



UNITED NATIONS
NATIONS UNIES

ICTR-00-56-T
31-10-2007
(64524-64521)

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International Criminal Tribunal for Rwanda
Tribunal pénal international pour le Rwanda

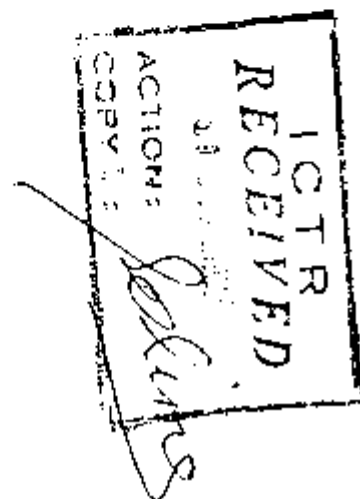
OR: ENG

TRIAL CHAMBER II

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

Registrar: Mr Adama Dieng

Date: 31 October 2007



The PROSECUTOR
v.
Augustin NDINDILYIMANA
Augustin BIZIMUNGU
François-Xavier NZUWONEMEYE
Innocent SAGAHUTU
Case No. ICTR-00-56-T

SCHEDULING ORDER

Rule 54 of the Rules of Procedure and Evidence

Office of the Prosecutor:

Mr Alphonse Van
Mr Moussa Sefou
Mr Segun Jegede
Mr Lloyd Strickland
Mr Abubacarr Tambadou
Ms Felistas Mushi
Ms Faria Rekkas
Ms Marlize Keefer

Counsel for the Defence:

Mr Gilles St-Laurent and Mr Ronnie MacDonald for **Augustin Bizimungu**
Mr Christopher Black and Mr Vincent Lurquin for **Augustin Ndindiliyimana**
Mr Charles Taku and Ms Beth Lyons for **François-Xavier Nzuwonemeye**
Mr Fabien Segatwa and Mr Seydou Doumbia for **Innocent Sagahutu**

1. On 15 March 2007, the Bizimungu Defence filed their Pre-Defence Brief, including a temporary witness list containing 23 witnesses.¹ On 17 April 2007, the Defence filed an Amended Pre-Defence Brief listing 79 factual witnesses, plus the Accused, and four expert witnesses.² The first Defence session took place between 16 April and 15 June, in which the Defence called 24 witnesses. During a Status Conference held on 18 June 2007, the Chamber announced, based on an earlier indication by Counsel for Bizimungu, that it was not expecting more than 40 witnesses in total for the Bizimungu Defence. The estimated additional time for the Bizimungu Defence to close its case was approximately one more month of the next session, scheduled from September to December 2007.³

2. Counsel for Bizimungu informed the Chamber that he would shortly submit a revised witness list and indicated that they would like to end their case soon.⁴ The following day, a Scheduling Order was issued, ordering *inter alia* the Bizimungu Defence to file its revised list of witnesses by Monday, 25 June 2007.⁵ On 25 June 2007, the Bizimungu Defence filed a "revised witness list", dropping 19 witnesses but announcing that it was still not ready to give the exact number of the remaining witnesses.⁶

3. Also during the Status Conference of 18 June 2007, the Chamber indicated to Counsel for Ndingilimani that he should be ready to start his case in the next trial session.⁷

4. The second Defence session started on 16 October 2007 and is scheduled to run until 14 December 2007. On 24 October 2007, the Chamber issued the Decision on Augustin Bizimungu's Request to Vary his Witness List, in which the Chamber recalled that the Bizimungu Defence was expected to close its case in the current session.⁸

5. In view of the sequence of events recalled above, the Chamber expects the Defence teams, in particular the Bizimungu Defence, to be ready by now to proceed as instructed. However, the Defence for Bizimungu has not hitherto provided its final list of witnesses, nor has it given an indication on whether and when the Accused will take the witness stand. Expert witnesses 1, 2 and 3 have been listed without any indication of their identities or of the specific subject matter of their testimonies. The report of expert witness 4 has yet been disclosed.⁹ These lapses, if not addressed now, may disrupt the smooth continuation of the trial. The Chamber is therefore constrained to re-issue a Scheduling Order as follows.

¹ The English version was filed on 4 April 2007.

² The English version was filed on 15 June 2007.

³ T. 18 June 2007, pp. 2-4.

⁴ T. 18 June 2007, p. 2.

⁵ Scheduling Order following the Status Conference held on 18 June 2007 (TC), 19 June 2007.

⁶ *Mise à jour de la liste des témoins du Mémoire préalable du Général Augustin Bizimungu* (Scheduling Order Following the Status Conference Held on 18 June 2007).

⁷ T. 18 June 2007, p. 4.

⁸ Decision on Augustin Bizimungu's Request to Vary his Witness List (TC), 24 October 2007, para. 1.

⁹ Although the Defence for Bizimungu is still within the deadline prescribed in Rule 94*bis*, due to past experience, the Chamber is anxious to make sure that no delay will occur in this particular regard.

THE CHAMBER HEREBY

I. Orders the Defence for Bizimungu:

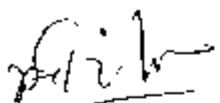
- a. to organize itself so as to close its case by 14 December 2007, which is the end of the current session;
- b. to provide the Chamber with a final list of witnesses it intends to call by 12:00 p.m. on Friday 2 November 2007, including a tentative schedule for their testimonies, within the timeframe indicated above;
- c. to give adequate notice to the Parties on whether or not the Accused will testify;

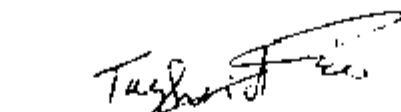
II. Considers expert witnesses 1-3 listed in the Bizimungu Pre-Defence Brief as not being part of the witness list, short of any indication of their identities and of the subject matter of their prospective testimonies. The Chamber may consider allowing one or more of the expert witnesses to testify, upon submission of the missing information within 7 days from the filing of this Scheduling Order;

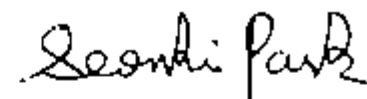
III. Further recalls, the need to timely disclose the report of expert witness 4, as per Rule 94bis of the Rules;

IV. Orders the Defence for Ndingiriyimana to be ready to start its case in mid-January 2008 and to submit to WVSS, at least two months ahead of time, the required information regarding the witnesses, so as to ensure their availability.

Arusha, 31 October 2007


Asoka de Silva
Presiding Judge


Toghrid Hikmet
Judge


Seon Ki Park
Judge

[Seal of the Tribunal]