

ICTR-97-20-T  
10-5-2002  
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UNITED NATIONS  NATIONS UNIES

International Criminal Tribunal for Rwanda

TRIAL CHAMBER III

Original: ENGLISH

Before: Judge Yakov Ostrovsky, Presiding  
Judge Lloyd George Williams, QC  
Judge Pavel Dolenc

Registrar: Adama Dieng

Date: 10 May 2002

JUDICIAL RECORDS ARCHIVES  
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THE PROSECUTOR  
v.  
LAURENT SEMANZA

Case No. ICTR-97-20-T

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**DECISION ON THE DEFENCE MOTION FOR INTERPRETATION OF THE  
SCHEDULING ORDER ISSUED ON 2 MAY 2002**

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Office of the Prosecutor:

Chile Eboe Osuji

Defence Counsel for Semanza:

Charles Achaleke Taku  
Sadikou Alao

**THE INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA** (Tribunal),

**SITTING** as Trial Chamber III (Chamber) composed of Judges Yakov Ostrovsky, presiding, Lloyd George Williams, QC, and Pavel Dolenc;

**BEING SEISED** of the “Requête de la Défense en vue de l’Interprétation de la décision de la Chambre III en date du 2 mai 2002 intitulée “Scheduling Order” ” filed 7 May 2002;

**RECALLING** the Chamber’s Scheduling Order of 2 May 2002 inviting the parties to present their closing arguments, including matters of sentencing, not later than 17 June 2002, and to file a final trial brief with the Chamber at least five days prior to the date set for the closing arguments;

**CONSIDERING** that the Defence is seeking the interpretation of the Scheduling Order in regard to the two following issues:

-The same deadline has been set for both parties to file their final brief whereas the Defence can only file its briefs after being aware of the content of the Prosecution’s final brief in order to know what exactly the Prosecutor has ultimately decided to hold against the accused.

-The scheduling order does not contain any information with regard to the timing of the submissions of the Belgian Government as *amicus curiae*. The defence reminds that the Belgian Government has been invited by the Chamber to appear before it and make its submissions after the presentation of evidence by parties and before they present their closing arguments.

**CONSIDERING** that the Prosecutor did not file a reply within the five-day time limit prescribed in Rule 73 D of the Rules of Procedure and Evidence;

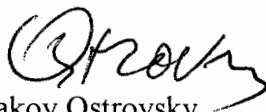
**The Chamber decides and reminds the parties of the following:**

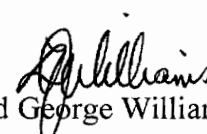
1. On 9 February 2001 the Chamber granted the Belgium request to appear as *amicus curiae* and to make submissions with respect to the legal scope of Article 3 common to the four Geneva Conventions and of Additional Protocol II. The Chamber has scheduled the presentation of the Belgian Government’s oral submissions for 17 June 2002 at 9:00 a.m.
2. Thereafter the Prosecutor and the Defence will present their closing arguments respectively.
3. As already ordered, final trial briefs of the parties shall be filed with the Chamber not later than five days prior to the day set for the presentation of the closing arguments, i.e. not later than 12 June 2002.
4. Contrary to the Defence contention, there is nothing incorrect in setting the same date for the submission by both parties of their final trial briefs and for the presentation of their closing arguments.
5. The Defence final trial brief should not be considered as a response to the similar Prosecutor’s document. Rather, the Defence final trial brief is a document wherein the Defence is expected to express its own position regarding the charges against the Accused as set out in the Indictment and the totality of the evidence led in the case.

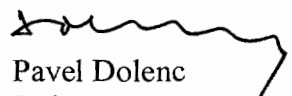
6. Similarly, with respect to the closing arguments Rule 86 (A) stresses that whether or not the Prosecutor presents a closing argument, the Defence may do so.

7. Lastly, the Chamber finds that the Defence could have requested further clarification with respect to the Chamber's timetable through the usual channel of the Court Management Section without any need to file this motion. The Chamber finds the motion to be unnecessary and therefore an abuse of process. Consequently, the Chamber directs the Registry, pursuant to Rule 73 E, not to pay any costs or fees associated with the filing of the motion.

Arusha, 10 May 2002.

  
Yakov Ostrovsky  
Judge, Presiding

  
Lloyd George Williams, QC  
Judge

  
Pavel Dolenc  
Judge

Seal of the Tribunal