

ICTR-96.10.A and ICTR-96.17.A  
2 DECEMBER 2003  
(1852/H<sub>bis</sub> - 1850/H<sub>bis</sub>)

1852,  
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Tribunal Pénal International pour le Rwanda  
International Criminal Tribunal for Rwanda

IN THE APPEALS CHAMBER

ENGLISH  
Original: FRENCH

Before: Mehmet Güney, Pre-Appeal Judge  
Registry: Adama Dieng  
Decision of: 6 November 2003

ICTR Appeals Chamber  
Date: 02/12/2003  
Action: P. Galiniev  
Copied To: Concerned Appeal  
Judges, the Parties, SLO, LO,  
ALU, the Parties, SLO, LO,  
Appeals Unit Archives, Fred  
Hague, Common Drive, LSS  
Kor  
ALU  
02/12/20

Élizaphan NTAKIRUTIMANA  
v.  
THE PROSECUTOR

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

DECISION ON "URGENT DEFENSE MOTION PURSUANT  
TO RULE 116 OF THE RULES OF PROCEDURE AND EVIDENCE"

Office of the Prosecutor:

Mélanie WERRET  
Richard KAREGYESA

Counsel for Élizaphan Ntakirutimana:

Ramsey Clark

JUDICIAL RECORDS  
ICTR  
2003 DEC 3 A 9:00  
M. Werret

*Élizaphan Ntakirutimana v. The Prosecutor*, Case No. ICTR-96-10-A and Case No. ICTR-96-17-A

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 and 31 December 1994 (“the Appeals Chamber” and “the Tribunal” respectively),

**CONSIDERING** the *Judgement and Sentence* rendered in the present matter by Trial Chamber I of the International Tribunal on 21 February 2003;

**CONSIDERING** the Order of the Presiding Judge Designating the Pre-Appeal Judge, issued on 28 March 2003, wherein, pursuant to Rule 108*bis* (A) of the *Rules of Procedure and Evidence* (“the Rules” hereinafter), I was designated as the Pre-Appeal Judge in the present matter;

**CONSIDERING** the *Appellant’s Appeal Brief of Pastor Élizaphan Ntakirutimana*, filed on 26 June 2003;

**BEING SEIZED** of the “Urgent Defense Motion pursuant to Rule 116 of the Rules of Procedure and Evidence” (“the Motion” hereinafter), filed by Élizaphan Ntakirutimana on 4 November 2003, in which he requests, pursuant to Rule 116 of the Rules, an extension of time of two weeks to file the Appellant’s Appeal Book as stipulated in Rule 117*bis* of the Rules;

**CONSIDERING** Rule 117*bis* (C) of the Rules which stipulates that the Appeal Book shall be filed two weeks before the date set for hearing;

**CONSIDERING** the “Scheduling Order for the Hearing on Appeal” issued on 23 October 2003 by the Presiding Judge of the Appeals Chamber pursuant to Rule 114 of the Rules, which order provides that the hearing of the appeals shall take place on 1, 2, 3 and 4 December 2003;

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

**CONSIDERING** Article 18 of the Practice Direction on Procedure for the Filing of Written Submissions in Appeal Proceedings Before the Tribunal<sup>1</sup> which provides that “a motion for an extension of time may, in accordance with existing practice, be disposed of without giving the other party the opportunity to respond to the motion if, on the face of the motion, the Appeals Chamber or a bench of three Judges of the Appeals Chamber or the Pre-Appeal Judge is of the opinion that no prejudice would be caused to the other party”;

**CONSIDERING** that in his Motion, Élizaphan Ntakirutimana submits *inter alia* that he did not fully appreciate the amount of work that was needed for the completion of the Appeal Book; that his Counsel is involved in other pending cases, and that two of his legal assistants who are thoroughly familiar with the documents are for the time being unavailable;

**CONSIDERING** that the special circumstances invoked in the Motion constitute good cause in the instant case;

<sup>1</sup> Practice Direction on Procedure for the Filing of Written Submissions in Appeal Proceedings Before the Tribunal of 16 September 2002.

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**CONSIDERING**, nevertheless, that an extension of two weeks would result in the Appeal Book being filed on the eve of the appeal hearing, which may be prejudicial to the parties;

**HEREBY GRANT** the Motion in part and **ORDER** Élizaphan Ntakirutimana to file his Appeal Book not later than 25 November 2003.

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

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Mehmet Güney  
Pre-Appeal Judge

Done at the Hague, The Netherlands, 6 November 2003

[Seal of the International Tribunal]

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