



Tribunal Pénal International pour le Rwanda  
International Criminal Tribunal for Rwanda

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**IN THE APPEALS CHAMBER**

Before: Judge Claude JORDA, Presiding  
Judge Lal Chand VOHRAH  
Judge Mohamed SHAHABUDEEN  
Judge WANG Tieya  
Judge Rafael NIETO-NAVIA

Registrar: Mr Agwu OKALI

Decision of: 29 December 1999

Clément KAYISHEMA

THE PROSECUTOR

Obed RUZINDANA

THE PROSECUTOR

Case No.: ICTR-95-1-A

**ORDER**

(PROSECUTOR'S MOTION FOR CORRECTION AND CLARIFICATION OF THE TRIAL RECORD AND RECORD ON APPEAL)

*Counsel for the Appellant Kayishema*

*Counsel for the Prosecutor*

Mr André FÉRAN  
Mr Phillipe MORICEAU

Mr Upawansa YAPA  
Mr Norman FARRELL  
Mr Karim KHAN

*Counsel for the Appellant Ruzindana*

Mr Pascal BESNIER  
Mr William van der GRIEND

Case No.: ICTR-95-1-A

International Criminal Tribunal for Rwanda  
Tribunal pénal international pour le Rwanda  
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NAME / NOM: *Felicite Taba Obonyo*  
SIGNATURE: *Felicite Taba Obonyo* DATE: *29 Dec 1999*

**THE APPEALS CHAMBER** of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens responsible for genocide and other such violations committed in the territory of neighbouring States, between 1 January 1994 and 31 December 1994 ('the Appeals Chamber' and 'the Tribunal' respectively);

**NOTING** the pending appeals by Clément KAYISHEMA and Obed RUZINDANA ('the Appellants'), and by the Prosecutor ('the Cross-Appellant');

**NOTING** that on 29 July 1999, the Registrar certified the trial record for purposes of these appeals, pursuant to Rule 109(a) of the Rules of Procedure and Evidence ('the Rules');

**NOTING** that on 4 July 1999, 7 July 1999, and 23 August 1999, the Appellant Ruzindana, the Appellant Kayishema, and the Cross-Appellant respectively designated the entire trial record for purposes of the appeal, pursuant to Rule 109(c) of the Rules;

**CONSIDERING** that, under Rule 109 of the Rules, the criterion for designating the trial record is whether, in the opinion of the party in question, the parts designated 'are necessary for the decision on the appeal,' and that in consequence parts which are not necessary for that purpose are not to be designated;

**NOTING** that on 27 October 1999, the Cross-Appellant filed a Notice of Receipt of Exhibits; that this notice was filed in order to update the Appeals Chamber on the fact that the Cross-Appellant may have, on 25 October 1999, received from the Registrar some, if not all, of the parts of the record on appeal, accompanied by a document dated 14 October 1999 and entitled the 'Addendum to the Registry Certificate on the Record';

**NOTING** that, on 14 October 1999, the Registrar issued an 'Addendum to the Registry Certificate on the Record';

NOW BEING SEISED of a motion filed by the Cross-Appellant on 25 November 1999 ('the Motion'), for correction and clarification of the trial record and the record on appeal;

NOTING that the Motion alleges sundry defects in the trial record as certified by the Registrar;

NOTING that the Motion does not indicate the material significance of those alleged defects in the Cross-Appellant's case on appeal;

NOTING the provisions of Articles 25(2) and 27(2)(v) of the Directive for the Registry of the International Criminal Tribunal for Rwanda, which require a party to submit a draft order of the relief sought, and noting that no such draft order has been submitted by the Cross-Appellant;

NOW THEREFORE ORDERS as follows:

- (i) the Cross-Appellant shall, within seven days of her receipt of this Order, submit to the Appeals Chamber in the standard format a draft order of the precise relief she seeks in the Motion, and,
- (ii) the Appellants shall, within seven days of their receipt of the Cross-Appellant's draft order, submit their response to both the Motion and the draft order submitted by the Cross-Appellant.

Done in French and English the French text being authoritative.

(signed)

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**Claude JORDA**  
Presiding Judge

Dated this twenty-ninth day of December 1999  
At The Hague  
The Netherlands.

[Seal of the Tribunal]



Case No.: ICTR-95-1-A

29 December 1999