



International Criminal Tribunal for Rwanda
Tribunal pénal international pour le Rwanda

TRIAL CHAMBER II

Original: English

**International Criminal Tribunal for Rwanda
Tribunal pénal international pour le Rwanda
UNITED NATIONS
NATIONS UNIES**

**OR: ENG
TRIAL CHAMBER II**

**Before: Judge William H. Sekule, Presiding
Judge Arlette Ramaroson
Judge Solomy Balungi Bossa**

Registrar: Mr Adama Dieng

Date: 14 April 2004

**The PROSECUTOR v. Pauline NYIRAMASUHUKO & Arsène Shalom
NTAHOBALI
Case No. ICTR-97-21-T
The PROSECUTOR v. Sylvain NSABIMANA & Alphonse NTEZIRYAYO
Case No. ICTR-97-29A&B-T
The PROSECUTOR v. Joseph KANYABASHI
Case No. ICTR-96-15-T
The PROSECUTOR v. Elie NDAYAMBAJE
Case No. ICTR-96-8-T
[Joint Case No. ICTR-98-42-T]**

SCHEDULING ORDER

Office of the Prosecutor Defence Counsel
Michel Marchand and Simone Santerre for Kanyabashi

Pierre Boulé and Claude Desrochers for Ndayambaje
Josette Kadji and Charles Tchakounte for Nsabimana
Duncan Mwanyumba and Normand Marquis for Ntahobali
Frédéric Titinga Pacere and Richard Perras for Nteziryayo
Nicole Bergevin and Guy Poupart for Nyiramasuhuko
Silvana Arbia
Adelaide Whest
Jonathan Moses
Adesola Adeboyejo
Manuel Bouwknecht, Case Manager

THE INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA (the ‘Tribunal’),

SITTING as Trial Chamber II composed of Judge William H. Sekule, Presiding, Judge Arlette Ramaroson and Judge Solomy Balungi Bossa (the ‘Chamber’);

BEING SEISED of ‘Ntahobali’s Extremely Urgent Motion to Declare Inadmissible Testimony of Witness TQ’ filed by Ntahobali on 5 April 2004 (the ‘Motion’);

CONSIDERING:

1. the ‘Prosecutor’s Response to Ntahobali’s ‘Requête d’extrême urgence de Arsène Shalom Ntahobali en déclaration d’inadmissibilité du témoignage du témoin TQ’” filed on 5 April 2004 (the ‘Response’);
2. the letter addressed to Judge William H. Sekule by the International Committee of the Red Cross (ICRC) on 5 April 2004, filed on 6 April 2004;
3. the letter addressed Judge William H. Sekule by the Red Cross of Belgium on 5 April 2004, filed on 6 April 2004;
4. the ‘Prosecutor’s Supplemental Response to Ntahobali’s ‘Requête d’extrême urgence de Arsène Shalom Ntahobali en déclaration d’inadmissibilité du témoignage du témoin TQ’” filed on 6 April 2004 (the ‘Supplemental Response’);
5. the ‘Reply to the Prosecutor’s Response to Ntahobali’s ‘Requête d’extrême urgence de Arsène Shalom Ntahobali en déclaration d’inadmissibilité du témoignage du témoin TQ’” filed on 13 April 2004 (the ‘Reply’);
6. ‘Nsabimana’s Response to Ntahobali’s ‘Requête d’extrême urgence de Arsène Shalom Ntahobali en déclaration d’inadmissibilité du témoignage du témoin TQ’” filed on 13 April 2004 (‘Nsabimana’s Response’);

HAVING HEARD the Parties on 6 April 2004;

HEREBY,

- I. ORDERS the Prosecution to clarify its submission in their response to the Motion in the following way: to specify within two days which part of Witness TQ’s testimony comprises information obtained by the witness while serving the Red Cross, and which part comprises information obtained by the witness while not serving the Red Cross;
- II. ORDERS the Registry to translate into French and transmit to the Defence all submissions made by the Prosecutor pursuant of the current Scheduling Order within three days after their filing;
- III. ORDERS all Counsel for the Defence, who wish to reply to the Prosecutor’s

submissions, to file their replies within three days after the filing of the French translation; and

IV. NOTES that the current Scheduling Order is without prejudice to the pending question whether this Trial Chamber will recognise any special status for the Red Cross and/or such of its staff and volunteers that are sought to be called to testify as witnesses in respect of information which they might have obtained while serving the Red Cross.

Arusha, 14 April 2004

William H. Sekule Arlette Ramarason Solomy Balungi Bossa
Presiding Judge Judge Judge

[Seal of the Tribunal]