



UNITED NATIONS
NATIONS UNIES

ICTR-98-44-T
11-03-2008
(34260-34258)

International Criminal Tribunal for Rwanda
Tribunal pénal international pour le Rwanda

34260
A

OR: ENG

TRIAL CHAMBER III

Before Judges: Dennis C. M. Byron, Presiding
Gberdao Gustave Kam
Vagn Joensen

Registrar: Adama Dieng

Date: 11 March 2008

THE PROSECUTOR

v.

Édouard KAREMERA
Mathieu NGIRUMPATSE
Joseph NZIRORERA
Case No. ICTR-98-44-T

JUDICIAL RECORDS/ARCHIVES
RECEIVED

2008 MAR 11 A 11: 01

**CORRIGENDUM TO DECISION ON JOSEPH NZIRORERA'S SECOND MOTION
TO EXCLUDE TESTIMONY OF WITNESS AXA AND EDOUARD KAREMERA'S
MOTION TO RECALL THE WITNESS**

Rules 54 and 98 of the Rules of Procedure and Evidence

Office of the Prosecutor:

Don Webster
Alayne Frankson-Wallace
Iain Morley
Saidou N'Dow
Gerda Visser
Sunkarie Ballah-Conteh
Takeh Sendze
Deo Mbuto

Defence Counsel for Édouard Karemera
Dior Diagne Mbaye and Félix Sow

Defence Counsel for Mathieu Ndirumpatse
Chantal Hounkpatin and Frédéric Weyl

Defence Counsel for Joseph Nzirorera
Peter Robinson and Patrick Nimy Mayidika Ngimbi

1. On 4 March 2008, the Chamber delivered its Decision on Joseph Nzirorera's Second Motion to Exclude the Testimony of Witness AXA and Edouard Karemera's Motion to Recall the Witness.¹

2. The Chamber notes an error at paragraph 22, which should read as follows:

The Prosecution opposes the motion in its entirety.²

3. The Chamber also notes an error at footnote 17, which should read as follows:

Prosecutor v. Juvenal Kajelijeli, Case No. ICTR-98-44A-A, Judgement (AC), 23 May 2005, para. 262 ("If the Defence satisfies the Tribunal that the Prosecution has failed to comply with its Rule 68 obligations, then the Tribunal must examine whether the Defence has been prejudiced by that failure before considering whether a remedy is appropriate."); *Prosecutor v. Eliézer Niyitegeka*, Case No. ICTR-96-14-R, Decision on the Prosecutor's Motion to Move for Decision on Niyitegeka's Requests for Review Pursuant to Rules 120 and 121 and the Defence Extremely Urgent Motion Pursuant to (i) Rule 116 for Extension of Time Limit, (ii) Rule 68 (A), (B) and (E) for Disclosure of Exculpatory Evidence Both of the Rules of Procedure and Evidence of the International Criminal Tribunal for Rwanda and (iii) Response to Prosecutor's Motion of 15 August 2005 seeking a Decision, in the Absence of Any Legal Submissions from the Applicant (AC), 28 September 2005, p. 8.

4. The Chamber also notes an error at footnote 18, which should read as follows:

Id.

5. The Chamber also notes an error at footnote 28, which should read as follows:

Karemera, et al., Decision on Joseph Nzirorera's Second Motion for Reconsideration of Sanctions (TC), 8 November 2007, para. 6.

¹ *Prosecutor v. Edouard Karemera, Mathieu Ngirumpatse and Joseph Nzirorera*, Case No. ICTR-98-44-T, Decision on Joseph Nzirorera's Second Motion to Exclude the Testimony of Witness AXA and Edouard Karemera's Motion to Recall the Witness (TC), 4 March 2008.

² Réponse du Procureur Au Requête D'Edouard Karemera Pour le Rappel du Témoin AXA, 25 February 2008.

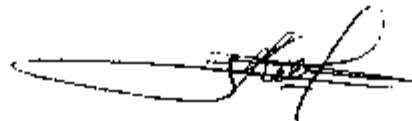
6. The Decision of 4 March 2008 is therefore amended accordingly.

Arusha, 11 March 2007, done in English.



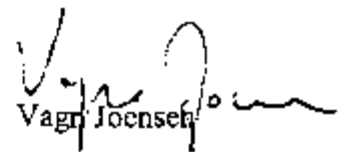
Dennis C. M. Byron

Presiding Judge



Gberdao Gustave Kam

Judge



Vago Joensen

Judge

[Seal of the Tribunal]

