



UNITED NATIONS
NATIONS UNIES

ICTR-00-56-T
28-05-09
(29299-29297)
International Criminal Tribunal for Rwanda
Tribunal pénal international pour le Rwanda

29299
PM

OR: ENG

TRIAL CHAMBER II

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

Registrar: Adama Dieng

Date: 28 May 2009

The PROSECUTOR
v.
Augustin NDINDILYIMANA
Augustin BIZIMUNGU
François-Xavier NZUWONEMEYE
Innocent SAGAHUTU
Case No. ICTR-00-56-T

JUDICIAL RECORDS ARCHIVE
1 2009 MAY 28 P 12: 35

**DECISION ON BIZIMUGU'S REQUEST TO FILE A CORRIGENDUM TO HIS
CLOSING BRIEF**

Office of the Prosecution:

Mr Alphonse Van
Mr Moussa Sefon
Mr Lloyd Strickland
Mr Abubacarr Tambadou
Ms Faria Rekkas

Counsel for the Defence:

Mr Gilles St-Laurent and Mr Benoît Henry 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

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INTRODUCTION

1. On 4 December 2008, the Chamber issued a Scheduling Order in which it required the parties to file their Closing Briefs by 31 March 2009.¹ On 31 March 2009, the Defence for Bizimungu ("Defence") filed its Closing Brief.² On 14 May 2009, the Defence filed a confidential motion requesting the Chamber's permission to file a corrigendum to its Closing Brief ("Defence Motion").³ The Defence annexed a list of 134 proposed corrections to the Defence Motion. The Prosecution did not file a response to the Defence Motion.

DELIBERATIONS

2. The Defence submits that the proposed corrigendum will not delay the ongoing translation process nor will it cause any prejudice to the other parties to the trial. The Defence further submits that the proposed changes listed in the corrigendum are intended to correct typographical errors and irregularities and therefore will not affect the substance of the Closing Brief.⁴

3. The Chamber has reviewed the corrigendum and finds that the proposed corrections listed at numbers 1-9, 12-20(a), 21-25, 27-37(a), 38-41(b), 42-55, 57-58(a), 59-101, 103-129, 131(a) and 132-134 are of a typographical nature or provide further clarification of the existing text. The Chamber is of the opinion that the proposed changes will not affect the substance of the Closing Brief and therefore will not cause any prejudice to the parties. The Chamber grants the Defence request to file the proposed corrigendum with respect to the corrections listed above.

4. The Chamber finds that the proposed corrections listed at numbers 10-11, 20(b), 26, 37(b), 41(c), 56, 58(b)-(c), 102, 130 and 131(b) do not correspond with the paragraph numbers of the Closing Brief listed in the corrigendum or do not clearly indicate how the existing text should be amended. Given that the Chamber is unable to assess whether these proposed changes will enhance the clarity of the Closing Brief, the Chamber denies the Defence request to file the proposed corrigendum with respect to the corrections listed in this paragraph.

¹ Scheduling Order (TC), dated 4 December 2008.

² See Bizimungu's Closing Brief, dated 31 March 2009.

³ *Requête de la Défense du Général Augustin Bizimungu afin d'être autorisée à déposer un Corrigendum à son Mémoire Final déposé sous scellé le 31 Mars 2009*, filed 14 May 2009 ("Defence Motion").

⁴ Defence Motion, paras. 3-4.

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FOR THE ABOVE REASONS THE CHAMBER,

GRANTS IN PART the Defence Motion for the corrections listed at numbers 1-9, 12-20(a), 21-25, 27-37(a), 38-41(b), 42-55, 57-58(a), 59-101, 103-129, 131(a) and 132-134 of the proposed corrigendum; and

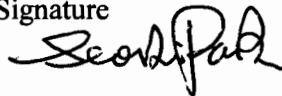
DENIES the Defence Motion for the corrections listed at numbers 10-11, 20(b), 26, 37(b), 41(c), 56, 58(b)-(c), 102, 130 and 131(b) of the proposed corrigendum.

Arusha, 28 May 2009, done in English.

Read and Approved by

Asoka de Silva

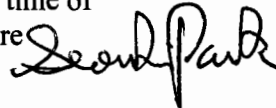
Presiding Judge
Absent at the time of
Signature



Read and Approved by

Taghrid Hikmet

Judge
Absent at the time of
Signature



Seon Ki Park

Judge



[Seal of the Tribunal]

