

ICTR-02-78-I  
07-07-09  
(2934-2932)

2934  
PM



International Criminal Tribunal for Rwanda  
Tribunal pénal international pour le Rwanda

UNITED NATIONS  
NATIONS UNIES

OR: ENG

**TRIAL CHAMBER II**

**Before Judges:** Taghrid Hikmet, Presiding  
Seon Ki Park  
Joseph Masanche

**Registrar:** Adama Dieng

**Date:** 7 July 2009

**THE PROSECUTOR**

v.

**Gaspard KANYARUKIGA**

*Case No. ICTR-2002-78-I*

JUDICIAL RECORDS ARCHIVES  
2009 JUL 7 11:10:36  
RECEIVED

**SCHEDULING ORDER**

**Office of the Prosecutor:**

Hola Makwaia  
Thembile Segoete  
Didace Nyirinkwaya  
Jonathan Moses

**Defence Counsel:**

David Jacobs  
Claver Sindayigaya  
Marc Nerenberg

**INTRODUCTION**

1. The trial in this case was scheduled to commence on 1 June 2009.<sup>1</sup>
2. On 20 May 2009, the Defence filed an Extremely Urgent Motion for Postponement of the Start of the Trial.<sup>2</sup> On 27 May 2009, the Defence filed a Confidential Addendum to its original motion, advising that Co-Counsel for the Accused had resigned.<sup>3</sup>
3. On 29 May 2009, the Chamber granted the Defence motion in part, postponing the start of the trial until a later date on the basis that the Accused could be prejudiced if his trial were to go forward as scheduled given the unavailability of Lead Counsel in June 2009.<sup>4</sup> The Chamber held that the new commencement date would be communicated to the parties in due course. The Chamber also instructed the Defence and the Registry to make immediate arrangements for the replacement of Co-Counsel.<sup>5</sup>
4. On 8 June 2009, the Registrar assigned Mr. Claver Sindayigaya as Co-Counsel for the Accused pursuant to Article 10 of the Directive on the Assignment of Defence Counsel.<sup>6</sup>
5. On 2 July 2009, the President of the Tribunal withdrew his designation of Trial Chamber II, composed of Judges Emile Short, Seon Ki Park and Joseph Masanche, and designated Trial Chamber II, comprising Judge Taghrid Hikmet (presiding), Judge Seon Ki Park and Judge Joseph Masanche, as Pre-Trial bench for this case.<sup>7</sup>
6. Having further considered the Parties' arguments concerning the commencement of the trial in this case, the Chamber hereby:
  - I. **ORDERS** the Prosecution to present its case from 31 August 2009 to 18 September 2009;
  - II. **INSTRUCTS** the Parties to be prepared on 31 August 2009 for the smooth administration and expeditious completion of the trial.

<sup>1</sup> *Prosecutor v. Kanyarukiga*, Case No ICTR-2002-78-I, Scheduling Order Following the Status Conference, 24 April 2009, para. 1(I).

<sup>2</sup> Extremely Urgent Defence Motion for Postponement of the Start of the Trial, filed on 20 May 2009.

<sup>3</sup> Addendum to Extremely Urgent Defence Motion for Postponement of the Start of the Trial, filed on 27 May 2009.

<sup>4</sup> *Prosecutor v. Kanyarukiga*, Case No ICTR-2002-78-I, Decision on the Extremely Urgent Defence Motion for Postponement of the Start of the Trial (TC), 29 May 2009.

<sup>5</sup> *Kanyarukiga*, Decision on the Extremely Urgent Defence Motion for Postponement of the Start of the Trial (TC).

<sup>6</sup> Letter from DCDMS to Mr. Claver Sindayigaya entitled "Your assignment as Co-Counsel to Represent the Accused Gaspard Kanyarukiga," filed 10 June 2009.

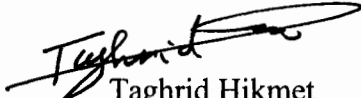
<sup>7</sup> President Dennis C.M. Byron, Notice of Designation, *Prosecutor v. Gaspard Kanyarukiga*, Case No. ICTR-02-78, dated 2 July 2009. Subject to approval of the appointments of the Secretary General, this bench will also conduct the trial.




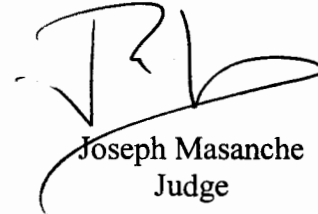
2932

Arusha, 07 July 2009

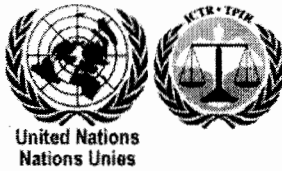
[read and approved by]

  
Taghrid Hikmet  
Presiding Judge

  
Seon Ki Park  
Judge  
[absent at the time  
of signature]

  
Joseph Masanche  
Judge





## TRANSMISSION SHEET FOR FILING OF DOCUMENTS WITH CMS

**COURT MANAGEMENT SECTION**  
(Art. 27 of the Directive for the Registry)

### I - GENERAL INFORMATION (To be completed by the Chambers / Filing Party)

<b>To:</b>	<input type="checkbox"/> Trial Chamber I N. M. Diallo	<input checked="" type="checkbox"/> Trial Chamber II R. N. Kouambo	<input type="checkbox"/> Trial Chamber III C. K. Hometowu	<input type="checkbox"/> Appeals Chamber / Arusha F. A. Talon
	<input type="checkbox"/> Chief, CMS J.-P. Fomété	<input type="checkbox"/> Deputy Chief, CMS M. Diop	<input type="checkbox"/> Chief, JPU, CMS K. K. A. Afande	<input type="checkbox"/> Appeals Chamber / The Hague R. Burriss
<b>From:</b>	<input checked="" type="checkbox"/> Chamber II Hillary Forden <small>(names)</small>	<input type="checkbox"/> Defence <small>(names)</small>	<input type="checkbox"/> Prosecutor's Office <small>(names)</small>	<input type="checkbox"/> Other: <small>(names)</small>
<b>Case Name:</b>	The Prosecutor vs. <b>Gaspard Kanyarukiga</b>		<b>Case Number:</b> ICTR-2002-78-I	
<b>Dates:</b>	Transmitted: <b>07 July 2009</b>		Document's date: <b>07 July 2009</b>	
<b>No. of Pages:</b>	<b>3</b>	<b>Original Language:</b> <input checked="" type="checkbox"/> English <input type="checkbox"/> French <input type="checkbox"/> Kinyarwanda		
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<input checked="" type="checkbox"/> Public		<input type="checkbox"/> Disclosure	<input checked="" type="checkbox"/> Order	<input type="checkbox"/> Appeal Book
		<input type="checkbox"/> Judgement	<input type="checkbox"/> Motion	<input type="checkbox"/> Book of Authorities
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		<input type="checkbox"/> Accused particulars		

### II - TRANSLATION STATUS ON THE FILING DATE (To be completed by the Chambers / Filing Party)

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Translation	in	<input type="checkbox"/> English	<input type="checkbox"/> French	<input type="checkbox"/> Kinyarwanda

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<input type="checkbox"/> Normal		<input type="checkbox"/> Other deadlines: