



Tribunal Pénal International pour le Rwanda
International Criminal Tribunal for Rwanda

2333/H

ICTR-00-56-A

02 April 2013

IN THE APPEALS CHAMBER

{2333/H - 2329/H}

Before:
Judge Theodor Meron, Presiding
Judge Liu Daqun
Judge Carmel Agius
Judge Khalida Rachid Khan
Judge Bakhtiyar Tuzmukhamedov

Registrar: Mr. Bongani Majola

Order of: 2 April 2013

**AUGUSTIN NDINDILIYIMANA
AUGUSTIN BIZIMUNGU
FRANÇOIS-XAVIER NZUWONEMEYE
INNOCENT SAGAHUTU**

v.

THE PROSECUTOR

Case No. ICTR-00-56-A

ICTR Appeals Chamber
Date: 02 APR 2013
Action: *R. Tuzmukhamedov*
Copied To: *Chambers, Defense, DTP, HRD, STR, CRB.*

International Criminal Tribunal for Rwanda
Tribunal pénal international pour le Rwanda
CERTIFIED TRUE COPY OF THE ORIGINAL SENT IN BY ME
COPIE CERTIFIÉE CONFORMÉ À L'ORIGINAL PAR MOI
NAME / NOM: ROSETTE MURIGU-MORRISON
SIGNATURE: *[Signature]*
DATE: 02/04/13

SCHEDULING ORDER

Counsel for Augustin Ndindiliyimana:

Mr. Christopher Black
Mr. Vincent Lurquin

Counsel for Augustin Bizimungu:

Mr. Gilles St-Laurent

Counsel for François-Xavier Nzuwonemeye:

Mr. Charles A. Taku
Ms. Beth S. Lyons

Counsel for Innocent Sagahutu:

Mr. Fabien Segatwa
Mr. Scott Martin
Mr. Wayne Jordash

The Office of the Prosecutor:

Mr. Hassan Bubacar Jallow
Mr. James J. Arguin
Mr. Abdoulaye Seye
Mr. Abubacar Tambadou
Mr. Thembile M. Segoete
Ms. Florida Kabasinga
Mr. Takeh Sendze
Ms. Christiana Fomenky
Ms. Sunkarie Ballah-Conteh
Ms. Betty Mbabazi
Mr. Deo Mbutu

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");

NOTING the Trial Judgement pronounced in this case by Trial Chamber II of the Tribunal on 17 May 2011 and filed on 17 June 2011;¹

NOTING the "Notice of Appeal on Behalf of Augustin Ndindiliyimana", filed on 20 July 2011; the "Appellant's Brief, Augustin Ndindiliyimana", filed on 23 January 2012; the "Prosecution's Respondent's Brief in Response to Augustin Ndindiliyimana's Appellant's Brief", filed on 5 March 2012; and the "Brief in Reply, Augustin Ndindiliyimana", filed on 20 March 2012;

NOTING the "*Acte d'appel en vertu de l'appel [sic] 24 du Statut et 108 du Règlement de procédure et de preuve*", filed by Augustin Bizimungu on 20 July 2011;² the "*Mémoire d'appel du Général Augustin Bizimungu*," filed on 23 January 2012;³ the "Prosecution's Respondent's Brief in Response to Augustin Bizimungu's Appellant's Brief", filed on 5 March 2012; and the "*Mémoire du Général Augustin Bizimungu en réplique au « Prosecution's Respondent's Brief in Response to Augustin Bizimungu's Appellant's Brief »*", filed on 20 March 2012;⁴

NOTING the "Notice of Appeal", filed confidentially by François-Xavier Nzuwonemeye on 20 July 2011;⁵ the "Nzuwonemeye Appellant's Brief", filed confidentially on 23 January 2012;⁶ the "Prosecution's Respondent's Brief in Response to François-Xavier Nzuwonemeye Appellant's Brief", filed on 5 March 2012; and the "Nzuwonemeye Appellant's [sic] Reply Brief to Prosecution's Respondent's Brief", filed confidentially on 20 March 2012;

¹ *The Prosecutor v. Augustin Ndindiliyimana et al.*, Case No. ICTR-00-56-T, Judgement and Sentence, pronounced on 17 May 2011, filed in writing on 17 June 2011 ("Trial Judgement"). The French translation of the Trial Judgement was filed on 14 December 2011.

² See also *Acte d'appel amendé en vertu de l'article 24 du Statut et de l'article 108 du Règlement de procédure et de preuve*, filed as an annex to *Requête du Général Augustin Bizimungu en autorisation d'amender son acte d'appel conformément à l'article 108 du Règlement de procédure et de preuve*, 21 November 2011. The English translation of the French original was filed on 28 May 2012.

³ The English translation of the French original was filed on 4 June 2012.

⁴ The English translation of the French original was filed on 5 July 2012.

⁵ On 21 July 2011, François-Xavier Nzuwonemeye filed an amended cover page of his notice of appeal where the composition of the Bench was amended. The public redacted version of François-Xavier Nzuwonemeye's notice of appeal was filed on 9 August 2011.

