



ICTR-05-89-I
07-03-2012
717 - 7153
International Criminal Tribunal for Rwanda
Tribunal pénal international pour le Rwanda

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AM

UNITED NATIONS
NATIONS UNIES

OR: ENG

TRIAL CHAMBER III

Before Judges: Lee Gacuiga Muthoga, Presiding
Seon Ki Park
Gberdao Gustave Kam

Registrar: Adama Dieng

Date: 7 March 2012

JUDICIAL RECORDS ARCHIVES
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THE PROSECUTOR
v.
Bernard MUNYAGISHARI

Case No. ICTR-2005-89-I

**SCHEDULING ORDER FOR A HEARING ON REFERRAL OF THE CASE OF
BERNARD MUNYAGISHARI TO THE REPUBLIC OF RWANDA**

Office of the Prosecutor

Hassan Bubacar Jallow
James J. Arguin
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Inneke Onsea
Abdoulaye Seye
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Counsel for the Accused

Philippe Moriceau
Majda Dautović
Natacha Fauveau-Ivanović

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THE INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA (“Tribunal”),

SITTING as Trial Chamber III, composed of Judges Lee Gacuiga Muthoga, presiding, and Judges Seon Ki Park and Gberdao Gustave Kam, pursuant to Rule 54 of the Rules of Procedure and Evidence (“Rules”);

BEING SEIZED of the Prosecutor’s request of 9 November 2011 for referral of the case by a Trial Chamber under Rule 11 *bis* of the Rules of Procedure and Evidence (“the Rules”) to the Republic of Rwanda;¹

NOTING the Defence response to the Prosecutor’s Request, whereby the Defence raises a number of objections relating to a possible referral of the case to the Republic of Rwanda;²

NOTING the Prosecutor’s Consolidated Reply of 29 February 2012;³

CONSIDERING that the Republic of the Rwanda is the intended receiving state, and noting that in this context it filed an *amicus curiae* brief on 18 January 2012;⁴

DETERMINING that in deciding the issue of referral pursuant to Rule 11 *bis* (C), the Chamber will be assisted by the parties, and the receiving state, elaborating and expanding on the submissions in their respective briefs;

PURSUANT to Rules 54 and 11 *bis* of the Rules;

¹ Prosecutor’s Request for the Referral of the Case of Bernard Munyagishari to Rwanda pursuant to Rule 11 *bis* of the Tribunal’s Rules of Procedure and Evidence, 9 November 2011, para. 96.

² *Réponse de la défense de Bernard Munyagishari à la requête du Procureur aux fins de renvoi de l’affaire Munyagishari au Rwanda en application de l’Article 11 bis du Règlement de Procédure et de Preuve*, 1 February 2012; *Addendum à la réponse de la défense de Bernard Munyagishari à la requête du Procureur aux fins de renvoi de l’affaire Munyagishari au Rwanda en application de l’Article 11 bis du Règlement de Procédure et de Preuve*, 3 February 2012.

³ Prosecutor’s Consolidated Brief in Reply, 29 February 2012.

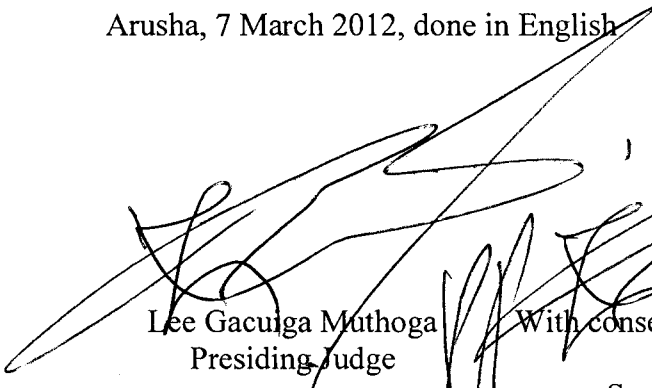
⁴ Brief for the Republic of Rwanda as *Amicus Curiae*, 18 January 2012.

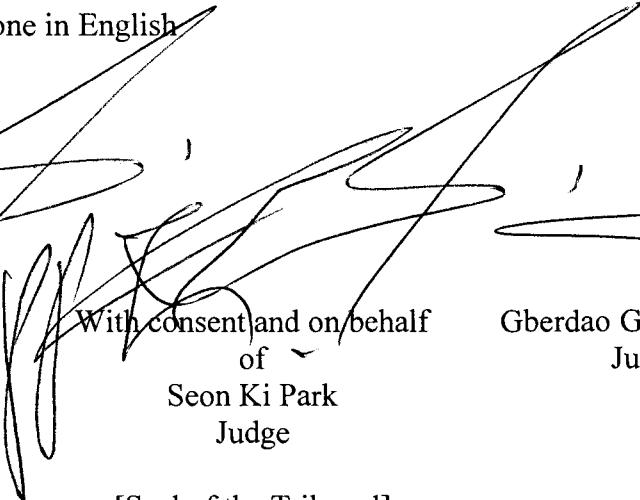


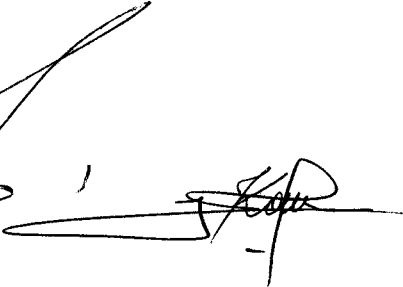
THE CHAMBER HEREBY

- I. **ORDERS** a hearing to be held on 12 April 2012 with a time-table to follow;
- II. **ORDERS** the parties to attend the hearing in order to elaborate and expand on the issues arising from their respective briefs and to answer questions from the Chamber;
- III. **INVITES** the Republic of Rwanda, as the intended receiving state, to attend the hearing and, should it wish, to make any clarifications of its submissions;
- IV. **DIRECTS** the Registrar to transmit this order to the parties and the Republic of Rwanda, immediately.

