



UNITED NATIONS
NATIONS UNIES



Tribunal Penal International pour le Rwanda
International Criminal Tribunal for Rwanda

ICTR-98-41-A
29-03-2011
(3615/A-3612/A)

3615/A
AM

IN THE APPEALS CHAMBER

Before: Judge Patrick Robinson, Presiding
Judge Mehmet Güney
Judge Fausto Pocar
Judge Liu Daqun
Judge Theodor Meron

Registrar: Mr. Adama Dieng

Order of: 29 March 2011

**Théoneste BAGOSORA
Aloys NTABAKUZE
Anatole NSENGIYUMVA**

v.

THE PROSECUTOR

Case No. ICTR-98-41-A

JUDICIAL RECORDS ARCHIVER
2011 MAR 29 11:17:21
29-03-2011
[Signature]

FURTHER SCHEDULING ORDER

Counsel for Théoneste Bagosora

Raphaël Constant
Richard Perras

Counsel for Aloys Ntabakuze

Peter Erlinder
André Tremblay

Counsel for Anatole Nsengiyumva

Kennedy Ogetto
Gershom Otachi Bw'Omanwa

Office of the Prosecutor

Hassan Bubacar Jallow
James J. Arguin
George W. Mugwanya
Inneke Onsea
Renifa Madenga
Abubacarr Tambadou
Evelyn Kamau
William Mubiru
Aisha Kagabo
Ndeye Marie Ka

THE APPEALS CHAMBER of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States, between 1 January and 31 December 1994 (“Tribunal” and “Appeals Chamber”, respectively);

RECALLING the Scheduling Order issued on 27 January 2011, which set the date of the appeal hearing in this case for 30 March, 31 March, and 1 April 2011, in Arusha, Tanzania (“Scheduling Order”);

RECALLING the Order Setting the Timetable for the Appeal Hearing issued on 11 February 2011 (“Order Setting the Timetable”),

NOTING that, on 23 February 2011, Aloys Ntabakuze (“Ntabakuze”) indicated that his Co-Counsel, André Tremblay, would be unable to travel to Arusha for the appeal hearing due to medical reasons;¹

NOTING that, on 15 March 2011, the Appeals Chamber denied Ntabakuze’s request for the participation of his Lead Counsel, Peter Erlinder, in the appeal hearing by way of video-conference;²

NOTING that, on 24 March 2011, Ntabakuze’s Co-Counsel filed *ex parte* and confidential documentation before the Appeals Chamber indicating that he could not travel outside Canada for medical reasons and that, as a result, he could not be present at the appeal hearing;

NOTING that, on 25 March 2011, Ntabakuze’s Lead Counsel informed the Appeals Chamber by *ex parte* and confidential letter that (i) his medical condition prevents him from representing Ntabakuze at the appeal hearing; (ii) Ntabakuze has been advised of his condition and “has waived [his] presence at [the appeal] hearing”; and (iii) Ntabakuze is prepared to represent himself at the appeal hearing and “wishes to go forward as scheduled”;

NOTING that the Registry confirmed on 28 March 2011 that Ntabakuze has been advised of the situation, wishes to represent himself at the appeal hearing if his Legal Assistants were not granted right of audience, and is opposed to the postponement of the hearing of his appeal submissions;

¹ See Motion for Video-Link Participation [*sic*] of Lead Counsel at the Appeals Hearing, 23 February 2011, para. 5.

² Decision on Aloys Ntabakuze’s Motions for Video-Conference Participation of Lead Counsel in the Appeal Hearing and for the Withdrawal of Registrar’s Public Decision, 15 March 2011.

CONSIDERING that Ntabakuze's Legal Assistants do not satisfy the requirements for being granted right of audience before the Tribunal;

CONSIDERING that, in the present circumstances and given the complexity of this case, it is in the interests of justice for Ntabakuze to be represented by Counsel at the appeal hearing;

HEREBY

ORDERS that the presentation of Ntabakuze's oral arguments on appeal shall be heard at a later date to be announced in due course by the Appeals Chamber;

INFORMS the parties that the evidentiary and appeal hearings will proceed as scheduled in the Scheduling Order and that the timetable set out in the Order Setting the Timetable is hereby amended as follows:

Wednesday, 30 March 2011

Evidentiary Hearing

- 09:00 – 09:10 Introductory Statement by the Presiding Judge (10 minutes)
- 09:10 – 10:40 Examination of Marcel Gatsinzi by the Appeals Chamber (1 hour 30 minutes)
- 10:40 – 10:50 *Pause (10 minutes)*
- 10:50 – 12:20 Cross-Examination of Marcel Gatsinzi by the Prosecution (1 hour 30 minutes)
- 12:20 – 13:30 *Pause (1 hour 10 minutes)*
- 13:30 – 15:00 Cross-Examination of Marcel Gatsinzi by Théoneste Bagosora (1 hour 30 minutes)
- 15:00 – 15:15 Re-Examination of Marcel Gatsinzi by the Appeals Chamber (15 minutes)
- 15:15 – 15:30 *Pause (15 minutes)*

Appeal of Anatole Nsengiyumva

- 15:30 – 17:30 Submissions of Anatole Nsengiyumva (2 hours)

Thursday, 31 March 2011

Appeal of Anatole Nsengiyumva

- 09:00 – 10:30 Response of the Prosecution (1 hour 30 minutes)
- 10:30 – 10:45 *Pause (15 minutes)*
- 10:45 – 11:15 Continued Response of the Prosecution (30 minutes)
- 11:15 – 11:45 Reply of Anatole Nsengiyumva (30 minutes)
- 11:45 – 13:30 *Pause (1 hour 45 minutes)*

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Appeal of Théoneste Bagosora

- 13:30 – 15:00 Submissions of Théoneste Bagosora (1 hour 30 minutes)
15:00 – 15:15 *Pause (15 minutes)*
15:15 – 15:45 Continued Submissions of Théoneste Bagosora (30 minutes)
15:45 – 16:45 Response of the Prosecution (1 hour)

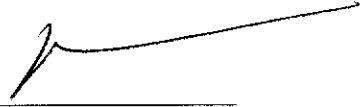
Friday, 1 April 2011

- 10:00 – 11:00 Continued Response of the Prosecution (1 hour)
11:00 – 11:10 *Pause (10 minutes)*
11:10 – 11:40 Reply of Théoneste Bagosora (30 minutes)

Personal Addresses

- 11:40 – 11:50 Personal Address by Anatole Nsengiyumva (10 minutes) (*optional*)
11:50 – 12:00 Personal Address by Théoneste Bagosora (10 minutes) (*optional*)

Done this 29th day of March 2011,
At Arusha,
Tanzania.



Judge Patrick Robinson
Presiding Judge

Seal of the Tribunal