



ICTR-96-10-A & ICTR-96-17-A

12 August 2003
(1038/h - 1036/h)

International Criminal Tribunal for Rwanda
Tribunal Pénal International pour le Rwanda

1038/h

RMM

IN THE APPEALS CHAMBER

Before: President Theodor Meron, Duty Judge

Registrar: Mr. Adama Dieng

Decision of: 12 August 2003

ICTR Appeals Chamber

Date: 12 August 2003

Action: *Wait*

Copied To: Concerned Judges,

Parties, Judicial Archives, LOS,

Élizaphan NTAKIRUTIMANA and Gérard NTAKIRUTIMANA

LOS

v.

THE PROSECUTOR

Case No. ICTR-96-10-A and ICTR-96-17-A

**REASONS FOR ORAL DECISION OF 8 AUGUST 2003 IN RESPONSE TO
ELIZAPHAN NTAKIRUTIMANA'S REQUEST FOR A BRIEF EXTENSION
TO RE-FILE HIS APPEAL BRIEF**

Counsel for the Prosecution:

Mr. Norman FARRELL

Counsel for Elizaphan Ntakirutimana

Mr. Ramsey CLARK

Counsel for Gérard Ntakirutimana

Mr. David JACOBS

International Criminal Tribunal for Rwanda
Tribunal pénal international pour le Rwanda

CERTIFIED TRUE COPY OF THE ORIGINAL SEEN BY ME
COPIE CERTIFIÉE CONFORME À L'ORIGINAL PAR NOUS

NAME / NOM: *ROSETTE MUZIRO-MORRISON*

SIGNATURE: *[Signature]* DATE: 12 Aug 2003

I, **THEODOR MERON**, Presiding Judge of the Appeals Chamber of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States, between 1 January 1994 and 31 December 1994 ("International Tribunal"),

SERVING as Duty Judge for the week from 04 August through 10 August 2003, pursuant to Rule 28 of the Rules of Procedure and Evidence of the International Criminal Tribunal for the former Yugoslavia;

SEISED of an "Important Defence Motion for a Brief Extension of Time for the Filing of the Appellant's Brief" ("Request"), filed by Elizaphan Ntakirutimana on 8 August 2003 wherein Elizaphan Ntakirutimana requested, on the basis of Rule 116 of the Rules, an extension in order to file his appeal brief ("Appeal Brief") on 11 August 2003;

NOTING the Judgement and Sentence rendered in the present case on 21 February 2003 by Trial Chamber I of the International Tribunal;

NOTING the Notices of Appeal filed pursuant to Rule 108 of the Rules of Procedure and Evidence of the International Tribunal ("Rules") by Elizaphan Ntakirutimana and Gérard Ntakirutimana and the Prosecution, on 21 March 2003;

NOTING the "Décision sur les demandes en modification des moyens d'appel et les requêtes aux fins d'outrepasser la limite de pages dans le mémoire de l'Appelant", rendered on 21 July 2003 ordering that Gérard and Elizaphan Ntakirutimana re-file their appeal briefs, respectively, on 28 July 2003 and 4 August 2003 at the latest;

NOTING the "Defence Motion for an Extension of Time for the Re-filing of the Appellants' Appeal Brief Pursuant to the Order Issued by the Appeals Chamber on July 21, 2003", filed by Gérard and Elizaphan Ntakirutimana on 23 July 2003, requesting an extension of time to re-file their appeal briefs;

NOTING the "Motifs de la Décision du 24 Juillet 2003 sur la 'Defence Motion for an Extension of Time for the Re-Filing of the Appellants' Appeal Brief Pursuant to the Order Issued by the Appeals Chamber on 21 July 2003'", in which Judge Güney, pre-appeal Judge in the present case, ordered, *inter alia*, that Elizaphan Ntakirutimana re-file his Appeal Brief by 8 August 2003;

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

CONSIDERING that the explanations given in the Request do not constitute "good cause" pursuant to Rule 116 of the Rules and that the Request was filed on the previously established deadline for the re-filing of the Appeal Brief;

NOTING, furthermore, that Elizaphan Ntakirutimana has already obtained two extensions for the filing of his Appeal Brief;

CONSIDERING, however, that, the Appeal Chamber has an interest in having a clearer presentation of Elizaphan Ntakirutimana's grounds of appeal, and that the requested extension is only three days;

NOTING also that the Prosecution has not objected to the Request;

GRANTED the Request orally on 8 August 2003 and **ORDERED** that Elizaphan Ntakirutimana's Appeal Brief be received by the Registry of the International Tribunal by 5:00 p.m. local Hague time on Monday, 11 August 2003.

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



President Theodor Meron
Duty Judge

Done this 12th day of August 2003,
At The Hague,
The Netherlands.



[Seal of the Tribunal]