Arusha, 7 March 2012, done in English

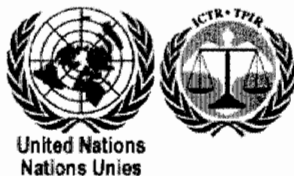

Lee Gacuga Muthoga
Presiding Judge


With consent and on behalf
of
Seon Ki Park
Judge


Gberdao Gustave Kam
Judge

[Seal of the Tribunal]





**TRANSMISSION SHEET
FOR FILING OF DOCUMENTS WITH CMS**

COURT MANAGEMENT SECTION
(Art. 27 of the Directive for the Registry)

I - GENERAL INFORMATION (To be completed by the Chambers / Filing Party)

To:	<input type="checkbox"/> Team I N. M. Diallo	<input type="checkbox"/> Team II R. N. Kouambo	<input checked="" type="checkbox"/> Team III C. K. Hometownu	
	<input type="checkbox"/> OIC, JLSJ P. Besnier	<input type="checkbox"/> OIC, JPU C. K. Hometownu	<input type="checkbox"/> Appeals Chamber / The Hague K. K. A. Afande R. Muzigo-Morrison	
From:	<input checked="" type="checkbox"/> Chamber Emma Walker (names)	<input type="checkbox"/> Defence (names)	<input type="checkbox"/> Prosecutor's Office (names)	<input type="checkbox"/> Other: (names)
Case Name:	The Prosecutor vs. Bernard Munyagishari		Case Number: ICTR-2005-89-I	
Dates:	Transmitted: 7 March 2012		Document's date: 7 March 2012	
No. of Pages:	4	Original Language:	<input checked="" type="checkbox"/> English <input type="checkbox"/> French <input type="checkbox"/> Kinyarwanda	
Title of Document:	Scheduling Order for a Hearing on Referral of the Case of Bernard Munyagishari to the Republic of Rwanda			
Classification Level:		TRIM Document Type:		
<input type="checkbox"/> Ex Parte <input type="checkbox"/> Strictly Confidential / Under Seal <input type="checkbox"/> Confidential <input checked="" type="checkbox"/> Public		<input type="checkbox"/> Indictment <input type="checkbox"/> Warrant <input type="checkbox"/> Correspondence <input type="checkbox"/> Submission from non-parties <input type="checkbox"/> Decision <input type="checkbox"/> Affidavit <input type="checkbox"/> Notice of Appeal <input type="checkbox"/> Submission from parties <input type="checkbox"/> Disclosure <input checked="" type="checkbox"/> Order <input type="checkbox"/> Appeal Book <input type="checkbox"/> Accused particulars <input type="checkbox"/> Judgement <input type="checkbox"/> Motion <input type="checkbox"/> Book of Authorities		

II - TRANSLATION STATUS ON THE FILING DATE (To be completed by the Chambers / Filing Party)

CMS SHALL take necessary action regarding translation.

Filing Party hereby submits only the original, and **will not submit** any translated version.

Reference material is provided in annex to facilitate translation.

Target Language(s):

English French Kinyarwanda

CMS SHALL NOT take any action regarding translation.

Filing Party hereby submits **BOTH the original and the translated version** for filing, as follows:

Original	in	<input type="checkbox"/> English	<input type="checkbox"/> French	<input type="checkbox"/> Kinyarwanda
Translation	in	<input type="checkbox"/> English	<input type="checkbox"/> French	<input type="checkbox"/> Kinyarwanda

CMS SHALL NOT take any action regarding translation.

Filing Party **will be submitting the translated version(s)** in due course in the following language(s):

English French Kinyarwanda

KINDLY FILL IN THE BOXES BELOW

<input type="checkbox"/> The OTP is overseeing translation. The document is submitted for translation to: <input type="checkbox"/> The Language Services Section of the ICTR / Arusha. <input type="checkbox"/> The Language Services Section of the ICTR / The Hague. <input type="checkbox"/> An accredited service for translation; see details below: Name of contact person: Name of service: Address: E-mail / Tel. / Fax:	<input type="checkbox"/> DEFENCE is overseeing translation. The document is submitted to an accredited service for translation (fees will be submitted to DCDMS): Name of contact person: Name of service: Address: E-mail / Tel. / Fax:
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III - TRANSLATION PRIORITISATION (For Official use ONLY)

<input type="checkbox"/> Top priority	COMMENTS	<input type="checkbox"/> Required date:
<input type="checkbox"/> Urgent		<input type="checkbox"/> Hearing date:
<input type="checkbox"/> Normal		<input type="checkbox"/> Other deadlines: