

ICTR-99-50-AR73.3

30 MARCH 2004

(584/H - 582/H)

584/H



Tribunal Pénal International pour le Rwanda  
International Criminal Tribunal for Rwanda

**IN THE APPEALS CHAMBER**

**Before:**

Judge Theodor Meron, Presiding Judge  
Judge Mohamed Shahabuddeen  
Judge Mehmet Güney  
Judge Fausto Pocar  
Judge Inés Mónica Weinberg de Roca

**Registrar:**

Mr. Adama Dieng

**Decision of:**

30 March 2004

**Prosper MUGIRANEZA**

v.

**THE PROSECUTOR**

Case No ICTR-99-50-AR73.3

JUDICIAL RECORDS DIVISION  
2004 MAR 31 A 9:00  
ICTR

**ICTR Appeals Chamber**

Date:

Action:

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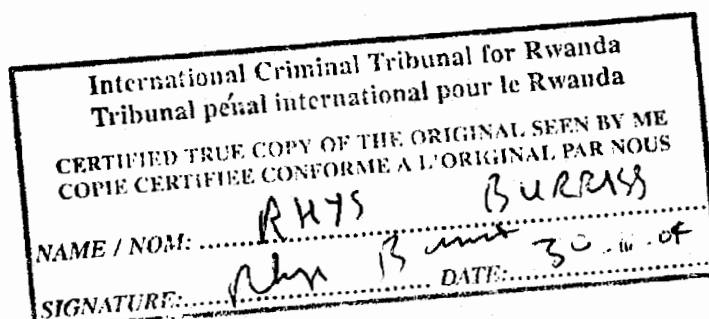
**DECISION ON MOTION FOR EXTENSION OF TIME**

**Counsel for the Prosecution**

Mr. Paul Ng'arua  
Mr. Ibukunolu Babajide  
Mr. Elvis Bazawule  
Mr. George Mugwanya

**Counsel for the Defence**

Mr. Tom Moran



**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 ("Appeals Chamber" and "International Tribunal", respectively),

**BEING SEISED OF** "Prosper Mugiraneza's Motion for Extension of Time," filed by counsel for Prosper Mugiraneza on 26 March 2004 ("Motion");

**NOTING** Trial Chamber II's "Decision on the Accused Mugiraneza's Motion for Certification to Appeal the Chamber's Decision of 5 February 2004" dated 24 March 2004 ("Mugiraneza Certification Decision"), which certified for interlocutory appeal the Trial Chamber's "Decision on Prosper Mugiraneza's Motion to Exclude Testimony of Witnesses Whose Testimony Is Inadmissible in View of the Trial Chamber's Decision of 23 January 2004 and for Other Appropriate Relief" dated 5 February 2004 ("Impugned Decision");

**CONSIDERING** that, pursuant to Rule 73(C) of the Rules of Procedure and Evidence of the International Tribunal ("Rules"), an interlocutory appeal brief must be filed "within seven days of the filing of the decision to certify," meaning that Prosper Mugiraneza's appeal brief is due on 31 March 2004;

**NOTING** Trial Chamber II's "Decision on the Prosecution Motion for Certification to Appeal the Chamber's Decision of 5 February 2004" dated 24 March 2004 ("Prosecution Certification Decision"), which certified the Impugned Decision for interlocutory appeal by the Prosecution;

**CONSIDERING** that, pursuant to the Practice Direction on Procedure for the Filing of Written Submissions in Appeal Proceedings Before the Tribunal dated 16 September 2002 ("Practice Direction") and the jurisprudence of the International Tribunal, Prosper Mugiraneza's response to any interlocutory appeal filed by the Prosecution pursuant to the Prosecution Certification Decision is due ten days after the filing of such an appeal;<sup>1</sup>

**NOTING** that Rule 116(A) of the Rules permits the Appeals Chamber to grant a motion to extend a time limit "upon a showing of good cause";

<sup>1</sup> See, e. g., *Prosecutor v. Eizimungu et al.*, No. ICTR-99-50-AR50, Decision on Prosecutor's Interlocutory Appeal Against Trial Chamber II Decision of 6 October 2003 Denying Leave to File Amended Indictment, 12 February 2004, para. 9.  
Case No. ICTR-99-50-AR73.3

**CONSIDERING** that, according to the Motion, counsel for Prosper Mugiraneza made travel plans, involving airline tickets that are neither changeable nor refundable, based on the timing of the trial session in this case, which was scheduled to conclude on 26 March 2004;

**CONSIDERING** that the requests for certification of the two interlocutory appeals were pending since 12 February 2004 and that the Mugiraneza Certification Decision and the Prosecution Certification Decision were issued without advance notice on 24 March 2004;

**CONSIDERING** that requiring counsel for Prosper Mugiraneza to alter his travel plans to meet the deadlines arising from the issuance of the Mugiraneza Certification Decision and the Prosecution Certification Decision on 24 March 2004 would be unnecessarily wasteful;

**CONSIDERING** that the Prosecution would suffer no prejudice from the granting of an extension;

**CONSIDERING** that good cause has been shown for granting an extension of time pursuant to Rule 116(A) of the Rules;

**FOR THE FOREGOING REASONS,**

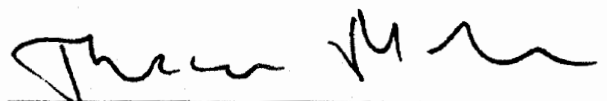
**HEREBY GRANTS** the Motion;

**ORDERS** that Prosper Mugiraneza's appeal pursuant to the Mugiraneza Certification Decision may be filed on or before 7 April 2004; and

**ORDERS** that Prosper Mugiraneza may file a response to any interlocutory appeal filed by the Prosecution pursuant to the Prosecution Certification Decision on or before the seventeenth day following the filing of such appeal.

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

Done this 30<sup>th</sup> day of March 2004,  
At The Hague,  
The Netherlands.



Theodor Meron  
Presiding Judge

[Seal of the International Tribunal]

