



UNITED NATIONS  
NATIONS UNIES

ICTR-98-44-PT  
15-9-2005  
(23756 - 23755)

23756  
HM

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:** 15 September 2005

2005 SEP 15 P 5:30  
ICTR  
JUDICIAL DEPARTMENT  
ICTR

**THE PROSECUTOR**

v.

**Édouard KAREMERA  
Mathieu NGIRUMPATSE  
Joseph NZIRORERA**

*Case No. ICTR-98-44-R73*

**DECISION ON THE DEFENCE REQUEST FOR CORRIGENDUM OF THE  
DECISION OF 14 SEPTEMBER 2005 ON JOINT CRIMINAL ENTERPRISE**

*Rule 73 of the Rules of Procedure and Evidence*

**Office of the Prosecutor:**  
Don Webster  
Gregory Lombardi  
Iain Morley  
Gilles Lahaie  
Sunkarie Ballah-Conteh  
Takeh Sendze

**Defence Counsel for Édouard Karemera**  
Dior Diagne Mbaye and Félix Sow

**Defence Counsel for Mathieu Ngirumpatse**  
Chantal Hounkpatin and Frédéric Weyl

**Defence Counsel for Joseph Nzirorera**  
Peter Robinson

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

**SITTING** as Trial Chamber III, composed of Judges Dennis C. M. Byron, Presiding, Emile Francis Short, and Gberdao Gustave Kam (“Chamber”);

**BEING SEIZED** of the Defence “Request for Corrigendum to Decision on Defence Motions Challenging the Indictment as Regards Joint Criminal Enterprise Liability” filed on 15 September 2005 (“Motion”);

**CONSIDERING** the Prosecution response filed on the same date not opposing the Motion;

**RECALLING** the Decision on Defence Motions Challenging the Indictment as Regards Joint Criminal Enterprise Liability, delivered on 14 September 2005 (“Decision of 14 September 2005”);

**NOW DECIDES** the Motions on the basis of the written submissions of the parties pursuant to Rule 73(A) of the Rules of Procedure and Evidence (“Rules”).

1. The Defence Counsel for Joseph Nzirorera has requested the Chamber to issue a corrigendum to its Decision of 14 September 2005 because of an error in the Transcripts of 5 September 2005. He submits that regarding the late filing by the Prosecution of the authorities supporting its further submissions, the Lead Counsel for the Accused relied on Rule 73(D) of the Rules and not Rule 27(D) of the Rules.

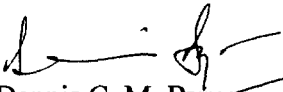
2. Following the verification made by the Court Reporter Supervisor on the tape of the hearing, the Chamber notes that the Defence Counsel has correctly noted an error since he referred to Rule 72(D) instead of Rule 27(D). The Transcript will be amended accordingly. But the Chamber recalls that, regardless of the legal basis of the Defence’s submission at the oral hearing, the main reason for denying the incidental request was the absence of prejudice to the Accused. The amendment of the Transcript does not therefore constitute a good cause for reconsidering the Decision.

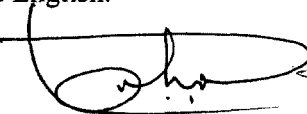
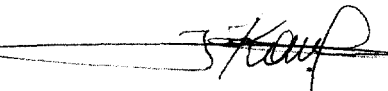
**FOR THE ABOVE REASONS, THE CHAMBER**

**GRANTS** the Motion in part **AND AMENDS** Paragraph 9 of its Decision of 14 September 2005 as follows:

The Chamber notes that the *Blagojević* Judgement referred to in the Defence submissions is not pertinent to the present case because it is related to the pleading of command responsibility under Article 6(3) of the Statute, and the Chamber does not find it relevant to this case. The Chamber also considers that the filing on 2 September 2005 by the Prosecution of the authorities supporting its further submissions does not introduce any substantial argument, nor does it prejudice any of the Accused. This incidental request therefore falls to be dismissed.

Arusha, 15 September 2005, done in English.

  
Dennis C. M. Byron  
Presiding Judge

   
Emile Francis Short  
Judge

Gberdao Gustave Kam  
Judge

[Seal of the Tribunal]

