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04-12-2007  
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International Criminal Tribunal for Rwanda  
Tribunal pénal international pour le Rwanda

UNITED NATIONS  
NATIONS UNIES

OR:  
ENG

**TRIAL CHAMBER DESIGNATED PURSUANT TO RULE 11 *BIS***

**Before Judges:** Khalida Rachid Khan, presiding  
Asoka de Silva  
Emile Francis Short

**Registrar:** Mr Adama Dieng

**Date:** 4 December 2007

**THE PROSECUTOR**

v.

**ILDEPHONSE HATEGEKIMANA**

**Case No. ICTR-00-55B-I**

Handwritten signature and date: 4 Dec 2007

**SCHEDULING ORDER FOR FILING OF SUBMISSIONS BY THE PARTIES**

**Office of the Prosecutor:**

Hassan Bubacar Jallow  
Bongani Majola  
Silvania Arbia  
Alex Obote-Adora  
Richard Karegyesa  
George Munwangya  
Inneke Onsea  
Francois Nsanzuwera  
Florida Kabasinga

**Defence Counsel:**

Dovi Ahlonko Robert  
Dovi-Avouyi Atu-Quan

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**INTRODUCTION**

1. The Prosecution has requested that Mr Hategekimana's case, currently in the pre-Trial phase before the Tribunal,<sup>1</sup> be referred to the authorities of Rwanda for prosecution before an appropriate Rwandan court pursuant to Rule 11 *bis* of the Rules of Procedure and Evidence.<sup>2</sup> In accordance with Rule 11 *bis* (A),<sup>3</sup> the President designated a Trial Chamber to decide the Referral Request, comprising Judges Khalida Rachid Khan, presiding, Asoka de Silva, and Emile Francis Short.<sup>4</sup>

**DISCUSSION**

2. The Defence requests that the Chamber order the Prosecution to provide it with a French version of the Referral Request, as well as French copies of all annexes to the Referral Request. The Defence also requests that it be allowed to file its response to the Referral Request 45 days (one month and one half) after receipt of the French documents. The Prosecution responded to the Defence Request, noting that it did not oppose the establishment of a scheduling order.<sup>5</sup> The Defence reiterated its request that all documents be served on it in French.<sup>6</sup>

3. The Chamber notes that the French translation of the Referral Request was circulated on 27 October 2007. French language versions of Annexes A, C, G, H and I. to the Referral Request have not yet been made available to the Defence.

4. The Rules of Procedure and Evidence are silent as to the time limit to file a response to a referral request brought under Rule 11 *bis*.

5. The French translation of the Referral Request has been available to the Defence for more than thirty (30) days. While the Chamber considers this more than a sufficient period to respond to the Referral Request, the Chamber notes that the Defence has not yet received translations of the above-referenced annexes. As such, the Chamber will give the Defence additional time to respond after it receives the French language versions of Annexes A, C, G, H and I.

<sup>1</sup> On 9 November 2007, Mr Hategekimana made a further appearance following the filing of an Amended Indictment on 1 October 2007.

<sup>2</sup> Prosecutor's Request for the Referral of the Case of Idelphonse Hategekimana to Rwanda Pursuant to Rule 11 *bis* of the Tribunal's Rules of Procedure and Evidence, 7 September 2007 ("Referral Request").

<sup>3</sup> Unless specified otherwise, all Rules referred to in this Decision are from the Rules of Procedure and Evidence.

<sup>4</sup> Designation of a Trial Chamber for the Referral of the Case of Idelphonse Hategekimana to Rwanda (President), 2 October 2007.

<sup>5</sup> Prosecutor's Response to 'Relative à la Requête du Procureur du 07 Septembre 2007 et les pièces y annexées, le tout portant suspension de l'Acte d'accusation et de remise de l'Accusé aux Autorités rwandaises pour poursuites', 21 September 2007.

<sup>6</sup> Requête Urgente de la Défense en Obtion en Version Française de Tous les Documents Lies a la Requête du Procureur en Date du 7 Septembre Fondée sur L'Article 11 Bis et en Rappel de la Demande de Défa, filed 26 November 2007 ("Second Defence Request").



**CONSIDERING THE ABOVE, THE CHAMBER**

**ORDERS** the Prosecution to file with the Registry French language versions of Annexes A, C, G, H and L to the Referral Request, or, in the alternative, to explain why any of these Annexes are not available in French within three (3) days of this Order;

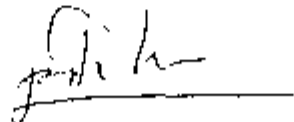
**ORDERS** the Defence to file its response to the Referral Request within fourteen (14) days of receipt of the French language versions of Annexes A, C, G, H and L to the Referral Request.

Arusha, 4 December 2007



Khalida Rachid Khan

Presiding Judge



Asoka de Silva

Judge

With the consent and on behalf of  
Emile Francis Short  
Judge  
(Absent during signature)

[Seal of the Tribunal]

