



International Criminal Tribunal for Rwanda
Tribunal pénal international pour le Rwanda

IN THE APPEALS CHAMBER

Before:
Judge Rafael NIETO-NAVIA

Registrar:
Mr Agwu U OKALI

Decision of:
12 September 2000

Clément KAYISHEMA
and
Obed RUZINDANA
(Appellants)

v

THE PROSECUTOR
(Cross-Appellant)

Case No: ICTR-95-1-A

DECISION

(RUZINDANA'S MOTION TO SUPPLEMENT HIS BRIEF IN REPLY)

Counsel for the Appellant Clément Kayishema
Mr André FERRAN
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

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") in 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 imprisonment for the remainder of his life and the second Appellant to one term of imprisonment of 25 years;

NOTING the 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 briefing schedule set by the "Order (Appellants' Motions to Extend the Time-Limits)" issued on 26 May 2000 whereby the first Appellant, the second Appellant and the Cross-Appellant were to file their Briefs in Response by 23 June 2000 and their Briefs in Reply by 7 July 2000;

NOTING the "*Mémoire de l'Appellant Obed Ruzindana en réponse au mémoire du Procureur sur la peine prononcée contre l'accusé*" filed on 26 May 2000 ("the first Brief in Response"), and the "Defence Brief in Response to the Appeal Brief of the Prosecutor (Art. 112 of the Rules)" filed on 23 June 2000 ("the second Brief in Response") by the second Appellant;

NOTING the "*Mémoire provisoire en duplique*" ("the Provisional Brief in Reply") filed on 7 July 2000 by the second Appellant, which he characterises as provisional as he has not yet received the translation into French of the Cross-Appellant's Brief in Response;

BEING SEISED OF the "Appellant Obed Ruzindana's Response to the 'General' Motion Filed by Clément Kayishema on 26 July 2000, and Motion Seeking the Same Relief" filed on 3 August 2000 by the second Appellant ("the Motion") in which he seeks leave to supplement the Provisional Brief in Reply upon receipt of the translation into French of the Cross-Appellant's Brief in Response, which repeats the request first made in the Provisional Brief in Reply;

CONSIDERING that the time limits set by Rules 111, 112 and 113 of the Rules run from the filing of the relevant document in its original language;

CONSIDERING that the Appeals Chamber may grant a motion to extend a time limit pursuant to Rule 116 of the Rules upon a showing of good cause;

NOTING that the second Appellant's co-counsel has indicated to the Registry that English is one of his working languages;

NOTING that several of the second Appellant's written submissions, for example the second Brief in Response, have been filed in English;

CONSIDERING therefore that the Appellant's legal team has English as an effective working language;

CONSIDERING that a brief in reply does not found the basis of an appeal, nor does it contain the core arguments in response to an appeal, but rather affords an opportunity for an Appellant to strengthen his or her case in the face of a respondent's arguments;

CONSIDERING that the second Appellant will have a further opportunity to reply at an oral hearing;

FINDING therefore that the second Appellant has failed to show good cause that he should be allowed to supplement his Provisional Brief in Reply;

HEREBY DISMISS the Motion.

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

Rafael Nieto-Navia,
Pre-hearing Judge

Dated this twelfth day of September 2000
At The Hague,
The Netherlands.

[Seal of the Tribunal]