



ICTR-98-41-T
International Criminal Tribunal for Rwanda
Tribunal pénal international pour le Rwanda
21-10-2004

22528
Ivan

(22528-22527)

OR: ENG

TRIAL CHAMBER I

Before: Judge Erik Møse

Registrar: Adama Dieng

Date: 21 October 2004

THE PROSECUTOR

v.

Théoneste BAGOSORA

Gratien KABILIGI

Aloys NTABAKUZE

Anatole NSENGIYUMVA

Case No. : ICTR-98-41-T

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DECISION ON PROSECUTION REQUEST FOR EXTENSION OF TIME TO
RESPOND TO EXPECTED DEFENCE MOTIONS

The Office of the Prosecutor

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THE INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA (“the Tribunal”),

SITTING as Trial Chamber I, composed of Judge Erik Møse, designated by the Chamber in accordance with Rule 73 (A) of the Rules of Procedure and Evidence (“the Rules”);

BEING SEIZED of the Prosecution “Request” to extend the time-limit to respond to expected Defence motions for acquittal under Rules 73 and 98*bis*, filed on 19 October 2004;

HEREBY DECIDES the motion.

1. On 18 October 2004, the Defence for Bagosora filed a motion under Rule 98*bis* for acquittal on the basis that the Prosecution has presented insufficient evidence to sustain a conviction on various counts of the Indictment. The Prosecution indicates that it expects the other Defence teams to also file motions for acquittal, and requests that the five day time-limit for responding to motions, set out in Rule 73 (E), start to run only from the date of filing of the last such Defence motion, or from the expiration of the time limit under Rule 98*bis*, whichever is sooner. It argues that as the four co-defendants are charged with conspiracy, any response must take account of the submissions of all four Defence teams. Furthermore, the Prosecution intends to respond to all four Defence motions with a single response, minimizing duplication of argument.

2. The Chamber grants the relief requested. A consolidated Prosecution response to Rule 98*bis* motions has been the practice in the past, and would encourage a more efficient presentation of argument in this case.¹

3. The Prosecution also argues that this extension is justified because it “must arrange for translation” of Defence motions from French into English. The Chamber recalls, however, that, as an organ of the Tribunal, the Prosecution is expected to be able to function in both of its working languages. The absence of a translation from one of the working languages to the other does not justify an extension of the time-limit for the Prosecution.²

FOR THE ABOVE REASONS, THE CHAMBER

GRANTS the motion to extend the deadline for the Prosecution to respond to any motions for acquittal under Rule 98*bis* until five days after the last defendant files his motion, or until five days after the expiration of the time limit prescribed by Rule 98*bis*, whichever is earlier.

Arusha, 21 October 2004



Erik Møse
Judge

[Seal of the Tribunal]

¹ *Nahimana et al.*, Reasons for Oral Decision of 11 September 2002 on the Motion for Acquittal (TC), 25 September 2002.

² *Bizimingu*, Decision on the Application for Appeal Against the Provisional Release Decision of Trial Chamber II of 4 November 2002 (AC), 13 December 2002, p. 3; *Ndayabaje*, Decision on Motion to Appeal Against the Provisional Release Decision of Trial Chamber II of 21 October 2002 (AC), 10 January 2003, p. 4; *Karera*, Decision on the Prosecutor’s Extremely Urgent Motion for Extension of Time to File a Response to a Defence Motion (TC), 26 February 2003, p. 2.