREKA et sa famille. Etaient également présents à Kaeyiru Monsieur Isaac SEYONI et sa famille.

¹ Unofficial translation of the Motion: “Motion to Rectify a Material Mistake”.

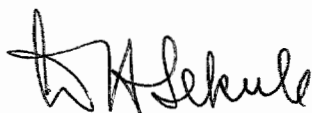
(Unofficial translation of the passage: Because of violent fighting occurring in town and not far from the Kaeyiru area where Mr KAMUHANDA lived, the latter and his family took refuge at the home of their neighbours, Mr and Ms NDEKEZI, **Mr Venant NZAMUKWEREKA and his family also sought refuge in this house. Also present in Kaeyiru were Mr Isaac SEYONI and his family.**)

4. The Tribunal has taken note of the changes to the notice of alibi proposed by the Defence and of the fact that the Prosecution acknowledges the correction and has no comments.

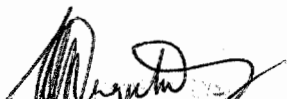
FOR THE ABOVE REASONS, THE TRIBUNAL,

NOTES the changes to the Defence notice of alibi.

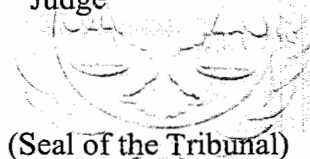
Arusha, 8 April 2002



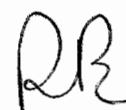
William H. Sekule
Presiding Judge



Winston C. Matanzima Maqutu
Judge



(Seal of the Tribunal)



Arlette Ramaroson
Judge