

ICTR-02-78-T
17-02-2010
(5864-5862)

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UNITED NATIONS
NATIONS UNIES

International Criminal Tribunal for Rwanda
Tribunal pénal international pour le Rwanda

OR: ENG

TRIAL CHAMBER II

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

Registrar: Adama Dieng

Date: 17 February 2010

THE PROSECUTOR

v.

Gaspard KANYARUKIGA

Case No. ICTR-2002-78-T

JUDICIAL RECORDS ARCHIVES
1 2010 FEB 17 11 A 10: 16

**SCHEDULING ORDER FOLLOWING THE STATUS CONFERENCE HELD ON
12 FEBRUARY 2010**

Office of the Prosecutor:
Holo Makwaia
Althea Alexis Windsor
Cheikh Tidiane Mara
Lansana Dumbuya

Defence Counsel:
David Jacobs
Claver Sindayigaya
Marc Nerenberg

INTRODUCTION

1. The trial in this case commenced on 31 August 2009. After calling eleven witnesses over fourteen trial days, the Prosecution closed its case on 17 September 2009. The Defence case commenced on 18 January 2010. After calling twenty-three witnesses over fourteen trial days, the Defence rested its case on 11 February 2010.
2. On 12 February 2010, the Trial Chamber held a Status Conference to hear submissions as to whether a site visit should take place and to schedule the filing of the Closing Briefs and hearing of oral closing arguments.¹ Both the Prosecution and the Defence submit that the filing of the Closing Briefs should be four months from the date of the Status Conference.² In addition, the Defence submits that, under the jurisprudence of this Chamber, Closing Briefs should be filed sequentially, with the Prosecution filing its Closing Brief first, followed by the Defence sometime thereafter.³ The Prosecution argues that there is also jurisprudence which supports simultaneous filing, and the Prosecution supports this mode of filing for the Closing Briefs.⁴
3. With regard to the site visit, the Prosecution submits that it supports a site visit and is ready to go on a site visit whenever it suits the Chamber and the Defence.⁵ The Defence opposes a site visit on the basis that it will be of no use, it may bring greater delay to the case and may be prejudicial as new evidence would be adduced.⁶
4. Having carefully considered the submissions of the Parties, the Chamber hereby:

¹ Status Conference, T. 12 February 2010, p. 2 (draft).

² Status Conference, T. 12 February 2010, pp. 2-3, 3-4 (draft).

³ Status Conference, T. 12 February 2010, pp. 4, 6 (draft).

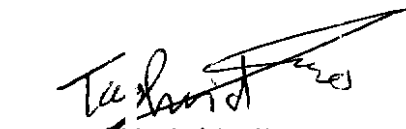
⁴ Status Conference, T. 12 February 2010, pp. 4-5 (draft).

⁵ Status Conference, T. 12 February 2010, pp. 2, 5 (draft).

⁶ Status Conference, T. 12 February 2010, pp. 3, 5 (draft).

- I. **ORDERS** that, in order for the Chamber to visit the locations mentioned by the witnesses in this case and assess, if necessary, the distances between these locations,⁷ a site visit will occur during the second half of April 2010;
- II. **REQUESTS** that the Prosecution and the Defence provide the Chamber with their submissions with respect to the specific date of the site visit and the specific sites to be visited by 5.00 p.m., Tuesday, 23 February 2010;
- II. **ORDERS** the Prosecution and Defence, pursuant to jurisprudence of this Chamber,⁸ to file their Closing Briefs simultaneously no later than **Friday, 7 May 2010**;
- IV. **ORDERS** that the Prosecution and Defence's Closing Briefs conform to the following:
 - a. Be no more than 150 pages, including annexes, footnotes and appendices; and
 - b. Use 1.5 spacing in the body of the text;
- V. **ORDERS** that the Prosecution and Defence, pursuant to Rule 86(A) of the Rules of Procedure and Evidence, present their Closing Arguments on **Thursday, 20 May 2010**.

Arush: , 17 February 2010


 Ghazirid Hikmet
 Presiding Judge



[Seal of the Tribunal]


 Joseph Masanhe
 Judge

⁷ Decision on Prosecution Motion for Site Visits (TC), 19 October 2009.

⁸ *Prosecutor v. Augustin Ndingiyimana et al.*, Case No. ICTR-00-56-T, Scheduling Order (TC), 4 December 2008; *Prosecutor v. Emmanuel Rukundo*, Case No. ICTR-2001-7C-T, Decision on Defence Motion to Re-schedule the Filing of Closing Briefs and the Hearing of Closing Arguments (TC), 9 November 2007.