



UNITED NATIONS  
NATIONS UNIES

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

OR: ENG

**TRIAL CHAMBER II**

**Before:** Judge Asoka de Silva, Presiding  
Judge Taghrid Hikmet  
Judge Seon Ki Park

**Registrar:** Mr Adama Dieng

**Date:** 11 September 2007

**The PROSECUTOR**

v.

**Augustin NDINDILYIMANA  
Augustin BIZIMUNGU  
François-Xavier NZUWONEMEYE  
Innocent SAGAHUTU**

*Case No. ICTR-00-56-T*

**DECISION ON NZUWONEMEYE'S MOTION FOR CLARIFICATION**

**Office of the Prosecutor:**

Mr Alphonse Van  
Mr Moussa Sefon  
Mr Segun Jegede  
Mr Lloyd Strickland  
Mr Abubacarr Tambadou  
Ms Felistas Mushi  
Ms Faria Rekkas  
Ms Anne Pauline Bodley

**Counsel for the Defence:**

Mr Gilles St-Laurent and Mr Ronnie MacDonald **for Augustin Bizimungu**  
Mr Christopher Black and Mr Vincent Lurquin **for Augustin Ndindiliyimana**  
Mr Charles Taku and Ms Beth Lyons **for François-Xavier Nzuwonemeye**  
Mr Fabien Segatwa and Mr Seydou Doumbia **for Innocent Sagahutu**

## INTRODUCTION

1. The trial against the four Accused in this case commenced on 24 September 2004. After presenting 72 witnesses, the Prosecution closed its case on 7 December 2006.

2. On 20 March 2007, the Chamber rendered its Decision on the Defence Motions for Acquittal pursuant to Rule 98*bis* of the Rules of Procedure and Evidence (the "Rules")<sup>1</sup>. On 18 June 2007, the Chamber issued a Corrigendum to the 98*bis* Decision accompanied by an explanatory Memorandum.<sup>2</sup> On 25 June 2007, the Defence for Nzuwonemeye filed a motion<sup>3</sup> requesting clarification of any changes between the original Decision and the Corrigendum, the circumstances of the drafting of the Memorandum, the identity of its author, and the reasons for submitting an unsigned copy. The Defence for Nzuwonemeye submits that the clarifications are necessary to determine whether the Corrigendum has caused any prejudice to the rights of the Accused under Article 20 of the Statute of the Tribunal.

## DELIBERATIONS

3. The Chamber reiterates that the Corrigendum filed does not contain any substantive alterations to the original Decision rendered on 20 March 2007, and only corrects inaccurate references and typographical errors. To this effect, the Chamber attaches a version of the Corrigendum along with this Decision, underlining the changes made to the original Decision. The Chamber further confirms that the Memorandum was meant to be the administrative letter attached to the Corrigendum, and has no bearing on the Chamber's clarification of the content of the Corrigendum. Because of the purely administrative nature of the Memorandum, the Chamber does not find it necessary to explain the circumstances of its drafting.

## FOR THE ABOVE REASONS, THE CHAMBER

**GRANTS** in part the Defence Motion.

Arusha, 11 September 2007

Asoka de Silva  
Presiding Judge

Taghrid Hikmet  
Judge

Seon Ki Park  
Judge

[Seal of the Tribunal]

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<sup>1</sup> Decision on Defence Motions Pursuant to Rule 98*bis* (TC), 20 March 2007.

<sup>2</sup> Corrigendum to the Decision on Defence Motions Pursuant to Rule 98*bis* (TC), 18 June 2007.

<sup>3</sup> Motion for Clarification, filed by the Defence for Nzuwonemeye on 25 June 2007.