



**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: 22 January 2008

The PROSECUTOR v. Joseph KANYABASHI

Case No. ICTR-96-15-T

Pauline NYIRAMASUHUKO & Arsène Shalom NTAHOBALI

Case No. ICTR-97-21-T

Joint Case No. ICTR-98-42-T

SCHEDULING ORDER

Rule 54 of the Rules of Procedure and Evidence

Office of the Prosecutor

Ms. Silvana Arbia
Ms. Adelaide Whest
Ms. Holo Makwaia
Ms. Madeleine Schwarz
Ms. Althea Alexis Windsor
Ms. Tolulope Olowoye, Case Manager
Ms. Astou Mbow, Case Manager

Counsel for Kanyabashi

Mr. Michel Marchand
Ms. Simone Santerre

Counsel for Ntahobali

Mr. Normand Marquis
Mr. Bertrand Saint-Arnaud

Counsel for Nyiramasuhuko

Ms. Nicole Bergevin
Mr. Guy Poupart

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

SITTING as Trial Chamber II composed of Judges William H. Sekule, Presiding, Arlette Ramaroson and Solomy Balungi Bossa (the “Chamber”);

NOTING the “*Requête en modification de la liste des témoins de la défense de Joseph Kanyabashi en vertu de l’article 73 ter*”, filed by the Defence for Joseph Kanyabashi on 11 December 2007 (the “Motion”);

NOTING the responses by the Prosecution¹, the Defence for Ntahobali², the Defence for Nyiramasuhuko³ and the reply by the Defence for Kanyabashi⁴;

NOTING that the Motion does not provide sufficient and clear reasons for a determination by the Chamber on the request for the substitution of twelve witnesses with twelve different witnesses at this stage of the proceedings;

THE CHAMBER HEREBY

ORDERS the Defence for Kanyabashi to:

- (i) Indicate the reasons for seeking to remove the existing twelve witnesses from the current witness list;
- (ii) Indicate which currently listed witness will be replaced by which witness and delineate precisely the scope of the expected testimony of the twelve proposed witnesses in comparison to the witnesses currently on the list;
- (iii) Specify to what extent the expected testimony of the twelve proposed witnesses will introduce elements that would not have been covered by the witnesses currently on the list;
- (iv) Indicate precisely the elements of the expected testimony of the twelve proposed witnesses which have already been testified to by previous witnesses or which will be testified to by the six witnesses who are currently on the list and are scheduled to testify in the trial session that started on 21 January 2008;

¹ Prosecutor’s Response to the ‘*Requête en modification de la liste des témoins de la défense de Joseph Kanyabashi en vertu de l’article 73 ter*’, filed on 13 December 2007.

² *Réponse de Arsène Shalom Ntahobali à la requête de Joseph Kanyabashi en modification de sa liste de témoins*, filed on 17 December 2007.

³ *Réponse de l’accusée Pauline Nyiramasuhuko à la “Requête en modification de la liste des témoins de la défense de Joseph Kanyabashi en vertu de la liste des témoins de la défense de Joseph Kanyabashi [sic] de l’article 73 ter du 11 Décembre 2007”*, filed on 17 December 2007.

⁴ *Réplique aux réponses du procureur, de Nyiramasuhuko et Ntahobali suite à la requête en modification de la liste des témoins de la défense de Joseph Kanyabashi en vertu de l’article 73 ter*, filed by the Defence for Joseph Kanyabashi on 24 December 2007.

ORDERS the Defence for Kanyabashi to file this information within three (3) days from the notification of this Scheduling Order; any Responding Parties to file their response within three (3) days from the notification of Kanyabashi's information; and to file any reply within two (2) days from the notification of the responses.

Arusha, 22 January 2008

William H. Sekule
Presiding Judge

Arlette Ramaroson
Judge

Solomy Balungi Bossa
Judge

[Seal of the Tribunal]