

ICTR-02-78-T
18-06-2010
(6275-6273)

6275
Amwame



International Criminal Tribunal for Rwanda
Tribunal pénal international pour le Rwanda

UNITED NATIONS
NATIONS UNIES

OR: ENG

TRIAL CHAMBER II

Before Judges: Taghrid Hikmet, Presiding
Seon Ki Park
Joseph Masanche

Registrar: Adama Dieng

Date: 18 June 2010

THE PROSECUTOR

v.

Gaspard KANYARUKIGA

Case No. ICTR-2002-78-T

JUDICIAL REGISTER
2010 JUN 18 PM 9:26

**ORDER REGARDING CORRIGENDUM TO PROSECUTOR'S FINAL TRIAL
BRIEF FILED 4 JUNE 2010**

Rule 54 of the Rules of Procedure and Evidence

Office of the Prosecutor:

Holo Makwaia
Althea Alexis Windsor
Cheikh Tidiane Mara
Lansana Dumbuya

Defence Counsel:

David Jacobs
Claver Sindayigaya
Marc Nerenberg
Iain Edwards

INTRODUCTION

1. On 11 May 2010, the Parties submitted their closing briefs in this case.¹ On 24 May 2010, the Prosecution filed a corrigendum to its final brief.² On the same day, the Chamber heard closing arguments and closed the case.³
2. On 4 June 2010, the Prosecution filed a further corrigendum to its Final Trial Brief, purporting to correct some errors in the brief itself and many errors in the footnotes.⁴
3. On 9 June 2010, the Defence filed a response to the Prosecutor's corrigendum objecting to the filing of a corrigendum because it was out of time and noting further inaccuracies in the corrections the Prosecution purported to make.⁵ The Defence requested that the Chamber not accept the Prosecution's corrigendum or, in the alternative, allow the Defence an opportunity to respond to any errors in this corrigendum, should the Chamber accept it.⁶
4. On 11 June 2010, the Prosecution filed a reply to the Defence response,⁷ and subsequently, on 14 June 2010, the Defence filed a rejoinder to this reply.⁸

DELIBERATIONS

5. The Chamber notes that the Defence Response is effectively a motion regarding the Prosecutor's Corrigendum and will address it in that form.
6. The Chamber notes that the Defence identified a number of errors in the Prosecutor's Final Trial Brief during closing arguments.⁹ The Prosecution's second corrigendum appears to be in response to these submissions. The Chamber further notes that the Bench closed the case on 24 May 2010, and as such the Chamber will not consider substantive submissions filed after the close of the case. Nor will the Chamber accept any further corrigenda from the Prosecution which relates to its Final Brief. The Chamber considers this to be in the interest of preserving the resources of the Tribunal.
7. Nevertheless, the Chamber considers that allowing the Prosecutor's Corrigendum will assist the Chamber in assessing the evidence before it by making the record more full.
8. Therefore, because the Prosecution's corrigendum was filed after the hearing of closing arguments, the Chamber considers it in the interests of justice and equality of

¹ Prosecutor's Final Trial Brief, filed 11 May 2010, Defence Final Brief, filed 11 May 2010.

² Corrigendum to Prosecutor's Final Brief, filed electronically on 21 May 2010, hardcopy filed 24 May 2010.

³ T. 24 May 2010, p. 101.

⁴ Corrigendum to Prosecutor's Final Brief, filed 4 June 2010 (Prosecutor's Corrigendum).

⁵ Confidential Defence response to the 4 June 2010 [Second] Corrigendum to the Prosecutor's Final Brief, filed 9 June 2010 (Defence Response).

⁶ Defence Response, p. 7.

⁷ Prosecutor's Reply to Defence Response to the Prosecution Corrigendum, filed 11 June 2010.

⁸ Defence Rejoinder to the Prosecutor's Reply to the Defence Response to the Prosecution Corrigendum, filed 14 June 2010.

⁹ T. 24 May 2010, pp. 31-37, 58-60, 95-96.

arms that the Defence be given an opportunity to respond to the accuracy of the Prosecution corrigendum.

