



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 Ramarason
Judge Solomy Balungi Bossa

Registrar: Mr Adama Dieng

Date: 21 November 2006

The PROSECUTOR v. Hormisdas NSENGIMANA

Case No. ICTR – 2001 – 69 – I

SCHEDULING ORDER

Rule 54 of the Rules of Procedure and Evidence

Office of the Prosecutor

Mr William Egbe
Mr Sulainman Khan
Ms Veronic Wright
Mr Patrick Gabake
Ms Amina Ibrahim

Defence Counsel

Mr Altit
Mr Remi

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”), pursuant to Rule 54 of the Rules of Procedure and Evidence;

SEIZED of the Confidential “Prosecutor’s Motion for Leave to File an Amended Indictment,” (the “Motion”) to which is attached the proposed Amended Indictment as Annex A, and the Confidential “Brief in Support of the Prosecutor’s Motion for Leave to File an Amended Indictment,” filed on 2 October 2006;

NOTING the “*Mémoire en Réplique à la “Requête du Procureur demandant à pouvoir déposer un acte d’accusation modifié,”* to which is attached the «*Mémoire comparatif du projet d’acte d’accusation modifié et de l’acte d’accusation actuel,*» filed on 25 October 2006;

RECALLING the relevant provisions of Rule 50 that;

- (A) (i) [...] At or after [...] initial appearance, an amendment of an indictment may only be made by leave granted by that Trial Chamber pursuant to Rule 73. If leave to amend is granted, Rule 47 (G) and Rule 53 *bis* apply *mutatis mutandis* to the amended indictment.
- (ii) In deciding whether to grant leave to amend the indictment, the Trial Chamber or, where applicable, a Judge shall, *mutatis mutandis*, follow the procedures and apply the standards set out in Sub-Rules 47(E) and (F) in addition to considering any other relevant factors.

NOTING that the Prosecution has not disclosed to the Chamber any material in support of the expanded allegations contained in the proposed amended Indictment;

HEREBY

ORDERS the Prosecution to file with the Registry, within a week from this Order, an unredacted version of any material which may be useful in supporting the Motion accompanied by a precise table specifying which material supports which expanded/ new factual allegations and /or new charges, as well as a redacted version of the same which includes the appropriate redactions for the Defence, if necessary;

DIRECTS the Registry;

- I** To immediately provide the Chamber with the confidential unredacted version of the Prosecution’s supporting materials and table after receiving them from the Prosecution;
- II** To serve upon the Defence the redacted French version of the Prosecution’s supporting materials and table and to follow up on any translation issues arising from the filing of the said material;

INSTRUCTS the Defence to file any further response within five days of the notification of the redacted French version of the Prosecution’s supporting materials and table;

INSTRUCTS the Prosecution to file any reply within five days of the notification of the Defence further response.

Arusha, 21 November 2006

William H. Sekule
Presiding Judge

Arlette Ramaroson
Judge

Solomy Balungi Bossa
Judge

[Seal of the Tribunal]