

ICTR-95-1A-A
17 APRIL 2002
(657/H₀₁₃ - 655/H₀₁₃)

65



International Criminal Tribunal for Rwanda
Tribunal pénal international pour le Rwanda

ENGLISH
Original: FRENCH

APPEALS CHAMBER

Before: Claude Jorda, Pre-hearing Judge
Registrar: Adama Dieng
Decision filed: 21 February 2002

THE PROSECUTOR
(Appellant)
v.

IGNACE BAGILISHEMA
(Respondent)

Case No. ICTR-95-1A-A

18/06/2002
ICTR
ORIGINAL RECORDS/ARCHIVES

DECISION

ON THE PROSECUTION'S URGENT MOTION FOR AN EXTENSION OF TIME
AND FOR PERMISSION TO EXCEED THE PAGE LIMITS IN ITS REPLY BRIEF

Office of the Prosecutor:

Upawansa YAPA
Norman FARRELL
Wen-qi ZHU
Mathias MARCUSSEN
Sonjia BOELART-SUOMINEN

Counsel for the Defence:

François ROUX
Maroufa DIABARA
Valérie TOUSSAINT
Wayn JORDASH

ICTR Appeals Chamber
Date: 17/04/2002
Action: F. Galignier
Copied To: See Transmission sheet.

APW/gmm
17/04/2002

Translation certified by LCSS, ICTR

I, Claude Jorda, Pre-Hearing Judge on appeal in the instant case,

CONSIDERING the Judgement Trial Chamber I pronounced on 7 June 2001 in the instant case,

CONSIDERING Considering the Notice of Appeal by the Prosecutor filed on 9 July 2001,

CONSIDERING the Prosecution's Appeal Brief (further reduced version), filed on 19 December 2001 (respectively the "Appellant's Brief" and the "Appellant"),

CONSIDERING the Respondent's Brief in Reply and the Erratum to the Respondent's Brief in Reply, filed by Ignace Bagilishema respectively on 7 and 8 February 2002 (respectively the "Reply" and the "Respondent"),

CONSIDERING the Prosecution's Urgent Motion for an Extension of Time and for Permission to Exceed the Page Limits of its Reply Brief filed by the Appellant on 12 February 2002 (the "Motion"), in which the Appellant requests the Appeals Chamber (i) to grant an extension of time until 19 March 2002 to file her Brief in Reply (the "Reply"); and (ii) to grant her the right to file additional 30 pages over and above the limits fixed for a Reply in the Practice Direction on the Length of Briefs and Motions on Appeal (the "Practice Direction"),

CONSIDERING the Brief in Reply to the Prosecution's Urgent Motion filed by the Respondent on 20 February 2002 (the "Reply"), in which the Respondent objects to the requests made in the Motion,

WHEREAS in its Motion, the Prosecution submits *inter alia* that the Respondent's Reply raises six new grounds of contention that are outside the scope of the issues raised by the Appellant; that the Prosecution needs to consider the issue of the admissibility of the Respondent's grounds considering that this hinges on an important point of law which needs to be resolved by the Appeals Chamber; that the Respondent's grounds entail a considerable expansion of the scope of the factual and legal allegations submitted for review to the Appeals Chamber; that the Prosecution accordingly needs to review some parts of the file of the Trial Chamber which it did not consider in its grounds of appeal; that should the extension of time and permission to exceed the limits fixed by the Practice Direction not be granted, the Prosecution will be unable to assist the Appeals Chamber in its determination of the admissibility of the new grounds nor will it address the said

CONSIDERING that the Respondent argues in his Reply, that the Prosecution has been granted several extensions for her to file her Brief; that it will be unfair to grant extensions which have been denied the Respondent; that the Motion is unreasonable; that, at any rate, the Appeals Chamber is only bound to consider the Appellant's grounds of appeal,

CONSIDERING Rule 116 of the Rules of Procedure and Evidence,

CONSIDERING Paragraph (C) (5) of the Practice Direction which states *inter alia*, that "a party must seek authorisation in advance from the Chamber to exceed the page limits in this Practice Direction and must provide an explanation for the exceptional circumstances that necessitate the oversized filing,"

CONSIDERING that the Appellant has not shown proper cause for the extension of time requested and has failed to establish the exceptional circumstances that warrant exceeding the limits fixed by the Practice Direction for the Length of the Reply,

CONSIDERING that parties may, in any case, expand on their arguments regarding the admissibility and merits of the six new grounds at the hearing of the appeal, which will be scheduled subsequently by an order setting out the hearing dates.

FOR THE FOREGOING REASONS;

DISMISS the Motion.

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

[signed]

Claude Jorda

Pre-Hearing Judge

Done at The Hague, The Netherlands, 21 February 2002.

