



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
Gberdao Gustave Kam
Vagn Joensen

Registrar: Adama Dieng

Date: 12 February 2009

THE PROSECUTION

v.

**Édouard KAREMERA
Joseph NZIRORERA
and
Matthieu NGIRUMPATSE**

Case No. ICTR-98-44-T and Case No. ICTR-98-44E-T

**DECISION ON URGENT REQUEST FOR PRECISION OR
ALTERNATIVELY CORRECTION OF THE DECISION OF 3 MARCH 2009
ON CONTINUATION OF TRIAL**

Office of the Prosecution:

Don Webster
Iain Morley
Saidou N'Dow
Gerda Visser
Sunkarie Ballah-Conteh
Takeh Sendze

Defence Counsel for Édouard Karemera

Dior Diagne Mbaye and Félix Sow

Defence Counsel for Matthieu Ngirumpatse

Chantal Hounkpatin and Frédéric Weyl

Defence Counsel for Joseph Nzirorera

Peter Robinson and Patrick Nimy Mayidika Ngimbi

INTRODUCTION

1. On 3 March 2009, the Chamber ordered severance of Matthieu Ngirumpatse from his joint trial with Édouard Karemera and Joseph Nzirorera and granted certification to appeal this decision.¹
2. On 5 March 2009, Matthieu Ngirumpatse filed a Motion submitting that the certification to appeal granted by the Chamber was only granted to Joseph Nzirorera. Consequently he requests that clarification be given or that certification be granted to him also.²

DELIBERATIONS

3. The Chamber finds that the wording of paragraph 61 of its Decision of 3 March 2009 may indeed imply that it only granted certification to appeal to Joseph Nzirorera, while the Chamber's intention when it deliberated was to grant certification to appeal to all Parties involved. Consequently, the Chamber specifies that the last sentence of paragraph 61 of its Decision of 3 March 2009 should be understood as granting certification to appeal the said decision to Joseph Nzirorera, Matthieu Ngirumpatse, Édouard Karemera and the Prosecution.

FOR THE FOREGOING REASONS, THE CHAMBER

GRANTS Matthieu Ngirumpatse's Motion; and

¹ *Prosecutor v. Édouard Karemera, Joseph Nzirorera and Matthieu Ngirumpatse*, Case No. ICTR-98-44-T, Decision on Continuation of Trial (TC), 3 March 2009.

² Demande urgent de précision et le cas échéant de rectificatif de la décision du 3 mars 2009 sur la poursuite du procès, déposée le 5 mars 2009.

AMENDS the last sentence of Paragraph 61 of its Decision of 3 March 2009 on Continuation of Trial to read as follows: “Consequently the Trial Chamber grants certification to appeal the entirety of this decision to all Parties involved.”

Arusha, 12 February 2009, done in English.

Dennis C. M. Byron
Presiding Judge

Gberdao Gustave Kam
Judge

Vagn Joensen
Judge

[Seal of the Tribunal]