

ICTR-00-61-T
11-08-2009
(2494-2492)

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UNITED NATIONS
NATIONS UNIES

International Criminal Tribunal for Rwanda
Tribunal pénal international pour le Rwanda

OR: ENG

TRIAL CHAMBER III

Before Judges: Khalida Rachid Khan, presiding
*sitting pursuant to Rule 54 of the Rules of
Procedure and Evidence*

Registrar: Mr. Adama Dieng

Date: 11 August 2009

THE PROSECUTOR

v.

Jean-Baptiste GATETE

Case No. ICTR-00-61-PT

JUDICIAL
RECORDS
DIVISION
2009 AUG 17 P. 5: 24
[Signature]

SCHEDULING ORDER

Rule 54 of the Rules of Procedure and Evidence

Office of the Prosecutor:

Richard Karegyesa
David Akerson
Shyamlal Rajapaksa
Dennis Mabura

For the Accused:

Marie-Pierre Poulain
Kate Gibson

[Signature]

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

SITTING as Trial Chamber III, composed of Judge Khalida Rachid Khan ("Chamber"), pursuant to Rule 54 of the Rules of Procedure and Evidence ("Rules");

RECALLING the Chamber's obligation to ensure a fair and expeditious trial pursuant to Articles 19 and 20 of the Tribunal's Statute, and the Chamber's authority to issue such orders as may be necessary for the preparation of the trial pursuant to Rule 54;

NOTING that the Prosecution filed its Provisional Pre-Trial Brief, pursuant to Rule 73 *bis* (B),¹ on 21 July 2009, including (i) admissions by the parties and a statement of matters not in dispute, (ii) a statement of contested matters of fact and law, (iii) a list of Prosecution witnesses including the pseudonym for each witness, a summary of the facts on which each witness will testify, the points in the indictment on which each witness will testify and the estimated length of time required for each witness;² and

CONSIDERING that, by filing the Provisional Pre-Trial Brief, the Prosecution expressly reserved its right, in the absence of a fixed trial date or of the convocation of a Pre-Trial Conference, to finalize its brief accordingly;³

THE CHAMBER HEREBY

- I. **SETS** the date for commencement of the trial in this case as 9 a.m. on 19 October 2009. The Prosecution's case shall run from 19 October to 13 November 2009, including time for cross-examination of Prosecution witnesses by the Defence;
- II. **ORDERS** the Prosecution to file a finalized Pre-Trial Brief, including (i) admissions by the parties and a statement of other matters not in dispute; (ii) a statement of contested matters of fact and law; (iii) a list of Prosecution witnesses with the name or pseudonym of each witness, a summary of the facts on which each witness will testify, the points in the indictment on which each witness will testify and the estimated length of time required for each witness; and (iv) a list of exhibits, if any, stating where possible whether or not the Defence has any objection to authenticity, no later than 19 August 2009;

¹ Rule 73 *bis* (B) provides for the Trial Chamber's authority to require from the Prosecution, at a Pre-Trial Conference, the filing before the commencement of the trial of a pre-trial brief and of other material. The relevant Status Conference took place on 26 March 2009.

² With regard to exhibits, the Prosecution stated that it does not intend to use exhibits in this trial. See *Prosecutor v. Jean-Baptiste Gatete*, ICTR-00-61-I, Prosecutor's Pre-Trial Brief, 21 July 2009, p. 59.

³ Prosecutor's Pre-Trial Brief, 21 July 2009.

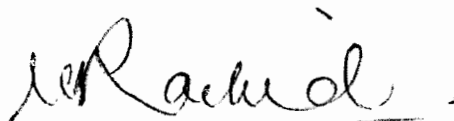


Scheduling Order

11 August 2009

- III. **ORDERS** the Prosecution to file any motion for the admission of written statements in *lieu* of oral testimony pursuant to Rule 92 *bis* no later than 12 October 2009; and
- IV. **ORDERS** the Prosecution to file any motion for the transfer of detained witnesses pursuant to Rule 90 *bis* (B) no later than 25 September 2009.

11 August 2009



Khalida Rachid Khan

Presiding Judge
[Seal of the Tribunal]