

ICTR-01-75-PT  
(4 - 04 - 2011)  
(3789 - 3788)

3789  
Amamp



UNITED NATIONS  
NATIONS UNIES

International Criminal Tribunal for Rwanda  
Tribunal pénal international pour le Rwanda

OR: ENG

**TRIAL CHAMBER III**

**Before:** Judge Dennis C.M. Byron, Presiding  
Judge Gberdao Gustave Kam  
Judge Vagn Joensen

**Registrar:** Mr. Adama Dieng

**Date:** 11 April 2011

**THE PROSECUTOR**

**v.**

**Jean UWINKINDI**

**Case No. ICTR-01-75-PT**

**DECISION ON DEFENCE MOTION FOR THE SETTING OF A TIMETABLE FOR  
DISCLOSURE, PRE-TRIAL CONFERENCE AND START OF TRIAL**  
(Rules 54, 73 and 73bis of the Rules of Procedure and Evidence)

**Office of the Prosecutor:**

Mr. Richard Karegyesa  
Mr. James J. Arguin  
Mr. Rashid Rashid  
Mr. Sharifah Adong

**For the Defence**

Mr. Claver Sindayigaya  
Mr. Iain Edwards  
Ms. Bettina Spilker

ICTR-01-75-0096

367

## INTRODUCTION

1. By a motion filed on 25 October 2010, the Accused, Jean Uwinkindi, requests the Chamber to make such an order as is necessary to set a timetable for: (i) the disclosure of non-redacted statements of Prosecution witnesses; (ii) the disclosure of any material which may suggest Uwinkindi's innocence or mitigate his guilt; (iii) the holding of a pre-trial conference; and (iv) the commencement of trial.<sup>1</sup> The Prosecution responded on the same day, stating that the Motion is premature, frivolous and vexatious.<sup>2</sup>


## DELIBERATIONS

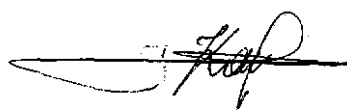

2. The Chamber recalls that on 4 November 2011, the Prosecutor filed a request for the referral of this case to the courts of the Republic of Rwanda.<sup>3</sup> That request is currently pending before the designated Trial Chamber and its outcome, as well as the outcome of any subsequent appeal, will determine whether Uwinkindi's trial will be conducted at this Tribunal or before the courts of Rwanda. The Chamber therefore considers it premature to set the timetable requested by Uwinkindi at this time.

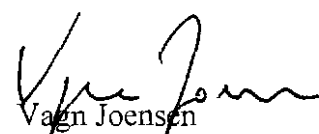
## FOR THESE REASONS, THE CHAMBER

**DENIES** the Motion in its entirety.

Arusha, 11 April 2011, done in English.

  
Dennis C.M. Byron  
President

  
Gberda Gustave Kam  
Judge  
  
[Seal of the Tribunal]

  
Vagn Joensen  
Judge

<sup>1</sup> *The Prosecutor v. Jean Uwinkindi*, Case No. ICTR-01-75-PT, Defence Motion for the Setting of a Timetable for Disclosure, and for the Fixing of a Pre-Trial Conference and the Start of the Trial (*Rules 54, 73 and 73bis of the Rules of Procedure and Evidence*), 25 October 2010 (the "Motion"); and Reply to the Prosecutor's Response to the Defence Motion for the Setting of a Timetable for Disclosure, and for the Fixing of a Pre-Trial Conference and the Start of the Trial (*Rules 54, 73 and 73bis of the Rules of Procedure and Evidence*), 27 October 2010 (the "Reply").

<sup>2</sup> *The Prosecutor v. Jean Uwinkindi*, Case No. ICTR-01-75-PT, Prosecutor's Response to "Defence Motion for The Setting of a Timetable for Disclosure, and for Fixing a Pre-Trial Conference and the Start of the Trial," 25 October 2010 (the "Response").

<sup>3</sup> *The Prosecutor v. Jean Uwinkindi*, Case No. ICTR-01-75-1, Prosecutor's Request for the Referral of the Case of Jean-Bosco (sic) Uwinkindi to Rwanda pursuant to Rule 11bis of the Tribunal's Rules of Procedure and Evidence, 4 November 2010 (the "Referral Request").