

ICTR-95-1-A  
 5<sup>th</sup> JULY 2000  
 (602 - 599)



UNITED NATIONS  
 NATIONS UNIES



Tribunal Pénal International pour le Rwanda  
 International Criminal Tribunal for Rwanda

602  
 de

**IN THE APPEALS CHAMBER**

**Before:** Judge Rafael NIETO-NAVIA

**Registrar:** Mr Agwu U OKALI

**Order of:** 4 July 2000

**Clément KAYISHEMA and  
 Obed RUZINDANA**  
*(Appellants)*

v

**THE PROSECUTOR**  
*(Cross-Appellant)*

*Case No: ICTR-95-1-A*

2000 JUL -5 A 8 54  
 ICJR  
 COURT REGISTRY  
 RECEIVED

**ORDER**

(APPELLANT'S MOTIONS TO EXTEND TIME LIMITS)

**Counsel for the Appellant Clément Kayishema**

Mr André Féran

Mr Phillipe Moriceau

**Counsel for the Appellant Obed Ruzindana**

Mr Pascal Besnier

Mr William van der Griend

**Counsel for the Prosecutor**

Mr Upawansa Yapa

Mr Norman Farrell

Mr Zhu Wen-Qi

601

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, Respondent’s Briefs and Briefs in Reply and the subsequent decisions of the Appeals Chamber on 21 October 1999, 14 December 1999, 11 April 2000 and 26 May 2000 (“the Decision of 26 May 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 Appellant’s 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 26 May 2000, all parties were due to file their Respondent’s Briefs by 23 June 2000 and their Briefs in Reply by 7 July 2000;

NOTING the motion filed by the first Appellant<sup>1</sup> (“the first motion”) to which no response was filed by the Cross-Appellant, in which he requested that the time-limits as fixed in the Decision of 26 May 2000 be varied and extended pursuant to Rule 116 of the Rules, so that his Respondent’s Brief is filed thirty days after receipt of the Cross-Appellant’s Brief in French;

---

<sup>1</sup> *Requête de l’Appellant Clément Kayishema aux fins de Prolongation des délais (Art. 116 du RPP) pour le dépôt du Mémoire d’Intimé (Art. 112 du RPP)*, filed 8 June 2000.

600

**CONSIDERING** that despite filing the first motion, the first Appellant nevertheless filed his Respondent's Brief on 23 June 2000 and that therefore an order is no longer required on the first motion;

**NOTING** the motion filed by the second Appellant<sup>2</sup> ("the second motion") in which he requests an extension of time in which to file his Brief in Reply on the grounds that although he has received the "Prosecution's Brief in Response to the Appeal Brief of Obed Ruzindana" which was filed in English on 14 June 2000, neither he nor his lead Counsel understand English and therefore cannot understand it sufficiently in order to file a reply;

**NOTING** the "Prosecution's Response to Obed Ruzindana's motion to have the time-limit extended for filing of his Brief in Reply" filed on 30 June 2000, in which the Cross-Appellant alleges that on 23 June 2000 the second Appellant filed his Respondent's Brief in English, in response to the Cross-Appellant's Brief and that such action of the second Appellant is contrary to the position taken by him in the second motion in that he must therefore understand English;

**CONSIDERING** that the second Appellant has in fact filed his Respondent's Brief but contrary to the assertions of the Cross-Appellant, it appears that he did so in French on 26 May 2000<sup>3</sup>;

**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>4</sup>;

**CONSIDERING** that although the Appeals chamber were informed that the French translation of the Cross-Appellant's Brief was expected to be filed by the end of the week commencing 29 May 2000, the French translations of both the Cross-Appellant's Brief and Cross-Appellant's Respondent's Brief have yet to be filed;

---

<sup>2</sup> *Requête de l'Appelant Obed Ruzindana en prolongation des délais pour le dépôt de son mémoire en duplique articles 113 et 116*, filed 19 June 2000.

<sup>3</sup> *Mémoire de l'Appelant Obed Ruzindana en réponse au mémoire du procureur sur la peine prononcée contre l'accusé*.

<sup>4</sup> *Decision (Appellants' Motions Requesting an Alteration of the Time Limits for the Filing of Documents)*.

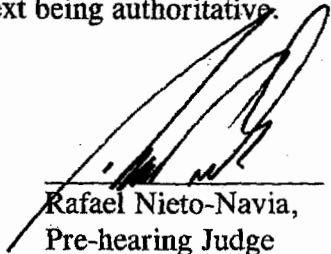
599

**CONSIDERING HOWEVER** that the second Appellant nevertheless filed his Respondent's Brief based on the Cross-Appellant's Brief which was filed in English and further that the second Appellant's co-counsel, Mr Van der Griend has indicated to the Registry that his working languages are French and English;

**CONSIDERING THEREFORE** that this does not appear to be a "case of genuine difficulty" as envisaged by the decision of 12 April 2000;

**HEREBY DISMISS** the second motion requesting an extension to the time limit for filing of the second Appellant's Brief in Reply.

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



Rafael Nieto-Navia,  
Pre-hearing Judge

Dated this fourth day of July 2000  
At The Hague,  
The Netherlands.

[Seal of the Tribunal]