



UNITED NATIONS  
NATIONS UNIES

ICTR-07-91-PT  
11-12-2008  
(2249-2247)

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International Criminal Tribunal for Rwanda  
Tribunal pénal international pour le Rwanda

OR: ENG

**TRIAL CHAMBER III**

**Before Judges:** Lee Gacuiga Muthoga  
*sitting pursuant to Rule 54 of the Rules*

**Registrar:** Mr. Adama Dieng

**Date:** 11 December 2008

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**THE PROSECUTOR**

v.

**Léonidas NSHOGOZA**

**Case No. ICTR-07-91-PT**

**SCHEDULING ORDER**

*Rule 54 of the Rules of Procedure and Evidence*

**Office of the Prosecutor:**

Richard Karegyesa  
Abdoulaye Seye  
Dennis Mabura  
Florida Kabisanga

**For the Accused:**

Allison Turner

**THE INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA** ("Tribunal"), 2248

**SITTING** as Trial Chamber III, composed of Judge Lee Gacuiga Muthoga ("Chamber"), pursuant to Rule 54 of the Rules of Procedure and Evidence ("Rules");

**CONSIDERING** the submissions by the Parties at the Pre-Trial Conference held on 22 October 2008 and 30 October 2008 regarding their respective states of readiness to proceed to trial;<sup>1</sup>

**NOTING** the "Prosecutor's Declaration and Disclosure Pursuant to Rule 66 and 75 of the Rules of Procedure and Evidence,"<sup>2</sup> the "Prosecutor's Urgent Request to Admit Certain Facts,"<sup>3</sup> and, the Prosecutor's Pre-trial Brief setting out the factual and legal issues arising from the Indictment, filed in accordance with the Chamber's Decision of 10 November 2008;<sup>4</sup>

**NOTING** the Chamber's Oral Decision of 30 October 2008 to postpone the commencement of trial to 2 February 2009, subject to courtroom availability, to allow the Defence time to investigate and prepare its case;<sup>5</sup> and,

**NOTING FURTHER** the Defence *ex parte* communication to the Chamber by letter dated 1 December 2008 regarding the scheduling of the Defence case;

**CONSIDERING** that the Accused has been charged with two counts of contempt of the Tribunal, and two counts of attempt to commit contempt of the Tribunal contrary to Rule 77 of the Rules of Procedure and Evidence;

**CONSIDERING** the "Prosecutor's Filing of a List of Witnesses and Exhibits," which lists seven witnesses, and the Prosecutor's further submission that he intends to call only six of these seven witnesses to testify at trial;<sup>6</sup> and,

**NOTING** Rule 98*bis* which provides that submissions shall be filed within seven days after the close of the Prosecution's case in chief, unless the Chamber orders otherwise; and Rule 73 *ter* which states that the Chamber may hold a Pre-Defence Conference after the Prosecutor has closed his case;

**THE CHAMBER**

**HEREBY ORDERS** that the trial shall commence on 9 February 2009 and shall proceed as follows:

<sup>1</sup> *Prosecutor v. Nshogoza*, Case No. ICTR-07-91-PT, T. 22 October 2008; T. 30 October 2008.

<sup>2</sup> *Nshogoza*, "Prosecutor's Declaration and Disclosure Pursuant to Rule 66 and 75 of the Rules of Procedure and Evidence, Following Trial Chamber III's Order of 1 October 2008," filed 9 October 2008.

<sup>3</sup> *Nshogoza*, "Prosecutor's Urgent Request to Admit Certain Facts," filed 17 November 2008. The Defence responded 18 November 2008 to indicate that it would not be able to admit any facts for various reasons. See *Nshogoza*, "Defence Preliminary Response to Prosecution Request to Admit Certain Facts," filed 18 November 2008.

<sup>4</sup> *Nshogoza*, "Prosecutor's Pre-Trial Brief," filed 25 November 2008.

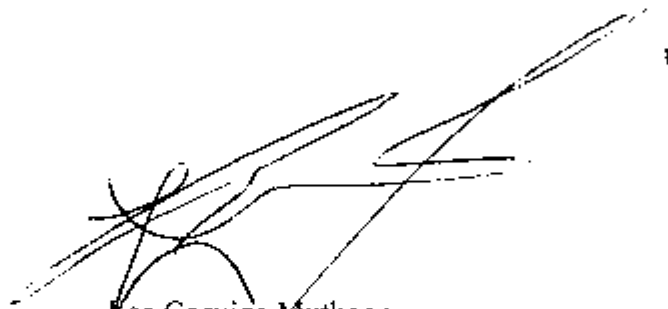
<sup>5</sup> *Nshogoza*, T. 30 October 2008, pp. 14-16.

<sup>6</sup> *Nshogoza*, "Prosecutor's Filing of a List of Witnesses and Exhibits," filed 27 October 2008; T. 30 October 2008; Prosecutor's Response to 'Defence Further Motion for a Court Order to the Prosecutor to Remove Witness BLP from his Witness List (Rules 54, 73*bis* and 93 ICTR R.P.E),' filed 28 November 2008; T. 30 October 2008, p.3.

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- I) The Prosecutor's case shall run from 9 February to 13 February 2009;
- II The Defence case shall run from 9 March to 13 March 2009;
- II ) Immediately following the close of the Prosecutor's case, a Pre-Defence Conference shall be held, at which the Chamber will make orders regarding:
  - a) the filing of a statement of contested matters of fact and law;
  - b) the filing of a statement of matters not in dispute;
  - c) the filing of a list of witnesses the Defence intends to call to testify;
  - d) the period within which any Rule 98bis submission that the Defence wishes to make shall be filed; and,
  - e) any other relevant matter.

Arusha, 1 December 2008



Lee Gacumba Muthoga  
Judge  
[Seal of the Tribunal]

