

ICTR-00-56-T
(16-02-2007)
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International Criminal Tribunal for Rwanda
Tribunal pénal international pour le Rwanda

OR: ENG

TRIAL CHAMBER II

Before Judges: Asoka de Silva, Presiding
Taghrid Hikmet
Seon Ki Park

Registrar: Adama Dieng

Date: 16 February 2007

THE PROSECUTOR
v.
AUGUSTIN NDINDILYIMANA
AUGUSTIN BIZIMUNGU
FRANÇOIS-XAVIER NZUWONOMEYE
INNOCENT SAGAHUTU

JUDICIAL RECORDS/ARCHIVES
2007 FEB 16 PD 1:35

Case No. ICTR-2000-56-T

**SCHEDULING ORDER FOLLOWING THE PRE-DEFENCE CONFERENCE HELD
ON 15 FEBRUARY 2007**

Office of the Prosecutor:
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Anne Bodley

Defence Counsel for A. Ndindilyimana
Christopher Black & Patrick de Wolf
Defence Counsel for A. Bizimungu
Gilles St. Laurent & Ronnie MacDonald
**Defence Counsel for François-Xavier
Nzuwonemeye**
Charles Taku
Defence Counsel for Innocent Sagahutu
Fabien Segatwa & Seydou Doumbia



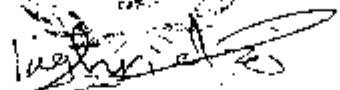
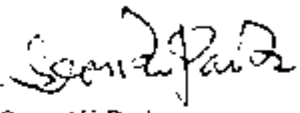
1. On 7 December 2006, the Prosecution closed its case after presenting seventy-two witnesses. On the same day, the Chamber held a Status Conference during which it ordered that a Pre-Defence Conference be held on 15 February 2007.
2. During the pre-Defence Conference, the Defence made submissions on when the pre-Defence Brief and other documents could be filed, when the Defence case could start, and which Defence team would be the first to begin the presentation of its case. All of the Defence teams opposed the suggested start date of 26 March 2007, arguing that they needed more time to adequately prepare their Defence. They requested for a delay ranging from 2-4 months in order to get ready. The Chamber notes that it has already been over two months since the close of the Prosecution case. The Defence for Ndindiliyimana, supported by the Defence for Bizimungu, submitted that it could not file its pre-Defence case requirements prior to 15 March 2007 due to travel and other work commitments. It also submitted that the presentation of the Defence cases should be staggered amongst the Defence teams for purposes of fairness and efficiency, such as was done in the case of *Bagosora et. al.* The representative from the Witness and Victims Support Section (WVSS) advised the Chamber against this option as it posed many difficulties in the *Bagosora et. al.* case. The Defence for Sagahutu opposed the suggestion that it be the first team to begin the presentation of its case due to the nature of the charges against the Accused, and the fact that Captain Sagahutu was a subordinate of some of the other Accused.

HAVING CONSIDERED ALL THE SUBMISSIONS, THE CHAMBER HEREBY ORDERS:

3. The Parties to file admissions and/or a statement of matters not in dispute, if any, by 15 March 2007. In this respect, the Chamber reminds the Parties of the 16 June 2006 Decision of the Appeals Chamber in *The Prosecutor v. Karemera et al.*
4. The Defence to file a statement of contested matters of fact and law by 15 March 2007.
5. Each Defence team to file its Pre-Defence Brief not later than 15 March 2007. The Pre-Defence Briefs shall include:
 - A list of witnesses each defence team intends to call, together with the pseudonyms assigned to them pursuant to the Decision on protective measures for Defence witnesses dated 8 June 2004;
 - A summary of the facts and the points of the Indictment upon which each witness will testify;
 - The estimated length of time required for the testimony of each witness;
 - A list of exhibits the defence intends to produce, stating where possible, whether or not the Prosecution has any objection as to authenticity.
6. The Chamber also orders that the Defence teams shall disclose the identifying information of the witnesses they intend to call not later than 21 days prior to the date of each witness' testimony following the Chamber's decision of 8 June 2002.
7. The Defence evidence will be heard with effect from 16 April 2007 starting with the case of the first Accused Augustin Bizimungu. The presentation of the other Defence cases will follow the order laid out in the Indictment.
8. The Chamber notes that this Scheduling Order is issued for the purpose of preparing the Defence cases and is without prejudice to the outcome of the Motions for Acquittal currently pending before the Chamber.



At isha, 16 February 2007, done in English.

	 	
Asoka de Silva	Taghrid Hikmet	Seon Ki Park
Presiding Judge	Judge	Judge
[Seal of the Tribunal]		



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COURT MANAGEMENT SECTION
(Art. 27 of the Directive for the Registry)

I - GENERAL INFORMATION (To be completed by the Chambers / Filing Party)

To:	<input type="checkbox"/> Trial Chamber I N. M. Diallo	<input checked="" type="checkbox"/> Trial Chamber II R. N. Kouambo	<input type="checkbox"/> Trial Chamber III C. K. Hometawu	<input type="checkbox"/> Appeals Chamber / Arusha F. A. Talon
	<input type="checkbox"/> Chief, CMS J.-P. Fomété	<input type="checkbox"/> Deputy Chief, CMS M. Diop	<input type="checkbox"/> Chief, JPU, CMS K. K. A. Afande	<input type="checkbox"/> Appeals Chamber / The Hague R. Burriss
From:	<input checked="" type="checkbox"/> Chamber Bruno Zehnder <small>(names)</small>	<input type="checkbox"/> Defence <small>(names)</small>	<input type="checkbox"/> Prosecutor's Office <small>(names)</small>	<input type="checkbox"/> Other: <small>(names)</small>
Case Name:	The Prosecutor vs. A. Ndiindiyimana et al.		Case Number: ICTR-00-56-T	
Dates:	Transmitted: 16 February 2007		Document's date: 16 February 2007	
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Title of Document:	SCHEDULING ORDER FOLLOWING THE PRE-DEFENCE CONFERENCE HELD ON 15 FEBRUARY 2007			
Classification Level:	TRIM Document Type:			
<input type="checkbox"/> Strictly Confidential / Under Seal	<input type="checkbox"/> Indictment	<input type="checkbox"/> Warrant	<input type="checkbox"/> Correspondence	<input type="checkbox"/> Submission from non-parties
<input type="checkbox"/> Confidential	<input type="checkbox"/> Decision	<input type="checkbox"/> Affidavit	<input type="checkbox"/> Notice of Appeal	<input type="checkbox"/> Submission from parties
<input checked="" type="checkbox"/> Public	<input type="checkbox"/> Disclosure	<input checked="" type="checkbox"/> Order	<input type="checkbox"/> Appeal Book	<input type="checkbox"/> Accused particulars
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Reference material is provided in annex to facilitate translation.

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CMS SHALL NOT take any action regarding translation.

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Translation	in	<input type="checkbox"/> English	<input type="checkbox"/> French	<input type="checkbox"/> Kinyarwanda

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<input type="checkbox"/> Normal		<input type="checkbox"/> Other deadlines: