



International Criminal Tribunal for Rwanda  
Tribunal pénal international pour le Rwanda

Or: ENG

TRIAL CHAMBER II

**Before:**

Judge	Asoka	De	Silva,	Presiding
Judge		Flavia		Lattanzi
Judge	Florence Rita Arrey			

**Registrar:** Mr. Adama Dieng

**Date:** 1 February 2005

**The PROSECUTOR**

v.

**Tharcisse MUVUNYI**

*Case No. ICTR-2000-55A-PT*

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**SCHEDULING ORDER**

*Rules 47(F) (i) and 54 of the Rules of Procedure and Evidence*

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**Office of the Prosecutor:**

*Mr Charles Adeogun-Phillips*  
*Ms Sola Adeboyejo*  
*Ms Renifa Madenga*  
*Mr Dennis Mabura*

**Defence Counsel:**

*Mr William Taylor*  
Ms Cynthia Cline

**THE INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA** (the “Tribunal”),

**SITTING** as Trial Chamber II, composed of Judge Asoka De Silva, Presiding, Judge Flavia Lattanzi and Judge Florence Rita Arrey (the “Chamber”);

**BEING SEIZED** of the “Prosecutor’s Request for Leave to Amend an Indictment Pursuant to Rules 73 and 50 of the Rules of Procedure and Evidence” filed on 17 January 2005 (“Request”);

**HAVING RECEIVED AND CONSIDERED** “Accused Tharcisse Muvunyi’s Response to the Prosecutor’s Request for Leave to Amend an Indictment Pursuant to Rules 73 and 50 of the Rules of Procedure and Evidence” filed on 26 January 2005;

**CONSIDERING** the Rules of Procedure and Evidence (“Rules”) in particular Rule 50(A)(ii) and Rule 47(F) of the Rules;

**CONSIDERING** that certain clarifications regarding a number of ambiguities in the Prosecutor’s submission will assist the Chamber in its assessment of the Prosecutor’s Request;

**I. DIRECTS** the Prosecutor to file by Friday, 4 February 2005, a written response to the following questions:

(i) Is the Accused charged with

Genocide

or

Complicity in Genocide and Direct and Public Incitement to Commit Genocide?

Or is he charged with

Genocide

or \_\_\_\_\_ Complicity

in

Genocide

and

Direct and Public Incitement to Commit Genocide?

(ii) Which types of responsibility under Article 6(1) of the Statute does the Prosecutor intend to rely upon?

(iii) Which factual allegations refer specifically to which type of responsibility under Article 6(1) of the Statute?

(iv) Does the Prosecutor wish to rely solely on responsibility under Article 6(1) of the Statute with respect to the allegations contained in paragraphs 10 to 14 and 26 to 30 of the Proposed Amended Indictment?

(v) Does the Prosecutor wish to rely solely on responsibility under Article 6(3) of the Statute with respect to the allegations contained in paragraphs 15 to 25 of the Proposed Amended Indictment?

(vi) Has the Prosecutor previously disclosed the allegations contained in paragraphs 15, 16, 17, 18, 19, 26, 28 and 29 of the Proposed Amended Indictment to the Defence? If so: By what means and on which date?

**II. DIRECTS** the Defence to submit any response to the Prosecutor’s filing within three days after the Prosecutor’s submissions have been served on it.

Arusha, 1 February 2005, done in English.

Asoka De Silva  
Presiding Judge

Flavia Lattanzi  
Judge

Florence Rita Arrey  
Judge

[Seal of the Tribunal]