

1-0068

ICTR-01-67-R11bis  
17-01-2011  
(1942-1941)  
International Criminal Tribunal for Rwanda  
Tribunal pénal international pour le Rwanda

1942  
A



UNITED NATIONS  
NATIONS UNIES

OR: ENG

**TRIAL CHAMBER III**

**Before:** Judge Vagn Joensen, Presiding  
Judge Gberdao Gustave Kam  
Judge Mparany Rajohnson

**Registrar:** Adama Dieng

**Date:** 17 January 2011

JUDICIAL RECORDS ARCHIVES  
RECEIVED  
2011 JAN 17 11 A 9: 21  
UNICTR  
V. J. J. J.

**THE PROSECUTOR**

v.

**Fulgence KAYISHEMA**

*Case No. ICTR-01-67-R11bis*

**SCHEDULING ORDER**

*Rules 11 bis and 54 of the Rules of Procedure and Evidence*

**Office of the Prosecutor:**  
Hassan Bubacar Jallow  
Bongani Majola  
Richard Karegyesa  
Deborah Wilkinson  
George Mugwanya  
Inneke Onsea

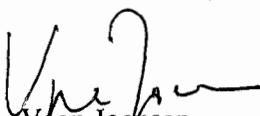
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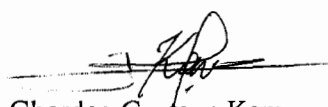
1. On 4 November 2010, the Prosecution filed a request seeking the referral of the case against Fulgence Kayishema to the authorities of the Republic of Rwanda pursuant to Rule 11 *bis* of the Rules of Procedure and Evidence.<sup>1</sup> The President of the Tribunal subsequently appointed the present Chamber to rule on this motion.<sup>2</sup>
2. The Chamber recalls that Fulgence Kayishema is still at large. Therefore the matter pending before this Chamber is not particularly urgent as long as the Accused has not been arrested.
3. The Chamber notes that the Prosecution has filed requests for referral pursuant to Rule 11 *bis* to the authorities of the Republic of Rwanda in two other cases, including one in relation to Jean Uwinkindi who is presently in the custody of the Tribunal. The Chamber considers that information that will be gathered in relation to the referral request concerning Jean Uwinkindi and the outcome of that case, in particular in the event of an appeal, is likely to impact on the issues that will be raised in relation to the present referral request.

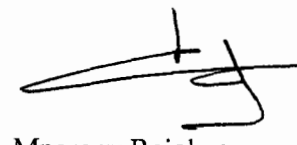
**FOR THESE REASONS, THE CHAMBER**

**DECIDES** that the proceedings in relation to the Prosecution's motion for the referral of Fulgence Kayishema's case to the authorities of the Republic of Rwanda, including the appointment of counsel for the Accused, shall be deferred until the Accused is arrested or until a final decision has been made in relation to the request pursuant to Rule 11 *bis* in the Uwinkindi case, whatever comes first.

Arusha, 17 January 2011, in English.

  
Vagn Joensen  
Presiding Judge

  
Gberdao Gustave Kam  
Judge

  
Mparany Rajohnson  
Judge

[Seal of the Tribunal]



<sup>1</sup> Prosecutor's Request for the Referral of the Case of Fulgence Kayishema to Rwanda Pursuant to Rule 11*bis* of the Tribunal's Rules of Procedure and Evidence, filed on 4 November 2010.

<sup>2</sup> See Notice of Designation, 26 November 2010.