

**UNITED
NATIONS**



International Tribunal for the
Prosecution of Persons
Responsible for Serious Violations of
International Humanitarian Law
Committed in the Territory of
Former Yugoslavia since 1991

Case No. IT-96-22-A
Date: 19 November 1997
Original: English

IN THE APPEALS CHAMBER

Before: Judge Antonio Cassese, Presiding
Judge Gabrielle Kirk McDonald
Judge Haopei Li
Judge Ninian Stephen
Judge Lal Chand Vohrah

Registrar: Mrs. Dorothee de Sampayo Garrido-Nijgh

Date: 19 November 1997

PROSECUTOR

v.

DRA@EN ERDEMOVI]

**CORRIGENDUM TO JOINT SEPARATE OPINION OF JUDGE MCDONALD
AND JUDGE VOHRAH**

The Office of the Prosecutor:

**Mr. Grant Niemann
Mr. Payam Akhavan**

Counsel for the Appellant:

Mr. Jovan Babi}

JUDGE MCDONALD AND JUDGE VOHRAH, *proprio motu*,

Considering their Joint Separate Opinion in the case of Dra`en Erdemovi} issued on 7 October 1997,

Noting that there are certain typographical errors in the said Joint Separate Opinion which are suitable for rectification,

FOR THESE REASONS:

- (1) DECIDE that, in the said Joint Separate Opinion, at page 18 (Registry page A406), paragraph 21, tenth line from the bottom of that paragraph

For "Opinion and Judgement of 14 July 1997"

Read "Opinion and Judgement of 7 May 1997";

- (2) DECIDE that, in the said Joint Separate Opinion, at page 18 (Registry page A406), footnote 24

For "T.Ch.II, 17 May 1997"

Read "T.Ch.II, 7 May 1997";

- (3) DECIDE that, in the said Joint Separate Opinion, at page 34 (Registry page A390), paragraph 48, first line of that paragraph

For "paragraph 62"

Read "paragraph 47";

- (4) DECIDE that, in the said Joint Separate Opinion, at page 40 (Registry page A384), paragraph 57, twenty-third line of that paragraph

For "As Lord McNair pointed out in his Separate Opinion in the *South-West Africa Case*⁸²,

it is never a question"

Read "Waldock observed in his *General Course on Public International Law*⁸² that

as Lord McNair pointed out in the *South-West Africa Case* [I.C.J. Rep. 1950 at p. 148], it is never a question";

- (5) DECIDE that, in the said Joint Separate Opinion, at page 40 (Registry page A384), footnote 82

For "*South-West Africa Case*, I.C.J. Rep. (1950) at p. 148"

Read "106 *Hague Recueil* 54 (1962-II)";

- (6) DECIDE that, in the said Joint Separate Opinion, at page 42 (Registry page A382), paragraph 59, under the heading "France", first line

For "Article 122-2 provides that:"

Read "Article 122-2 provides:"

- (7) DECIDE that, in the said Joint Separate Opinion, at page 45 (Registry page A379), paragraph 59, under the heading "Norway", first line

For ", (amended as at 1 July 1994),"

Read "(amended as at 1 July 1994)";

- (8) DECIDE that, in the said Joint Separate Opinion, at page 52 (Registry page A372), paragraph 61, under the heading "Morocco", last line

For "avoid [the commission of], the offence"

Read "avoid [the commission of] the offence";

- (9) DECIDE that, in the said Joint Separate Opinion, at page 66 (Registry page A358), paragraph 75, fourth line from the bottom of that paragraph

For "establishes the International Tribunal"

Read "established the International Tribunal";

- (10) DECIDE that, in the said Joint Separate Opinion, at page 69 (Registry page A355), paragraph 79, ninth line from the bottom of that paragraph

For "organised the execute of"

Read "organised the execution of";

- (11) DECIDE that, in the said Joint Separate Opinion, at page 73 (Registry page A351), paragraph 85, twelfth line of that paragraph

For "to be hero"

Read "to be a hero".

Gabrielle Kirk McDonald

Lal Chand Vohrah

Dated this nineteenth day of November 1997

The Hague

The Netherlands

[Seal of the Tribunal]