



International Criminal Tribunal for Rwanda
Tribunal pénal international pour le Rwanda

OR: ENG

TRIAL CHAMBER III

Before Judge: Dennis C. M. Byron, Presiding
Pursuant to Rule 54 of the Rules of Procedure and Evidence

Registrar: Adama Dieng

Date: 8 August 2005

THE PROSECUTOR

v.

Édouard KAREMERA
Mathieu NGIRUMPATSE
Joseph NZIRORERA

Case No. ICTR-98-44-R54

**SCHEDULING ORDER – ORAL ARGUMENTS ON RAPE, COMPLICITY IN
GENOCIDE AND THE PLEADING OF A JOINT CRIMINAL ENTERPRISE
IN THE AMENDED INDICTMENT**

Rule 54 of the Rules of Procedure and Evidence

Office of the Prosecutor:

Don Webster
Dior Fall
Gregory Lombardi
Iain Morley
Tamara Cummings-John
Sunkarie Ballah-Conteh
Takeh Sendze

Defence Counsel for Édouard Karemera:

Dior Diagne Mbaye and Félix Sow

Defence Counsel for Mathieu Ngirumpatse:

Chantal Hounkpatin and Frédéric Weyl

Defence Counsel for Joseph Nzirorera:

Peter Robinson

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

SITTING as Trial Chamber III composed of Judge Dennis C. M. Byron, Presiding,
 (“Chamber”), pursuant to Rule 54 of the Rules of Procedure and Evidence (“Rules”);

RECALLING the Decisions of 5 August 2005, on Joint Criminal Enterprise and Defects in the Form of the Amended Indictment, and the postponement of certain arguments raised by the parties for an oral hearing;[\[1\]](#)

RECALLING that the trial is scheduled to commence on 5 September 2005, and that a Pre-Trial Conference will take place on 29 August 2005;

CONSIDERING that these matters should be decided before hearing the evidence of the Prosecution Case;

THE CHAMBER HEREBY ORDERS

I. the parties to appear on Friday 2 September 2005, to make their oral arguments on the following two questions:

I.1. Can the extended form of Joint Criminal Enterprise be plead as a form of liability for the charge of Rape (Count 5) while the Indictment does not specify any rape?

I.2. Can Joint Criminal Enterprise be plead as a form of liability for the charge of Complicity in Genocide (Count 4)?

II. the parties to file their written submissions on those issues no later than 26 August 2005, with their arguments and the relevant authorities;

III. the Defence for Joseph Nzirorera, as the party who raised these issues, will have one hour to make its arguments, thirty minutes on each question;

IV. the Defence for Édouard Karemera and Mathieu Ngirumpatse will have half an hour if they wish to make any arguments on these issues, fifteen minutes on each question;

V. the Prosecutor will have one hour to make his arguments, thirty minutes on each question;

VI. the parties each will have the option of fifteen minutes for any further arguments or response;

VII. the Registrar to take the necessary measures for the proper implementation of this scheduling order.

Arusha, 8 August 2005, done in English.

Dennis C. M. Byron
Presiding Judge

[Seal of the Tribunal]

[\[1\]](#) *The Prosecutor v. Édouard Karemera, Mathieu Ngirumpatse and Joseph Nzirorera*, Case No. ICTR-98-44-R72, Decision on Defects in the Form of the Indictment (TC), 5 August 2005, para. 47; and Decision on Defence Motion Challenging the Jurisdiction of the Tribunal – Joint Criminal Enterprise (TC), 5 August 2005, paras. 10 and 12.