

ICTR-99-52-1  
(3703-3701)

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**International Criminal Tribunal for Rwanda  
Tribunal Pénal International pour le Rwanda**

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**TRIAL CHAMBER I**

Original: English

**Before:** Judge Navanethem Pillay, Presiding

**Registry:** Mrs. Aminatta N'Gum

**Order of:** 6 October 2000

JUDICIAL RECORDS/ARCHIVES  
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Aminatta N'Gum - 06/10/2000

**THE PROSECUTOR**

v.

**Ferdinand Nahimana, Hassan Ngeze and Jean Bosco Barayagwiza  
(Case No. ICTR-99-52-I)**

**SCHEDULING ORDER**

**The Office of the Prosecutor**

Mr. Bernard Muna  
Mr. Sankara Menon  
Ms. Charity Kagwi  
Ms. Simone Monasebian  
Mr. Elvis Bazawule

**Defence Counsels for Nahimana:**

Mr. Jean-Marie Biju-Duval  
Ms. Diana Ellis

**Defence Counsel for Ngeze:**

Mr. John Clifford Floyd III

**Defence Counsels for Barayagwiza:**

Ms. Carmelle Marchessault  
Mr. David Danielson.

International Criminal Tribunal for Rwanda  
Tribunal pénal international pour le Rwanda  
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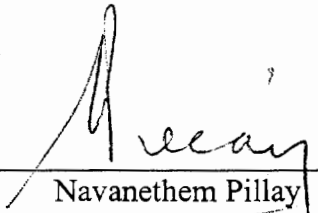
**FOLLOWING** the pre-trial conference held on 26 September 2000, Trial Chamber I hereby makes the Orders below. In making the Directives in paragraphs 3 and 4, the Chamber has had regard to the issues in the case and the order in which they are likely to be resolved, the resources and circumstances of the parties, the likely cost of discovery and its likely use. On a proper application of Rule 66 of the Rules of Procedure and Evidence ("the Rules"), to prevent orders for discovery requiring production of more documents than are necessary for the fair conduct of the case, it is directed that the discovery be limited to the documents required to be disclosed under Rule 66.

**THE TRIAL CHAMBER HEREBY ORDERS THAT:**

1. The Prosecutor shall, by close of business on Tuesday 10 October 2000, serve notice on the Defence of the order of the witnesses that she intends to call during the first three weeks of the trial. The Prosecutor shall also provide a summary of evidence for each witness indicating the counts and the accused to whom the evidence relates, where this has not been done as yet, and particulars of any prior testimony before the Tribunal.
2. Regarding the request by Counsel for Nahimana for the Prosecutor to disclose a list of questions put to the witnesses by the investigators, the dates and the participants in the Georges Ruggiu interview, the Trial Chamber has considered the provisions in Rule 70 on matters not subject to disclosure, which exclude documents prepared by a Party, its assistants, or representatives in connection with the investigation or preparation of the case from being disclosed. The Trial Chamber directs that the Prosecutor shall not be required to disclose them, as this is a matter for cross-examination at the trial.
3. It shall not be necessary for the 71 issues of the Kangura Newspapers to be translated from Kinyarwanda to English and French. Firstly, it is irrelevant to translate the whole document and only the relevant portions need be translated. Secondly, it stretches the resources of the Tribunal beyond capacity. Thirdly, less expensive measures should be explored such as Counsel securing co-operation of their clients. The extracts, which each party will be relying on at the trial, shall be translated.
4. It shall not be necessary to translate, from French into English, the 9 binders containing transcripts of the Ruggiu interrogation, the 4 audiocassettes of interrogation of Ruggiu and the 29 audiocassettes of the Valérie Bemmeriki broadcast as these exceed the resources of the Tribunal. Moreover, the Prosecutor has indicated that she is not relying on all these materials. A less expensive measure would be for Counsel to be assisted by other Counsel and by their clients.
5. The Prosecutor is reminded of her obligation under Rule 94 *bis* and shall file with the Trial Chamber, Reports of the Expert Witnesses and their Curriculum Vitae indicating whether any of the expert witnesses testified in other cases not less than twenty-one days prior to the date on which the expert is expected to testify. Copies of transcripts of expert witness testimony in other cases before the Tribunal shall also be filed.
6. Considering the provisions of Rule 73 (F) *bis* which stipulates, inter alia, that the designated Judge may order the Defence to file a statement of admitted facts and a

pre-trial brief addressing the factual and legal issues not later than seven days before the trial, the Defence should endeavour to file their pre-trial Briefs indicating which issues they are disputing, in order to facilitate the expeditious progress of the trial.

Done in Arusha this 6<sup>th</sup> day of October 2000

  
Navanethem Pillay  
Presiding Judge  
Trial Chamber I

[Seal of the Tribunal]

