

ICTR-96-14-T
(5730-5728)

5730

13/12/2002



International Criminal Tribunal for Rwanda
Tribunal Pénal International pour le Rwanda

UNITED NATIONS
NATIONS UNIES

TRIAL CHAMBER I

Or: ENG

Before: Judge Navanethem Pillay, Presiding
Judge Erik Møse
Judge Andréia Vaz

Registry: Adama Dieng

Date: 12 December 2002

**THE PROSECUTOR
V.
ELIEZER NIYITEGEKA
Case No. ICTR-96-14-T**

JUDICIAL RECORDS ARCHIVES
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ICTR
2002 DEC 13 P 2:31

**ORDER GRANTING LEAVE TO FILE THE HARMONISED MODIFIED
AMENDED INDICTMENT**

Prosecution Counsel:

Carla Del Ponte
Kenneth C Fleming
Melinda Pollard
Amanda Reichmann
Kirsten Keith

Counsel for the Accused:

Sylvia Geraghty
Fergal Kavanagh
Callixte Gakwaya

5729

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

SITTING as Trial Chamber I, composed of Judge Navanethem Pillay, Presiding, Judge Erik Møse and Judge Andréia Vaz;

CONSIDERING the Prosecutor’s Submission of the harmonised Amended Indictment filed on 25 November 2002 upon direction of Trial Chamber 1 after having observed differences between the English and the French versions of the Modified Amended Indictment dated 28 February 2001 and filed on 14 March 2001(“the Modified Indictment);

WHEREAS the Trial Chamber, on 11 November 2002, questioned the Prosecution about its motion to amend the accused’s Indictment which had been filed on 18 October 2002 to harmonize the French text to the authentic English version.

CONSIDERING the Prosecution’s explanation during the hearing on 11 November 2002, that the proposed corrections were not substantial and would not affect the charges already preferred against the accused.

TAKING INTO ACCOUNT ALSO the Prosecution’s statement in the Submission of the harmonised Modified Indictment that the corrections will, in no way, affect the trial of the Accused, which was concluded on 15 November 2002;

CONSIDERING FURTHER the Prosecution’s statement in its Submission that the corrections are intended solely for the purpose of harmonizing the French version to conform to the English version, which is the original;

CONSIDERING THAT permission to harmonise the Indictment was orally granted by Trial Chamber 1 on 11 November 2002, when the Chamber requested the Prosecutor to file a version of the Harmonised Amended Indictment in its entirety, first showing wording not desired by striking through it, writing the desired word besides and second, providing a clean copy, reflecting the desired wording to be incorporated in the Modified Amended Indictment;

NOTING THAT, according to the Prosecution, only certain paragraphs of the French version of the Modified Amended Indictment have been revised to conform to the English version, namely paragraphs: 4.1, 4.2, 4.5, 5.5, 5.13, 5.17, 5.6.20; 6.26; 6.27; 6.31; 6.32; 6.55; 6.56; 6.58 and 6.60;

CONSIDERING the Prosecutor’s request that pages 1-84 of the harmonised Modified Indictment, which are attached to the Submission as Annex B, be accepted *nunc pro tunc* and be substituted in place of the Amended Indictment filed on 14 March 2001;

CONSIDERING ALSO THAT the Prosecutor requests that the original signature page (page 85 of the current Modified Indictment, dated 28 February 2001 bearing the signature of Madame Carla Del Ponte) be affixed to the harmonised Modified Indictment;

PURSUANT to Article 31 of the Statute of the Tribunal and Rule 3A (Languages), which provide that the working languages of the Tribunal shall be English and French;

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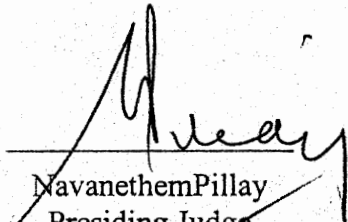
AWARE OF Article 19 of the Statute of the Tribunal, which requires the Chamber to ensure that a trial is fair and expeditious and that proceedings are conducted in accordance with the Rules of Procedure and Evidence, with full respect for the rights of the accused with due regard for the protection of victims and witnesses.

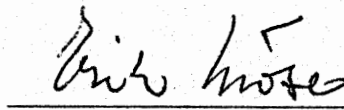
THE TRIBUNAL HEREBY

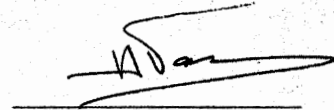
GRANTS leave to harmonize the Modified Amended Indictment, specifically the mentioned paragraphs: 4.1, 4.2, 4.5, 5.5, 5.13, 5.17, 5.6.20; 6.26; 6.27; 6.31; 6.32; 6.55; 6.56; 6.58 and 6.60 as hereto attached.

DECLARES THAT the adopted changes are not fundamental to the charges preferred against the Accused but are intended purely for the harmonization of the French to the English version, which is the authentic one.

Arusha, 12 December 2002.


Navanethem Pillay
Presiding Judge


Erik Møse
Judge


Andréia Vaz
Judge

[Seal of the Tribunal]



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Prosecution Counsel:
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Prosecution Counsel:
Carla Del Ponte
Kenneth C Fleming
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2002 DEC 13 P 2 311
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Prosecution Counsel:
Caria Del Ponte
Kenneth C Fleming
Melinda Ballard

