

ICTR-97-20-A
23 MARCH 2004
(117414 - 117214)

117414



International Criminal Tribunal for Rwanda
Tribunal Pénal International pour le Rwanda

BEFORE THE PRE-APPEAL JUDGE

Before: Judge Inés Weinberg de Roca, Pre-Appeal Judge
Registrar: Mr. Adama Dieng
Decision of: 23 March 2004

Laurent SEMANZA

v.

THE PROSECUTOR

Case No. ICTR-97-20-A

ICTR Appeals Chamber
Date: 23-iii-04
Action: PG
Copied To: JUDGES

AWs / 40s
LSS
Archive parties

**DECISION ON APPLICANT BISENGIMANA'S MOTION FOR
EXTENSION OF TIME FOR FILING A REPLY**

Rhn B...

Counsel for the Appellant

Mr. Charles Taku
Mr. Philip Baten

Counsel for the Prosecutor

Mr. James Stewart
Ms. Melanie Werrett

Counsel for the Applicant

Ms. Catherine Mabilie

International Criminal Tribunal for Rwanda
Tribunal pénal international pour le Rwanda
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NAME / NOM: RUTS BURUNDI
SIGNATURE: *Rhn B...* DATE: 23-iii-04

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I, Inés Mónica Weinberg de Roca, Pre-Appeal Judge in this case,¹

NOTING the pending “Urgent Motion by Paul Bisengimana for Leave to Appear as *Amicus Curiae* in Laurent Semanza’s Case on Appeal” filed on 19 February 2004 by Paul Bisengimana, an accused currently awaiting trial at the International Tribunal (“Applicant” and “Application”),² in which he seeks to participate as *amicus curiae* in the appeal against the *Semanza* Judgement;

BEING SEISED OF the “*Demande de délai supplémentaire pour préparer la réplique à la réponse du Procureur à la requête urgente de Paul Bisengimana aux fins d’obtenir l’autorisation d’intervenir en qualité d’amicus curiae dans la cause en appel de Laurent Semanza*” filed 15 March 2004 (“Request for Extension”), in which the Applicant Bisengimana seeks an extension of time to file a reply to the parties’ responses to his Application on the grounds that:

1. He was served on 9 March 2004 with the “Reply of Laurent Semanza to Paul Bisengimana’s [Application]” filed 23 February 2004;
2. He was served on 10 March 2004 with the “Prosecution Response to [Application]” filed on 1 March 2004;
3. He requires further time to obtain and to undertake an in-depth study of all documents filed in the *Semanza* appeal;

CONSIDERING the “Prosecution Response to [Request for Extension]” dated 1 March 2004 but filed on 16 March 2004, in which the Prosecution opposes an extension of time;

CONSIDERING the “Reply by Semanza’s Defence to [Request for Extension]” filed 17 March 2004 (“Prosecution Response”), in which the Appellant Semanza does not oppose an extension of time;

CONSIDERING the “*Réplique à [Prosecution Response]*” filed 18 March 2004, in which the Applicant states, *inter alia*, that he reserves the right not to wait for the decision of the Appeals Chamber because he will be in a position to study the briefs and to file his reply five days after the receipt of the responses of the Prosecution and Semanza in the French language;

NOTING that paragraph 12 of the Practice Direction on Procedure for the Filing of Written Submissions in Appeal Proceedings of 16 September 2002 (“Practice Direction”) provides that “[t]he moving party may file a reply within four days of the filing of the response” and that Rule

¹ “Order of the Presiding Judge Replacing the Pre-Appeal Judge”, 15 July 2003.

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116 of the Rules of Procedure and Evidence ("Rules") provides that "[t]he Appeals Chamber may grant a motion to extend a time limit upon a showing of good cause;

NOTING, however, that the Practice Direction defines the "moving party" as "a party wishing to move the Appeals Chamber for a specific ruling or relief" and does not refer to the particular circumstance of a non-party seeking to intervene as *amicus curiae* in appeal proceedings;

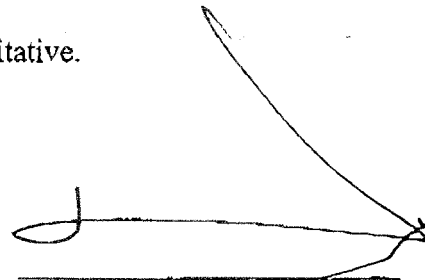
FINDING that the Applicant does not have standing to request an extension of time;

NOTING further that even if the Applicant had standing he has not demonstrated good cause for an extension beyond 15 March 2004, which is four days from the late service of the responses;

HEREBY DENIES the Request for Extension.

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

Done this 23rd day of March 2004,
At The Hague,
The Netherlands.



Judge Inés Mónica Weinberg de Roca
Pre-Appeal Judge

