

UNITED NATIONS
NATIONS UNIESTribunal Pénal International pour le Rwanda
International Criminal Tribunal for Rwanda

2000 AUG 25 A 9 03

IN THE APPEALS CHAMBER

Before: Judge Rafael NIETO-NAVIA

Registrar: Mr Agwu U OKALI

Order of: 17 July 2000

ICTR
JUDICIAL RECORDS/ARCHIVES
RECEIVEDICTR-95-1-A
23 Aug. 2000
(1528-1525)Clément KAYISHEMA and
Obed RUZINDANA
(Appellants)

v

THE PROSECUTOR
(Cross-Appellant)

Case No: ICTR-95-1-A

ORDER(CLÉMENT KAYISHEMA'S MOTION TO EXTEND TIME LIMIT)

Counsel for the Appellant Clément Kayishema

Mr André Féran

Mr Phillipe Moriceau

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 108bis 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 that the Cross-Appellant filed her Appellant's Brief in English 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 order issued on 26 May 2000 ("the order 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 2000¹ and that the first Appellant filed his Respondent's Brief on 23 June 2000 ("the first Appellant's Response");

NOTING the motion filed by the first Appellant² ("the first motion") 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 the first Appellant's Response is filed thirty days after receipt of the Cross-Appellant's Brief in French;

NOTING that although a decision had not been rendered on the first motion, the first Appellant nevertheless filed the first Appellant's Response on 23 June 2000;

NOTING the order of 4 July 2000³ in which it was decided *inter alia* that because the first Appellant had filed the first Appellant's Response an order was no longer required on the first motion;

¹ Order (Appellant's Motions to extend time limits).

² 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 8 June 2000.

³ Order (Appellant's Motions to extend time limits).

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NOTING the "Prosecution Brief in Reply to the Respondent's Brief of Clément Kayishema" filed on 7 July 2000 ("the Cross-Appellant's Reply");

NOTING the motion filed by the first Appellant on 6 July 2000⁴ ("the second motion") in which he requests leave to file a supplement to the first Appellant's Response one month following receipt of the Cross-Appellant's Brief translated into French;

NOTING the allegation in the second motion that, although the first Appellant filed the first Appellant's Brief to comply with the time-limits set in the order of 26 May 2000, as also pointed out in the first motion, the first Appellant had yet to receive the French translation of the Cross-Appellant's Brief and therefore could not respond to the arguments therein; and that this argument had been made in the first Appellant's Response wherein he reserved the right to file a supplement upon receipt of a French translation of the Cross-Appellant's Brief;

NOTING that a French translation of the Cross-Appellant's Brief has yet to be filed with the Registry and that the first Appellant's lead and co-counsel have both indicated to the Registry that their working language is French;

NOTING the Decision of 12 April 2000 in which it was held, *inter alia*, 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"⁵;

CONSIDERING that this appears to be a case of genuine difficulty experienced by the first Appellant in meeting the time limit of 23 June 2000, and that although the Decision of 4 July 2000 held that an order was not required on the first motion, in light of the second motion and the information contained therein, an order is now required on the first and second motions;

NOW ORDER AS FOLLOWS:

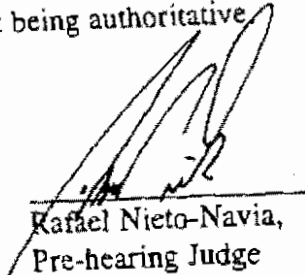
⁴ *Requête de Clément Kayishema aux fins de donner acte d'autorisation de dépôt d'un complément au mémoire responsif de Kayishema au mémoire principal du Procureur.*

⁵ *Decision (Appellants' Motions Requesting an Alteration of the Time Limits for the Filing of Documents).*

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1. The first Appellant may file a supplement to the first Appellant's Response thirty days after filing of the French translation of the Cross-Appellant's Brief;
2. The Cross-Appellant may file a supplement to the Cross-Appellant's Reply fifteen days after filing of the first Appellant's supplement to the first Appellant's Response.

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



Rafael Nieto-Navia,
Pre-hearing Judge

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

[Seal of the Tribunal]