⁶ See also Corrigendum to Nzuwonemeye Appellant's Brief, 1 February 2012 (confidential).

NOTING the “*Acte d’appel d’Innocent Sagahutu*”, filed on 13 January 2012;⁷ the “*Mémoire d’appel d’Innocent Sagahutu*”, filed confidentially on 27 March 2012;⁸ the “Prosecution’s Respondent’s Brief in Response to Innocent Sagahutu’s Appellant’s Brief”, filed on 7 May 2012; and the “Sagahutu Defence Reply Brief”, filed confidentially on 22 May 2012;

NOTING the “Prosecutor’s Notice of Appeal”, filed on 20 July 2011; the “Prosecution’s Consolidated Appellant’s Brief”, filed on 3 October 2011; the “Respondent’s Brief, Augustin Ndindiliyimana”, filed on 11 November 2011; the “Nzuwonemeye Respondent’s Brief”, filed on 16 April 2012; the “*Mémoire de l’intimé en réponse au mémoire d’appel du Procureur*”, filed by Augustin Bizimungu on 23 April 2012;⁹ the “*Mémoire de l’intimé Innocent Sagahutu en réponse au mémoire d’appel global du Procureur*”, filed on 30 April 2012;¹⁰ and the “Prosecution’s Brief in Reply to Augustin Ndindiliyimana’s Respondent’s Brief”, filed on 28 November 2011;

CONSIDERING that the filing of the briefs in this case is complete;

PURSUANT to Rule 114 of the Rules of Procedure and Evidence of the Tribunal;

HEREBY ORDERS that the hearing of the appeals in the present case shall take place from 7 through 10 May 2013, in Arusha, Tanzania; and

INFORMS the parties that the timetable of the hearing shall be as follows, subject to adjustments as appropriate:

Tuesday, 7 May 2013

10.00 – 10.10	Introductory statement by the Presiding Judge (10 minutes)
10.10 – 11.40	Submissions of Augustin Ndindiliyimana (1 hour 30 minutes)
11.40 – 12.40	Response by the Prosecution (1 hour)
12.40 – 14.10	Pause (1 hour 30 minutes)
14.10 – 14.40	Continued Response by the Prosecution (30 minutes)
14.40 – 15.10	Reply by Augustin Ndindiliyimana (30 minutes)
15.10 – 15.25	Pause (15 minutes)
15.25 – 16.55	Submissions of Augustin Bizimungu (1 hour 30 minutes)

⁷ The English translation of the French original was filed on 8 March 2012.

⁸ The public redacted version was filed on 30 March 2012. The English translation of the French original was filed on 7 August 2012.

⁹ The English translation of the French original was filed on 5 September 2012.

Wednesday, 8 May 2013

- 10.00 – 11.30 Response by the Prosecution (1 hour 30 minutes)
11.30 – 12.00 Reply by Augustin Bizimungu (30 minutes)
12.00 – 13.30 *Pause (1 hour 30 minutes)*
13.30 – 15.00 Submissions of François-Xavier Nzuwonemeye (1 hour 30 minutes)
15.00 – 15.15 *Pause (15 minutes)*
15.15 – 16.45 Response by the Prosecution (1 hour 30 minutes)
16.45 – 17.15 Reply by François-Xavier Nzuwonemeye (30 minutes)

Thursday, 9 May 2013

- 10.00 – 11.30 Submissions of Innocent Sagahutu (1 hour 30 minutes)
11.30 – 13.00 Response by the Prosecution (1 hour 30 minutes)
13.00 – 14.30 *Pause (1 hour 30 minutes)*
14.30 – 15.00 Reply by Innocent Sagahutu (30 minutes)
15.00 – 16.30 Submissions of the Prosecution (1 hour 30 minutes)
16.30 – 16.45 *Pause (15 minutes)*
16.45 – 17.30 Response by Augustin Ndindiliyimana (45 minutes)

Friday, 10 May 2013

- 10.00 – 10.45 Response by Augustin Bizimungu (45 minutes)
10.45 – 11.05 Response by François-Xavier Nzuwonemeye (20 minutes)
11.05 – 11.25 Response by Innocent Sagahutu (20 minutes)
11.25 – 11.55 *Pause (30 minutes)*
11.55 – 12.25 Reply by the Prosecution (30 minutes)
12.25 – 12.35 Optional personal address by Augustin Ndindiliyimana (10 minutes)
12.35 – 12.45 Optional personal address by Augustin Bizimungu (10 minutes)
12.45 – 12.55 Optional personal address by François-Xavier Nzuwonemeye (10 minutes)
12.55 – 13.05 Optional personal address by Innocent Sagahutu (10 minutes)

¹⁰ The English translation of the French original was filed on 5 September 2012.

Done in English and French, the English version being authoritative.

Done this 2nd day of April 2013,
At The Hague,
The Netherlands.



Theodor Meron

Judge Theodor Meron
Presiding

[Seal of the Tribunal]