



OR: ENG

**TRIAL CHAMBER DESIGNATED UNDER RULE 11 *BIS***

**Before:** Inés M. Weinberg de Roca, Presiding  
Lee Gacuiga Muthoga  
Robert Fremr

**Registrar:** Adama Dieng

**Date:** 19 February 2008

**THE PROSECUTOR**

v.

**Yussuf MUNYAKAZI**

*Case No. ICTR-1997-36-I*

**SCHEDULING ORDER FOR A HEARING ON REFERRAL OF THE CASE OF  
YUSSUF MUNYAKAZI TO THE REPUBLIC OF RWANDA**

*Rules 54 and 11bis of the Rules of Procedure and Evidence*

**Office of the Prosecutor:**

Hassan Bubacar Jallow  
Bongani Majola  
Silvana Arbia  
Alex Obote-Odora  
Richard Karegyesa  
George Mugwanya  
Inneke Onsea  
François Nsanzuwera  
Florida Kabasinga

**Defence Counsel:**

Jwani Timothy Mwaikusa  
Eliane Nyampinga

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

**SITTING** as the Trial Chamber designated by the President of the Tribunal pursuant to Rule 11*bis*, composed of Judge Inés Monica Weinberg de Roca, Presiding, Judge Lee Gacuiga Muthoga, and Judge Robert Fremr (the “Chamber”);<sup>1</sup>

**BEING SEIZED** of the Prosecutor’s request of 7 September 2007 for referral of the case by a Trial Chamber under Rule 11*bis* of the Rules of Procedure and Evidence (“the Rules”) to the Republic of Rwanda;<sup>2</sup>

**NOTING** the Defence response to the Prosecutor’s Request, whereby the Defence raises a number of objections relating to a possible referral of the case to the Republic of Rwanda;<sup>3</sup>

**NOTING** the Chamber’s decisions to order, pursuant to Rule 74, that the Republic of Rwanda, the Kigali Bar Association, and the International Criminal Defence Attorneys Association (the “*amici*”), submit their views on a number of issues;<sup>4</sup>

**NOTING** the filing of *amicus curiae* briefs by the *amici*<sup>5</sup> and the Prosecutor’s reply to the *amicus curiae* brief of the ICDA;<sup>6</sup>

**DETERMINING** that in deciding the issue of referral pursuant to Rule 11*bis* (C)<sup>7</sup>, the Chamber will be assisted by the parties and *amici* elaborating and expanding on the submissions in their respective briefs;

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<sup>1</sup> Designation of a Trial Chamber for the Referral of the Case of Yussuf Munyakazi to Rwanda, 2 October 2007.

<sup>2</sup> The Prosecutor’s Request for the Referral of the Case of Yussuf Munyakazi to Rwanda pursuant to Rule 11*bis* of the Tribunal’s Rules of Procedure and Evidence, 7 September 2007 (“Prosecutor’s Request”).

<sup>3</sup> Defence Response to the Prosecutor’s Request for the Referral of the Case of Yussuf Munyakazi to Rwanda pursuant to Rule 11*bis* of the Tribunal’s Rules of Procedure and Evidence, 2 October 2007.

<sup>4</sup> Order for Submissions of the Republic of Rwanda as the State Concerned by the Prosecutor’s Request for Referral of the Indictment against Yussuf Munyakazi to Rwanda”, 9 November 2007; Decision on the Application by the Kigali Bar Association for Leave to Appear as *Amicus Curiae*, 6 December 2007; Decision on the Application by the International Criminal Defence Attorney’s Association (ICDA) for Leave to File a Brief as *Amicus Curiae*, 6 December 2007.

<sup>5</sup> *Amicus Curiae* Brief of the Republic of Rwanda in the Matter of an Application for the Referral of the above case to Rwanda pursuant to Rule 11*bis*, filed 21 December 2007; *Amicus Curiae* Brief of the Kigali Bar Association in the Matter of an Application for the Referral of the above case to Rwanda pursuant to Rule 11*bis*, filed 10 January 2008; Brief of *Amicus Curiae*, ICDA Concerning the Request for Referral of the Accused Yussuf Munyakazi to Rwanda Pursuant to Rule 11*bis* of the Rules of Procedure and Evidence, 4 January 2007.

<sup>6</sup> Prosecutor’s Reply to the “Brief of *Amicus Curiae*, ICDA, Concerning the Request for Referral of the Accused Yussuf Munyakazi to Rwanda Pursuant to Rule 11*bis* of the Rules of Procedure and Evidence (Rule 74 of the Rules of Procedure and Evidence)”, 18 January 2008.

<sup>7</sup> Rule 11*bis* (C) states: “In determining whether to refer the case in accordance with paragraph (A), the Trial Chamber shall satisfy itself that the accused will receive a fair trial in the courts of the State concerned and that the death penalty will not be imposed or carried out.”

**PURSUANT** to Rules 54 and 11*bis* of the Rules;

**THE CHAMBER HEREBY**

- I. ORDERS** a one day hearing to be held on 24<sup>th</sup> April 2007;
- II. INVITES** the parties and *amici* to attend the hearing in order to elaborate and expand on the issues arising from their respective briefs and to answer questions from the Chamber;
- III. GRANTS** thirty minutes each, only to the parties, to make any further oral submissions after the Chamber has heard from the parties and *amici*;
- IV. DIRECTS** the Registrar to transmit this order immediately to the parties and all the *amici*.

Arusha, 19 February 2008, in English.

Inés M. Weinberg de Roca  
Presiding Judge

Lee Gacuiga Muthoga  
Judge

[Seal of the Tribunal]

With the consent and on behalf of  
Robert Fremr  
Judge  
(Absent during Signature)