



UNITED NATIONS
NATIONS UNIES



**International Criminal Tribunal for Rwanda
Tribunal Pénal International pour le Rwanda**

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523/A bis
da

ORIGINAL: French

APPEALS CHAMBER

Before: Claude Jorda, Pre-Hearing Judge

Registry: Adama Dieng

Date filed: 19 December 2001

ICTR-95-1A-A
25.03.2002
(523/A bis - 521/A bis)

THE PROSECUTOR
(Appellant)

vs

IGNACE BAGILISHEMA
(Respondent)

Case No. ICTR-95-1A-A

JUDICIAL RECORDS ARCHIVES
RECEIVED
ICTR
2002 MAR 25 P 4: 27
Jorda

**DECISION ("PROSECUTION'S URGENT MOTION FOR EXTENSION OF TIME
TO FILE ITS APPEAL BRIEF IN COMPLIANCE WITH THE PRACTICE
DIRECTION ON THE LENGTH OF BRIEFS AND MOTIONS ON APPEAL")**

Office of the Prosecutor

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Translation certified by LCSS, ICTR

BAGI(A)02-005 (E)

We, Claude Jorda, Pre-Hearing Judge in the present case,

Considering Rule 108 *bis* (B) of the Rules of Procedure and Evidence (the "Rules"),

Considering the verdict handed down in this case by Trial Chamber I of the International Criminal Tribunal for Rwanda on 7 June 2001,

Considering the Notice of Appeal filed on 9 July 2001 by the Prosecutor (the "Appellant"),

Considering the Prosecution's Appeal Brief filed by the Appellant on 29 October 2001,

Considering the "Decision ('Respondent's motion for translation of documents and for extension of time'; 'Prosecution's urgent motion for authorization to exceed the page limit to the Prosecution's Appeal Brief and Alternative Request for extension of time')" rendered by the Pre-Hearing Judge on 30 November 2001 ("Decision of 30 November 2001"), by which the Pre-Hearing Judge ordered the Appellant to file an Appellant's Brief in compliance with the Practice Direction on the length of briefs and motions on appeal, dated 13 August 2001 ("Practice Direction") no later than 7 December 2001,

Considering the "Prosecution's Appeal Brief (reduced version) filed by the Appellant on 7 December 2001 ("Appellant's Brief"),

Considering the inter-office memorandum dated 14 December 2001 addressed to the President and Judges of the Appeals Chamber by the Deputy Registrar informing them that the Appellant's Brief does not comply with the Practice Direction or the Decision of 30 November 2001, for it contains "more than 40,000 words",

Considering the "Prosecution's urgent motion for extension of time to file its brief in compliance with the Practice Direction on the length of briefs and motions on appeal" ("Prosecution's Motion") filed on 19 December 2001 in which the Prosecution (1) accepts the Registry's observations on the number of words in its Brief; (2) acknowledges that, as a result, its Brief does not comply with the applicable Practice Direction; (3) submits that, following the Decision of 30 November 2001, it dwelt on reducing the number of pages without paying attention to the word count in each page; (4) affirms that, upon receipt of the Registry's observations, it brought its Brief down to 29,867 words (excluding the cover page and table of contents); and (5) requests the Appeals Chamber to grant the Prosecution an extension of time to file an Appeal Brief in compliance with the applicable Practice Direction,

Considering the "Prosecution's Appeal Brief (further reduced version Brief)" attached to the Prosecutor's Motion ("new Appellant's Brief"),

Considering Rule 116 of the Rules,

Whereas the Practice Direction provides that the “ brief of an appellant on appeal from a final Judgement will not exceed 100 pages or 30,000 words” and that “headings, footnotes and quotations count towards the above word and page limitations”,

Considering that the Decision of 30 November 2001 directed the Prosecution to file an Appellant’s Brief in compliance with the applicable Practice Direction,

Whereas the arguments put forth by the Prosecution in support of its motion in themselves do not constitute sufficient justification for an extension of time;

Whereas, however, to ensure that the proceedings are not unduly delayed, it is necessary to allow the Appellant to file the new Brief as attached to his Motion;

Whereas furthermore by failing to file an Appellant’s Brief in compliance with the Decision of 30 November 2001, the Appellant failed to comply with the order of the Pre-Hearing Judge in the said Decision and having ascertained Appellant’s non-compliance with this order, the Appeals Chamber will take appropriate disciplinary measures, if necessary and at the right moment;

For the foregoing reasons, we

Allow the Appellant to file his new Brief attached to the motion for extension of time;

Request the Registry to translate the new Appellant’s Brief into French and to serve the said document on the parties before 7 January 2002;

Affirm that, at this stage of appeal proceedings, time allotted for response by the Respondent will commence when the Registry serves the Respondent and his Counsel with the French version of the new Appellant’s Brief;

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

(Signed)

Claude Jorda
Pre-Hearing Judge

Done this 19th day of December 2001

At the Hague (The Netherlands)

