



ICTR-00-55C-PT
13-01-2011
(5627-5625)
International Criminal Tribunal for Rwanda
Tribunal pénal international pour le Rwanda

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OR: ENG

TRIAL CHAMBER III

Before Judges: Lee Gacuiga Muthoga, *Presiding*
Seon Ki Park
Robert Fremr

Registrar: Adama Dieng

Date: 13 January 2011

THE PROSECUTOR

v.

Ildephonse NIZEYIMANA

CASE NO. ICTR-2000-55C-PT

**CORRIGENDUM TO DECISION ON DEFENCE MOTION ON DEFECTS IN THE
INDICTMENT**

Office of the Prosecution:
Drew White
Kirsten Gray
Yasmine Chubin
Zahida Virani

Defence Counsel for Ildephonse Nizeyimana:
John Philpot
Cainnech Lussiaà-Berdou
Myriam Bouazdi

5626

1. On 16 December 2010, the Trial Chamber issued its “Decision on Defence Preliminary Motion on Defects in the Indictment” (“16 December Decision”).
2. The Chamber wishes to remove the penultimate sentence in paragraph 80 from the 16 December Decision. The amended paragraph will now read:

The Chamber finds that the timeframes provided by the Prosecution are incompatible. Article 3 common to the Geneva Conventions of 1949 and Additional Protocol II of 1977 only apply during non-international armed conflicts. Thus, an accused can only be convicted of violations of Article 3 Common and Additional Protocol II for crimes committed during the existence of a non-international armed conflict. According to the language of the Second Amended Indictment, a non-international armed conflict only existed in Butare *préfecture* from 7 April 1994 through 3 July 1994. However, according to paragraphs 51 and 55, the Accused is responsible for actions taken directly or through subordinates between 6 April and 17 July 1994.¹²⁵ Accordingly, the Chamber orders the Prosecution to revise the dates pled in Counts V and VI to conform to the relevant legal principles for violations of Article 3 common and Additional Protocol II under Article 4 of the Statute.



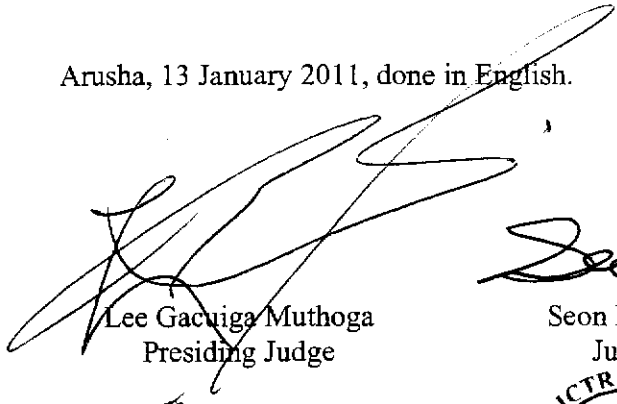
¹²⁵ Second Amended Indictment, paras. 51, 55.

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FOR THESE REASONS, THE CHAMBER

ORDERS that the sentence “[a] joint criminal enterprise to commit war crimes cannot extend beyond the existence of the relevant armed conflict []” be removed from paragraph 80 of its 16 December Decision.

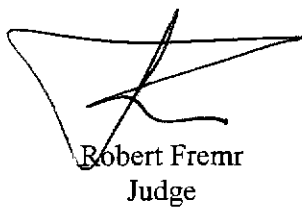
Arusha, 13 January 2011, done in English.



Lee Gacuga Muthoga
Presiding Judge



Seon Ki Park
Judge



Robert Fremr
Judge

