



International Criminal Tribunal for Rwanda  
Tribunal pénal international pour le Rwanda

**IN THE APPEALS CHAMBER**

**Before:** Judge Mehmet GÜNEY, Pre-Appeal Judge

**Registrar:** Mr. Adama DIENG

**Decision of:** 3 October 2003

**Élizaphan NTAKIRUTIMANA and Gérard NTAKIRUTIMANA**  
v/  
**THE PROSECUTOR**

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

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**ORDER ON THE APPELLANTS' MOTION FOR AN EXTENSION OF TIME  
FOR THE FILING OF THE APPELLANTS' REPLY BRIEFS**

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**Counsel for the Prosecutor**

Ms Melanie Werrett

**Counsel for Elizaphan Ntakirutimana**

Mr Ramsey CLARK

**Counsel for Gérard Ntakirutimana**

Mr David JACOBS

**I, MEHMET GÜNEY**, 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 (the "International Tribunal"),

**SERVING** as Pre-Appeal Judge in *Gérard Ntakirutimana and Elizaphan Ntakirutimana v. The Prosecutor*, Case No. ICTR-96-10-A and ICTR-96-17-A, pursuant to Rule 108 *bis* of the Rules of Procedure and Evidence of the International Tribunal (the "Rules");

**NOTING** the “Prosecution’s Consolidated Response Brief” which was filed on 22 September 2003;

**BEING SEISED** of an “Urgent Defence Motion for a Brief Extension of Time of ten days for the Filing of the Appellants’ Reply Briefs”, filed jointly by Elizaphan Ntakirutimana and Gérard Ntakirutimana on 30 September 2003 (the “Motion” and the “Appellants” respectively) wherein the Appellants request on the basis of Rule 116 of the Rules an extension of time of 10 days until 17 October 2003 to file their Appellants Reply Briefs;

**NOTING** that the Prosecution does not oppose the extension sought;

**NOTING** Rule 113 of the Rules, which provides that an Appellant may file a brief in reply within fifteen days after the filing of the Respondent's brief;

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

**CONSIDERING** that in their Motion, the Appellants submit, *inter alia*, that ongoing and pre-existing practice and academic commitments will prevent them from filing their Reply briefs within the time limit, that they require additional time to reply to the detailed Prosecution Response Brief and to coordinate their replies;

**CONSIDERING** that the explanations advanced by the Appellants in their Motion do not constitute good cause in this case;

**CONSIDERING**, however, given the advanced stage of the proceedings and the circumstances of the case, that a limited extension of time is justified;

**PURSUANT TO** Rule 116 of the Rules;

**HEREBY GRANT** the Motion for an extension of time and **ORDER** that the Appellants file their Appellant Reply Briefs no later than Monday 13 October 2003.

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

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Mehmet Güney  
Pre-Appeal Judge

Dated this third day of October 2003,  
At The Hague,  
The Netherlands.

[Seal of the Tribunal]