



Tribunal Pénal International pour le Rwanda
International Criminal Tribunal for Rwanda

19626/A

IN THE APPEALS CHAMBER

ICTR-98-42-A

18/12/2015

(19626/A-19624/A)

Before: Judge Fausto Pocar, Presiding
Judge Carmel Agius
Judge Liu Daqun
Judge Khalida Rachid Khan
Judge Bakhtiyar Tuzmukhamedov

Registrar: Mr. Bongani Majola

Corrigendum of: 18 December 2015

THE PROSECUTOR

v.

**Pauline NYIRAMASUHUKO
Arsène Shalom NTAHOBALI
Sylvain NSABIMANA
Alphonse NTEZIRYAYO
Joseph KANYABASHI
Élie NDAYAMBAJE**

Case No. ICTR-98-42-A

2015 DEC 28 P 18:28
[Signature]

CORRIGENDUM TO JUDGEMENT OF 14 DECEMBER 2015

Counsel for Pauline Nyiramasuhuko

Nicole Bergevin and Guy Poupart

Counsel for Arsène Shalom Ntahobali

Normand Marquis and Mylène Dimitri

Counsel for Sylvain Nsabimana

Josette Kadji and Pierre Tientcheu Weledji

Counsel for Alphonse Nteziryayo

Frédéric Titinga Pacéré and
Gershom Otachi Bw'Omanwa

Counsel for Joseph Kanyabashi

Michel Marchand and Alexandra Marcil

Counsel for Élie Ndayambaje

Pierre Boulé and Claver Sindayigaya

Office of the Prosecutor

Hassan Bubacar Jallow
James J. Arguin
Deborah Wilkinson

I, **FAUSTO POCAR**, Judge of the Appeals Chamber of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other 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 (“Appeals Chamber” and “Tribunal”, respectively) and Presiding Judge in this case;

NOTING the “Judgement” pronounced in this case by the Appeals Chamber of the Tribunal on 14 December 2015 and issued in writing on the same day (“Appeal Judgement”);

NOTING that typographical errors noted below were inadvertently included in the Appeal Judgement;

NOTING that, on page 1212 of the Appeal Judgement, the Disposition with respect to **Élie Ndayambaje** (“Ndayambaje”) currently reads:

“**GRANTS** Ground 18 of Ndayambaje’s appeal in part and **REVERSES** his convictions for genocide, extermination and persecution as crimes against humanity, and violence to life, health, and physical or mental well-being of persons as a serious violation of Article 3 common to the Geneva Conventions and of Additional Protocol pursuant to Article 6(1) of the Statute for aiding and abetting the killings perpetrated at Kabuye Hill on 22 April 1994;”

but should read as follows:

“**GRANTS** Ground 18 of Ndayambaje’s appeal in part and **REVERSES** his convictions for genocide, extermination and persecution as crimes against humanity, and violence to life, health, and physical or mental well-being of persons as a serious violation of Article 3 common to the Geneva Conventions and of Additional Protocol II pursuant to Article 6(1) of the Statute for aiding and abetting the killings perpetrated at Kabuye Hill on 22 April 1994;”

NOTING that, on pages 1212 and 1213 of the Appeal Judgement, the Disposition with respect to Ndayambaje currently reads:

“**GRANTS** Ground 20 of Ndayambaje’s appeal in part and **REVERSES** his convictions for genocide, extermination and persecution as crimes against humanity, and violence to life, health, and physical or mental well-being of persons as a serious violation of Article 3 common to the Geneva Conventions and of Additional Protocol pursuant to Article 6(1) of the Statute for instigating the killing of a Tutsi girl named Nambaje abducted from Mugombwa Sector after his swearing-in ceremony on 22 June 1994;”

but should read as follows:

"GRANTS Ground 20 of Ndayambaje's appeal in part and **REVERSES** his convictions for genocide, extermination and persecution as crimes against humanity, and violence to life, health, and physical or mental well-being of persons as a serious violation of Article 3 common to the Geneva Conventions and of Additional Protocol II pursuant to Article 6(1) of the Statute for instigating the killing of a Tutsi girl named Namba'e abducted from Mugombwa Sector after his swearing-in ceremony on 22 June 1994;"

NOTING that, on page 1213 of the Appeal Judgement, the Disposition with respect to Ndayambaje currently reads:

"FINDS, *proprio motu*, that the Trial Chamber erred in convicting Ndayambaje for persecution as a crime against humanity, **REVERSES** Ndayambaje's conviction for this crime, and **ENTERS** a verdict of acquittal under Count 7 of the Ndayambaje Indictment;"

but should read as follows:

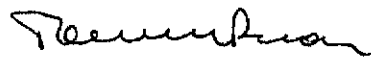
"FINDS, *proprio motu*, Judge Agius dissenting, that the Trial Chamber erred in convicting Ndayambaje for persecution as a crime against humanity, **REVERSES** Ndayambaje's conviction for this crime, and **ENTERS** a verdict of acquittal under Count 7 of the Ndayambaje Indictment;"

ON THE BASIS OF THE FOREGOING,

HEREBY ORDER with the consent of the Bench that the typographical errors be corrected by amending the Appeal Judgement as set out above.

Done in English and French, the English version being authoritative.

Done this eighteenth day of December 2015,
at The Hague,
The Netherlands.



Judge Fausto Pocar
Presiding Judge

[Seal of the Tribunal]

