



UNITED NATIONS  
NATIONS UNIES

**International Criminal Tribunal for Rwanda  
Tribunal pénal international pour le Rwanda**

OR: ENG

**TRIAL CHAMBER II**

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

**Registrar:** Mr Adama Dieng

**Date:** 5 October 2006

**The PROSECUTOR v. ÉLIE NDAYAMBAJE  
The PROSECUTOR v. JOSEPH KANYABASHI  
The PROSECUTOR v. PAULINE NYIRAMASUHUKO & ARSÈNE SHALOM NTAHOBALI  
The PROSECUTOR v. SYLVAIN NSABIMANA & ALPHONSE NTEZIRYAYO  
Joint Case No. ICTR – 98 – 42 – T**

**SCHEDULING ORDER**

*Rule 54 of the Rules of Procedure and Evidence*

**Office of the Prosecutor**

Silvana Arbia  
Gregory Townsend  
Adelaide Whest  
Holo Makwaia  
Althea Alexis  
Astou Mbow

**Defence Counsel for Ndayambaje**

Pierre Boulé

**Defence Counsel for Kanyabashi**

Michel Marchand  
Simone Santerre

**Defence Counsel for Nyiramasuhuko**

Nicole Bergevin  
Guy Poupart

**Defence Counsel for Ntahobali**

Normand Marquis  
Louis Huot

**Defence Counsel for Nsabimana**

Josette Kadji

**Defence Counsel for Nteziryayo**

Titinga Frédéric Pacere  
Richard Perras

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

**SITTING** as Trial Chamber II composed of Judge William H. Sekule, Presiding, Judge Arlette Ramarosan and Judge Solomy Balungi Bossa (the “Chamber”) pursuant to Rule 54 of the Rules of Procedure and Evidence (the “Rules”)

**RECALLING** the Scheduling order of 14 December 2005 in which the Chamber ordered five Defence teams in this case “to seriously review their witness list with a view to reducing the total number of witnesses as well as reducing the number of witnesses who are being called to prove the same facts and to file an updated precise list of witnesses by Monday 23 January 2006 pursuant to Rule 73*ter* (D) of the Rules.”

**NOTING** that the presentation of the Defence case is scheduled to be completed by mid-2007 and that all efforts should be made to ensure the efficient conduct of the proceedings until then and to comply with that deadline.

**CONSIDERING** that as of 27 July 2006, the Defence for Nteziryayo has listed 28 witnesses<sup>1</sup> and that on 14 July 2006, the Chamber had urged the Defence to reduce significantly its list.<sup>2</sup>

**CONSIDERING** that as of 23 January 2006, the Defence for Ndayambaje has listed 51 witnesses.<sup>3</sup>

**CONSIDERING** that the Defence for Kanyabashi has listed 110 factual witnesses and seven expert witnesses in its Pre-Defence Brief; that on 20 January 2006, the Defence for Kanyabashi indicated that a total of 32 factual witnesses were to be removed from its list but indicated that it would file a motion to add and remove witnesses at a later stage;<sup>4</sup> that today, a total of 78 factual witnesses and seven experts still appear on the list of potential witnesses.

**HEREBY**

**STATES** that the presentation of the Defence case is scheduled to be completed by mid-2007;

**ORDERS** the Defence for Alphonse Nteziryayo, Elie Ndayambaje and Joseph Kanyabashi to review their witness list with a view to significantly reducing the total number of witnesses as well as reducing the number of witnesses who are being called to prove the same facts, and to file a realistic and updated list of witnesses by Monday 6 November 2006 pursuant to Rule 73*ter* (D) of the Rules;

**ORDERS** the Defence for Nteziryayo to proceed with the presentation of its case as soon as the Defence for Nsabimana is closed and to ensure that all relevant disclosures have been made in due time to avoid any delay in the proceedings.

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<sup>1</sup>The Prosecutor v. Nteziryayo, *Liste révisée des témoins de la défense de Alphonse Nteziryayo*, 27 July 2006.

<sup>2</sup>The Prosecutor v. Nteziryayo, Decision on Alphonse Nteziryayo’s Motion to Modify his Witness List, 14 July 2006.

<sup>3</sup>The Prosecutor v. Ndayambaje, *Réponse au Scheduling Order du 14 décembre 2005*, 23 January 2006.

<sup>4</sup>The Prosecutor v. Kanyabashi, *Mise à jour de la liste des témoins du mémoire préalable (Scheduling Order du 14 Décembre 2005)*, 20 January 2006.

Arusha, 5 October 2006

William H. Sekule  
Presiding Judge

Arlette Ramaroson  
Judge

Solomy Balungi Bossa  
Judge

[Seal of the Tribunal]