



UNITED NATIONS  
NATIONS UNIES



Tribunal Pénal International pour le Rwanda  
International Criminal Tribunal for Rwanda

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ET  
ICTR-95-1-A  
26 MAY 2000  
(328-325)

**IN THE APPEALS CHAMBER**

**Before:** Judge Rafael NIETO-NAVIA

**Registrar:** Mr Agwu U OKALI

**Order of:** 26 May 2000

Clément KAYISHEMA and  
Obéd RUZINDANA  
(Appellants)

v

THE PROSECUTOR  
(Cross-Appellant)

Case No: ICTR-95-1-A

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**ORDER**

(APPELLANT'S MOTIONS TO EXTEND TIME LIMITS)

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**Counsel for the Appellant Clément Kayishema**

Mr André Féran  
Mr Phillipe Moriceau

**Counsel for the Appellant Obéd Ruzindana**

Mr Pascal Besnier  
Mr William van der Griend

**Counsel for the Prosecutor**

Mr Upawansa Yapa  
Mr Norman Farrell  
Mr Zhu Wen-Qi

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I, **Rafael Nieto-Navia**, designated by the Presiding Judge as Pre-Hearing Judge pursuant to Rule 108*bis* of the Rules of Procedure and Evidence ("the Rules");

NOTING the Judgement of Trial Chamber II dated 21 May 1999 ("the Judgement") by which (a) **Clément Kayishema** ("the first Appellant") and **Obed Ruzindana** ("the second Appellant") were convicted on four counts of genocide and one count of genocide respectively, and (b) the first Appellant was sentenced to four terms of life imprisonment and the second Appellant was sentenced to one term of imprisonment for twenty-five years;

NOTING the three Notices of Appeal filed against the Judgement on 18 June 1999 by the first Appellant, the second Appellant and the Prosecutor ("the Cross-Appellant");

NOTING the Scheduling Order issued by the Appeals Chamber on 3 September 1999 which fixed a date for filing of Appellant's Briefs, Briefs in Response and Briefs in Reply and which ordered that the Appeals Chamber would thereafter decide on the date of hearing in the matter;

NOTING the subsequent decisions of the Appeals Chamber on 21 October 1999, 14 December 1999 and 11 April 2000 ("the Decision of 11 April 2000"), which, *inter alia*, modified the time limits for the filing of Appeal Briefs;

NOTING that the first Appellant filed his Appellant's Brief on 19 January 2000, the second Appellant filed his Appellant's Brief on 19 October 1999 and the Cross-Appellant filed her Appeal Brief on 2 May 2000, although it appears from the markings on the top of the pages that it was faxed to the Registry on 28 April 2000 ("the Cross-Appellant's Brief");

NOTING that pursuant to the Decision of 11 April 2000, all parties were due to file their Briefs in Response by 28 May 2000 and their Briefs in Reply by 12 June 2000;

NOTING the Motions filed by the first Appellant<sup>1</sup> and the second Appellant<sup>2</sup> in which they request that the time-limits as set out in the Decision of 11 April 2000 be varied and

<sup>1</sup> *Requête de l'Appelant Clément Kayishema aux fins de Prolongation des délais (Art. 116 du RPP) pour le dépôt du Mémoire d'Intimé (Art. 112 du RPP)*, filed 22 May 2000.

<sup>2</sup> *Requête de l'Appelant Obed Ruzindana en Prolongation des délais pour le dépôt du Mémoire d'Intimé (Articles 112 et 113 du Règlement)*, filed 17 May 2000.

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extended pursuant to Rule 116 of the Rules, so that their Respondent's Briefs are filed thirty days after receipt of the Cross-Appellant's Brief in French (together "the Motions");

**NOTING** that the first Appellant alleges that his Counsel did not receive the English version of the Cross-Appellant's Brief until 10 May 2000 although it was due on 28 April 2000; that the first Appellant does not understand English and therefore must wait for the French translation and; that he is awaiting outstanding items which form part of the Record on Appeal and which the Registry has stated will not be forwarded before 9 June 2000;

**NOTING** that the second Appellant alleges that his Counsel received the English version of the Cross-Appellant's Brief on 10 May 2000 but that the second Appellant received it on 16 May 2000 and that the second Appellant and his principal Counsel do not understand English and require the French translation of the Cross-Appellant's Brief to be in a position to file their Brief in Response;

**CONSIDERING** that although the Cross-Appellant has not filed a response to the Motions, as the Briefs in Response are due on 28 May 2000 pursuant to the Decision of 11 April 2000, it is nevertheless necessary to make a decision on the Motions;

**NOTING** that the French translation of the Cross-Appellant's Brief is expected to be filed by the end of the week commencing 29 May 2000;

**NOTING** the decision issued by me as pre-hearing Judge on 12 April 2000 in which it was held that although time limits for filing of appeal briefs run from the filing of a relevant document in one and not both of the official languages of the Tribunal, "in case of genuine difficulty experienced by a party in meeting a time limit application may be made under Rule 116 of the Rules"<sup>3</sup>;

**CONSIDERING** the delay which the Appellants experienced in receipt of the Cross-Appellant's Brief and the fact that the first Appellant is still awaiting outstanding items which form part of the Record on Appeal and which the Registry has stated will not be forwarded before 9 June 2000;

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<sup>3</sup> Decision (Appellants' Motions Requesting an Alteration of the Time Limits for the Filing of Documents).

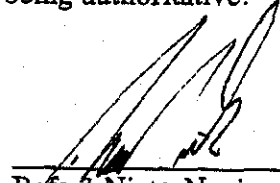
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**NOW ORDERS AS FOLLOWS:**

The Decision of 11 April 2000 is varied to the extent that:

1. The first Appellant, second Appellant and Cross-Appellant shall file their Respondent's Briefs by 23 June 2000 pursuant to Rule 112 of the Rules;
2. The first Appellant, second Appellant and Cross-Appellant shall file their Briefs in Reply by 7 July 2000 pursuant to Rule 113 of the Rules.

Done in both English and French, the English text being authoritative.

  
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Rafael Nieto-Navia,  
Pre-hearing Judge

Dated this twenty-sixth day of May 2000  
At The Hague,  
The Netherlands.

[Seal of the Tribunal]

