



International Criminal Tribunal for Rwanda
Tribunal pénal international pour le Rwanda

IN THE APPEALS CHAMBER

Before: Judge Claude JORDA, Presiding, Pre-Hearing Judge

Registrar: Mr. Adama DIENG

Order of: 2 March 2001

Georges Anderson Nderubumwe RUTAGANDA
(Appellant)

v.

THE PROSECUTOR
(Cross-Appellant)

Case No. ICTR-96-3-A

SCHEDULING ORDER
(EXTREMELY URGENT MOTION FOR SUSPENSION OF TIME LIMITS)

Counsel for the Appellant
Mr. David JACOB

Counsel for the Prosecution
Mr. Solomon LOH

I, Claude Jorda, Pre-Hearing Judge;

NOTING the Judgement and Sentence delivered on 6 December 1999 ("the Judgement") by Trial Chamber I finding Georges Anderson Nderubumwe RUTAGANDA guilty of genocide and crimes against humanity and sentencing him to a single sentence of life imprisonment;

NOTING the Notice of Appeal against the Judgement by Georges Rutaganda ("the Appellant") and by the Prosecution which were filed with the Registry on 5 January and 6 January 2000 respectively;

NOTING the "Extremely Urgent Motion for Suspension of Time Limits and Other Matters" ("the Motion"), filed on 27 February 2001, in which the Appellant requests in particular a time limit of 45 days for filing his response to the Prosecution Appeal Brief and a time limit of 90 days for filing his own Appellant's Brief, both to run from 16 February 2001;

NOTING that in support of his Motion lead counsel for the Appellant states that he alone, in the absence of co-counsel, cannot fulfil his obligations in representing his client given the volume of work which that requires; that he is therefore not able to file his various briefs within the time limits set by the Pre-Hearing Judge in his Order of 16 February 2001; that the time limits now sought will make it possible firstly for co-counsel to be assigned who will have the time needed to familiarize him- or herself with the Appellant's case and secondly for the Appellant's various briefs to be drawn up

NOTING the "Prosecution Response to Appellant's 'Extremely Urgent Motion' Filed on 27 February 2001", filed on 28 February 2001, in which the Prosecution argues that the Appellant's request is not justified firstly in that the current lead counsel was assigned as co-counsel on 31 July 2000, which would imply that he is well acquainted with the Appellant's case, and secondly because the Appellant's Brief was to have been filed on 6 December 2000 by the time limit had been extended to enable the certification of the Trial Record to be corrected as requested by the Appellant; that correction of the Trial Record was completed on 14 February 2001; that moreover the Prosecution Appeal Brief contained only two ground of appeal to which the Appellant could easily have responded on the basis of the certified Record as it then stood; and that the Prosecution therefore requests that the Motion be dismissed;

NOTING the "Order (Motions to Quash Certification of the Trial Record and to Suspend Time Limits)" of 4 December 2001 by the Pre-Hearing Judge which firstly requests the Registrar to communicate and serve on the parties an addendum to the certified Record within 30 days and secondly granted the Appellant an additional 30 days from service of the addendum for him to file his Appellant's Brief;

NOTING the "Prosecution Appeal Brief" filed on 11 December 2000;

NOTING the "Order "Motion of 8 January 2001 for Extension of Time Limit)" of 9 January 2001 by the Pre-Hearing Judge instructing the Registrar to file, within 30 days, a supplement to the addendum to the certified Record; that that decision also granted the Appellant's motion, giving him leave to file his response to the Prosecution Appeal Brief and his Appellant's Brief 15 and 60 days respectively after filing of the supplement to the addendum by the Registrar;

NOTING the "Supplemental Addendum to the Certified Trial Record in the Case of Rutaganda vs. The Prosecutor ICTR-96-3-A, in Accordance with the Appeals Chamber Order of 9 January 2001", filed on 6 February 2001 by the Registrar;

NOTING the "Decision (Motion to Suspend Time Limits for Filing Briefs)" of 16 February 2001 by the Pre-Hearing Judge which confirmed that the time limits granted in the Order of 9 January 2001 ran from 14 February 2001, the date on which the supplement to the addendum was filed;

NOTING Rule 116 of the Tribunal's Rules of Procedure and Evidence, whereby the Appeals Chamber may grant a motion to extend a time limit upon a showing of good cause;

CONSIDERING that the Appellant has not enjoyed the assistance of a second counsel since the withdrawal of his lead counsel, which was requested and reported on 5 January 2001, who was then replaced by his then co-counsel;

CONSIDERING that the assistance of a second counsel appears necessary given the disruptions in the Appellant's representation and in the certification of the Trial Record;

CONSIDERING that these events and also the complexity and volume of the Trial Record were already taken into consideration to justify granting the Appellant two extensions of time limits for filing his various briefs;

CONSIDERING that the Appellant's Appeal Brief would have had to be filed on 6 December 2000 and his response to the Prosecution Appeal Brief on 11 January 2001 if the Appellant had not been granted an extension;

CONSIDERING that the lead counsel assigned to the case since 31 July 2000 has, as the Prosecution argues, enjoyed a relatively long time to become acquainted with it, respond to the Prosecution's Appeal Brief and prepare his Appellant's Brief;

CONSIDERING however that given the real difficulties which have been reported, there is cause to grant the Appellant's partially justified Motion and allow him a final extension of time limits for him to file his briefs;

FOR THESE REASONS

RULE that the Appellant shall file his brief in response to the Prosecution Appeal Brief within 30 days and his Appellant's Brief within 60 days of service of the present Order.

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

[signed]

Claude Jorda,
Presiding

Done at The Hague (Netherlands), 2 March 2001

[Seal of the Tribunal]