



INTERNATIONAL  
TRIBUNAL

ICTR-00-56-T  
04-12-08  
(28200-28192)

International Criminal Tribunal for Rwanda  
Tribunal pénal international pour le Rwanda

28200  
PM

OR: ENG

**TRIAL CHAMBER II**

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

**Registrar:** Mr. Adama Dieng

**Date:** 4 December 2008

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

JUDICIAL RECORDS ARCHIVES  
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**SCHEDULING ORDER**

*Rule 54 of the Rules of Procedure and Evidence*

**Office of the Prosecutor:**

Mr. Alphonse Van  
Mr. Moussa Sefon  
Mr. Segun Jegede  
Mr. Lloyd Strickland  
Mr. Abubacarr Tambadou  
Ms. Felistas Mushi  
Ms. Faria Rekkas

**Counsel for the Defence:**

Mr. Gilles St-Laurent and Mr. Benoît Henry 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

## INTRODUCTION

1. The Prosecution closed its case on 7 December 2006 after presenting 72 witnesses. The Defence team for Bizimungu completed the presentation of its case after calling 44 witnesses. The Defence team for Ndindiliyimana completed the presentation of its case after calling 42 witnesses. The Defence team for Nzuwonemeye completed the presentation of its case after calling 29 witnesses with one witness still outstanding.<sup>1</sup> The Defence team for Sagahutu will complete the presentation of its case following the presentation of the Accused Sagahutu's testimony this week after hearing a total of 28 witnesses.

2. The Chamber has permitted a short trial session to take place from 16 to 27 February 2009 to hear 14 witnesses as a result of the Prosecution's failure to disclose exculpatory material pursuant to Rule 68 of the Rules of Procedure and Evidence ("Rules").<sup>2</sup> The essence of the case, however, will be complete as of 5 December 2008. The Chamber therefore finds that it is a proper time to schedule the remainder of the case, namely a site visit, closing briefs and closing arguments.

3. The Chamber recalls that the Defence for Sagahutu and Nzuwonemeye filed Motions for site visits to Rwanda, which were both denied on the ground that it was not appropriate to conduct a site visit before hearing all the evidence.<sup>3</sup> Now that the hearing of the evidence in the present case is almost complete and considering the arguments put forward in the earlier Motions requesting a site visit, the Chamber is satisfied that this is a suitable time to order such a visit.

### THE CHAMBER THEREFORE ORDERS AS FOLLOWS:

#### *Closing Briefs*

A. The Prosecution and Defence teams shall file Closing Briefs simultaneously by 31 March 2009; and

- I. The Prosecution Closing Brief shall not exceed 400 pages (including annexes);
- II. The Defence Closing Briefs for Bizimungu and Ndindiliyimana shall not exceed 250 pages (including annexes);
- III. The Defence Closing Briefs for Nzuwonemeye and Sagahutu shall not exceed 200 pages (including annexes);
- IV. The typeface for each of the Closing Briefs shall be 12 point Times New Roman with 1.5 line spacing and 2.5 centimetres for all margins;
- V. In order to keep their Briefs within the above limits, the Parties must a) avoid lengthy summaries of witness testimony or exhibits; b) avoid reciting the

<sup>1</sup> Decision on Nzuwonemeye's Very Urgent Third Motion to Vary His Witness List Pursuant to Rule 73ter (TC), 3 December 2008.

<sup>2</sup> Decision on Ndindiliyimana's Motion to Recall Identified Prosecution Witnesses and to Call Additional Witnesses (TC), 4 December 2008; Decision on Nzuwonemeye's and Bizimungu's Motions to Recall Identified Prosecution Witnesses and to Call Additional Witnesses (TC), 4 December 2008.

<sup>3</sup> Decision on Nzuwonemeye's Motion for On-Site Visit (TC), 27 May 2008; Decision on Sagahutu's Motion for a Site Visit (TC), 6 October 2006.



applicable law in detail; c) refer to relevant evidence with transcript references and relevant case law with citations. It would also be helpful to the Chamber for the Parties to indicate which witnesses exactly testified on which allegations.

- VI. The Chamber will not accept any written responses to the Closing Briefs and instructs the Parties to apply due diligence to avoid filing corrigenda which can delay translation.

B. The Registry is to complete translation of all of the above Closing Briefs by 29 May 2009.

**Closing Arguments**

The hearing of Closing Arguments shall take place on 24, 25, 26 June 2009;

- I. The Prosecution will have 4.5 hours to present its closing argument;
- II. The Defence teams for Bizimungu and Ndingiliyimana will have 2.5 hours each to present their closing arguments;
- III. The Defence teams for Nzuwonemeye and Sagahutu will have 2 hours each to present their closing arguments;
- IV. The Prosecution will have 1 hour in rebuttal following the Defence submissions;
- V. The Defence teams will each have 20 minutes to present a rejoinder.

**Site Visit**

**ORDERS** that a site visit to Rwanda will take place from 6-9 April 2009;

**ORDERS** the Parties who are interested in participating in the site visit to submit a joint proposed itinerary for the site visit, including the reasons for visiting each proposed site in relation to the charges in the Indictment by 19 January 2009;

**ORDERS** that if any of the Parties wishes to make written submissions after the site visit, they may submit a supplemental brief not exceeding 10 pages with the above specifications (A. IV.) to be filed no later than 23 April 2009.

Arusha, 4 December 2008

  
 Asoka de Silva  
 Presiding Judge

  
 Taghrid Hikmet  
 Judge



  
 Seon Ki Park  
 Judge

[Seal of the Tribunal]