9. For these reasons the Chamber hereby:

- I. **ACCEPTS** the Corrigendum to the Prosecutor's Final Trial Brief, filed on 4 June 2010;
- II. **ALLOWS** the Defence an opportunity to respond to any errors or inaccuracies it identifies in the Prosecutor's Corrigendum; and
- III. **ORDERS** the Defence to file any response it wishes to make by 25 June 2010 and to confine any response to errors or inaccuracies, if any, that it identifies in the Prosecutor's Corrigendum.

Arusha, 18 June 2010, done in English,



[read and approved by]

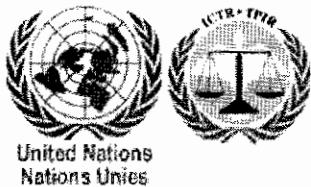
Taghrid Hikmet
 Taghrid Hikmet
 Presiding Judge

Seon Ki Park
 Seon Ki Park
 Judge

Taghrid Hikmet
 Joseph Masanche
 Judge
 [absent at time of signature]

[Seal of the Tribunal]

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TRANSMISSION SHEET FOR FILING OF DOCUMENTS WITH CMS

COURT MANAGEMENT SECTION
(Art. 27 of the Directive for the Registry)

I - GENERAL INFORMATION (To be completed by the Chambers / Filing Party)

To:	<input type="checkbox"/> Trial Chamber I N. M. Diallo	<input checked="" type="checkbox"/> Trial Chamber II R. N. Kouambo	<input type="checkbox"/> Trial Chamber III C. K. Hometowu	<input type="checkbox"/> Trial Chamber III A. N'Gum
	<input type="checkbox"/> Chief, CMS J.-P. Fomété	<input type="checkbox"/> Appeals Chamber / Arusha Chamber II F. A. Talon		<input type="checkbox"/> Appeals Chamber / The Hague K. K. A. Afande R. Muzigo-Morrison
From:	<input checked="" type="checkbox"/> Chamber II (names)	<input type="checkbox"/> Defence (names)	<input type="checkbox"/> Prosecutor's Office (names)	<input type="checkbox"/> Other: (names)
	Case Name: The Prosecutor vs. Kanyarukiga		Case Number: ICTR-2002-78-T	
Dates:	Transmitted: 18 June 2010		Document's date: 18 June 2010	
No. of Pages:	3	Original Language:	<input checked="" type="checkbox"/> English <input type="checkbox"/> French <input type="checkbox"/> Kinyarwanda	
Title of Document:	Order regarding the Corrigendum to Prosecutor's Final Trial Brief filed 4 June 2010			
Classification Level:		TRIM Document Type:		
<input type="checkbox"/> Ex Parte		<input type="checkbox"/> Indictment	<input type="checkbox"/> Warrant	<input type="checkbox"/> Correspondence
<input type="checkbox"/> Strictly Confidential / Under Seal		<input type="checkbox"/> Decision	<input type="checkbox"/> Affidavit	<input type="checkbox"/> Notice of Appeal
<input type="checkbox"/> Confidential		<input type="checkbox"/> Disclosure	<input checked="" type="checkbox"/> Order	<input type="checkbox"/> Appeal Book
<input checked="" type="checkbox"/> Public		<input type="checkbox"/> Judgement	<input type="checkbox"/> Motion	<input type="checkbox"/> Book of Authorities
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				<input type="checkbox"/> Accused particulars

II - TRANSLATION STATUS ON THE FILING DATE (To be completed by the Chambers / Filing Party)

CMS SHALL take necessary action regarding translation.

Filing Party hereby submits only the original, and **will not submit** any translated version.

Reference material is provided in annex to facilitate translation.

Target Language(s):

English French Kinyarwanda

CMS SHALL NOT take any action regarding translation.

Filing Party hereby submits **BOTH the original and the translated version** for filing, as follows:

Original	in	<input checked="" type="checkbox"/> English	<input type="checkbox"/> French	<input type="checkbox"/> Kinyarwanda
Translation	in	<input type="checkbox"/> English	<input type="checkbox"/> French	<input type="checkbox"/> Kinyarwanda

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III - TRANSLATION PRIORITISATION (For Official use ONLY)

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<input type="checkbox"/> Urgent		<input type="checkbox"/> Hearing date:
<input type="checkbox"/> Normal		<input type="checkbox"/> Other deadlines: