

ICTR-05-88-T
08-07-2008
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INTERNATIONAL
NATIONS UNIES

International Criminal Tribunal for Rwanda
Tribunal pénal international pour le Rwanda

OR: ENG

TRIAL CHAMBER III

Before Judges: Dennis C. M. Byron, Presiding
Gberdao Gustave Kam
Vagn Joensen

Registrar: Adama Dieng

Date: 08 July 2008

THE PROSECUTOR

v.

Callixte KALIMANZIRA

Case No. ICTR-05-88-T

JUDICIAL RECORDS/ARCHIVES
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2008

SCHEDULING ORDER

Rule 54 of the Rules of Procedure and Evidence

Office of the Prosecutor

Christine Graham
Veronic Wright
Ousman Jammeh
Stephen Agaba
Kartik Murukutla

Defence Counsel

Arthur Vercken
Anta Guisse

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1. On 30 June 2008, the Prosecution rested its case after calling 24 witnesses over 16 trial days. On the same day, a Status Conference was held to discuss the commencement of the Defence case, at which time the Chamber invited the Parties to make submissions with respect to a start date.¹

2. The Defence for Kalimanzira made its submission on 29 June 2008, requesting that the Trial Chamber allow the Defence case to commence on 17 November 2008.² The Prosecution made its submission on 03 July 2008, contending that a delay of four months between the completion of the Prosecution case and opening of the Defence case was not justified, and therefore requested the Defence case to begin on 27 October 2008.³

3. On 07 July 2008, the Defence for Kalimanzira informed the Chamber of its intention to file a motion for judgement of acquittal, pursuant to Rule 98*bis* of the Rules of Procedure and Evidence ("Rules"), within seven days after the close of the Prosecution case, as prescribed by the Rule.⁴ The Defence for Kalimanzira maintains that it does not consider the Prosecution case to be closed until two pending Prosecution motions concerning the admission of documents and materials⁵ are adjudicated upon.

4. The Chamber recalls the Status Conference held on 30 June 2008, whereby the Prosecution explicitly stated that it had rested its case, and the Defence for Kalimanzira made no objection to this assertion. The date of close of the Prosecution case-in-chief is not up for debate, and the Chamber therefore considers the Defence for Kalimanzira's correspondence to constitute a request for extension of time to file its Rule 98*bis* submissions.

5. After discussions with the Parties, considering the rights of the Accused to have adequate time and facilities for the preparation of his defence, and considering the availability of judicial resources, the Chamber:

ORDERS that the Defence for Kalimanzira file its submissions, if any, pursuant to Rule 98*bis* of the Rules, no later than seven days after the Chamber renders its decisions on the two pending Prosecution motions concerning the admission of documents and materials;

ORDERS that the Defence case commence on 17 November 2008:

¹ See T. 30 June 2008.

² *Lettre de Me Arthur Vercken à la Chambre avec observation sur la date du début de la preuve de la Défense-- à distribuer aux parties*, filed 29 June 2008.

³ Prosecution's Submissions on the Timing of the Start of the Defence Case, filed 03 July 2008.

⁴ *Lettre de Me Anta GUINSE à la Chambre - à distribuer aux parties*, filed 07 July 2008.

⁵ Prosecutor's Motion for Admission of Certain Materials under Rule 89(C) of the Rules of Procedure and Evidence, filed 19 June 2008; Prosecution Motion for Admission of Documents under Rules 92*bis*(C) and 89(C), filed 26 June 2008.

ORDERS that the Defence for Kalimanzira file the following, pursuant to Rule 73ter of the Rules, by 17 September 2008:

- a. Admissions by the parties and statement of other matters which are not in dispute;
- b. A statement of contested matters of fact and law;
- c. Its proposed list of witnesses, including the name and pseudonym of each witness, a summary of the facts on which each witness will testify, the points in the indictment as to which each witness will testify, and the estimated length of time required for each witness;
- d. A list of exhibits the Defence intends to offer in its case, stating where possible whether or not the Prosecutor has any objection as to authenticity;

ORDERS that the Defence for Kalimanzira file an expected order of appearance of the witnesses scheduled to be heard during their case by 17 October 2008; and

ORDERS that the Defence for Kalimanzira provide the Witnesses and Victims Support Section with all the information necessary to facilitate the appearance of the Defence witnesses in accordance with the schedule of the hearings.

Arusha, 08 July 2008, done in English.

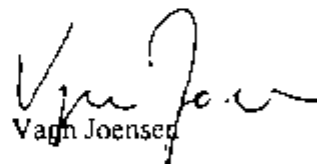

Dennis C.M. Byron

Presiding Judge


Gberdao Gustave Kam

Judge
(Absent during signature)
[Seal of the Tribunal]




Vagn Joensen

Judge