

ICTR-98-44C-PT  
8-3-2005  
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UNITED NATIONS  
NATIONS UNIES

**International Criminal Tribunal for Rwanda  
Tribunal pénal international pour le Rwanda**

OR: ENG

**TRIAL CHAMBER III**

**Before Judges:** Dennis C. M. Byron, Presiding  
Emile Francis Short  
Gberdao Gustave Kam

**Registrar:** Adama Dieng

**Date:** 8 March 2005

JUDICIAL RECORDS/ARCHIVES  
ICTR  
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**THE PROSECUTOR**

v.

**André RWAMAKUBA**  
Case No. ICTR-98-44C-PT

**ORDER TO RE-FILE THE AMENDED INDICTMENT**

*Rule 54 of the Rules of Procedure and Evidence*

**Office of the Prosecutor:**  
Don Webster  
Holo Makwaia  
Dior Fall  
Gregory Lombardi  
Bongani Dyani  
Sunkarie Ballah-Conteh  
Tamara Cummings-John  
Takeh Sendze

**Defence Counsel**  
David Hooper and Andreas O'Shea

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

**SITTING** as Trial Chamber III, composed of Judge Dennis C. M. Byron, Presiding Judge, Judge Emile Francis Short and Judge Gberdao Gustave Kam (“Chamber”), pursuant to Rule 54 of the Rules of Procedure and Evidence (“Rules”);

**CONSIDERING** the Amended Indictment against the Accused Rwamakuba filed by the Prosecution on 23 February 2005 (“Amended Indictment”);

**NOTING** that it appears that the Amended Indictment contains typographical errors;

**NOTING** that, in an Interoffice Memorandum dated 3 March 2005, the Prosecution explicitly recognizes these typographical errors, namely that Count 4 mistakenly includes a reference to Article 6(3) of the Statute of the Tribunal (“Statute”) and that a sentence has been erroneously cut off at the end of paragraph 26;

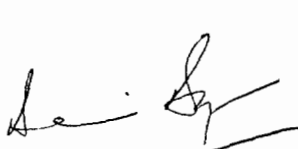
**DIRECTS** the Prosecution to re-file the Amended Indictment, within 24 hours, including the said corrections as follows:

- At Count 4, page 13, 1<sup>st</sup> paragraph, 2<sup>nd</sup> line, the reference to Article 6(3) of the Statute should be removed and the paragraph should read as follows:  

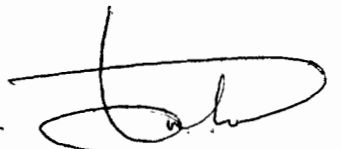
« Le Procureur accuse **André RWAMAKUBA d’assassinat constitutif de crime contre l’humanité**, en application des articles 3 et 6.1 du Statut du Tribunal [...] ».
- At page 14, paragraph 26, third sub-paragraph, where a portion of the sentence has been cut off. The sentence, in its entirety, should read as follows:  

« Rukaru et Mutabazi, deux personnes tuées par des miliciens dans les locaux du centre hospitalier universitaire de Butare au cours de la seconde moitié d’avril 1994 sur l’ordre d’**André RWAMAKUBA**, à son instigation ou en sa présence »

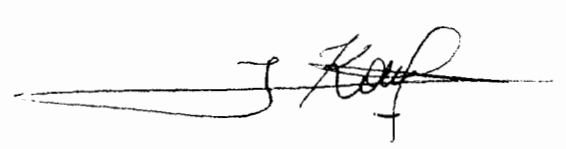
Arusha, 8 March 2005, done in English.

  
 Dennis C. M. Byron

Presiding Judge

  
 Emile Francis Short

Judge

  
 Gberdao Gustave Kam

Judge

[Seal of the Tribunal]

