



UNITED NATIONS
NATIONS UNIES

ICTR-98-42-T
21-10-2004
(10937-10935)
International Criminal Tribunal for Rwanda
Tribunal pénal international pour le Rwanda

10937 *smk*

OR: ENG

TRIAL CHAMBER II

Before: Judge William H. Sekule, Presiding
Judge Arlette Ramaroso
Judge Solomy Balungi Bossa

Registrar: Mr Adama Dieng

Date: 21 October 2004

The PROSECUTOR

v.

Pauline NYIRAMASUHUKO

Case No. ICTR-97-21-T
Joint Case No. ICTR-98-42-T

JUDICIAL RECORDS/ARCHIVES
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ICTR
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**DECISION ON DEFENCE MOTION FOR EXTENSION OF TIME FOR
THE FILING OF A MOTION OF ACQUITTAL UNDER RULE 98BIS**

Office of the Prosecutor

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trial

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THE INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA ("Tribunal"),

SITTING as Trial Chamber II composed of Judge William H. Sekule, Presiding, Judge Arlette Ramaroson and Judge Solomy Balungi Bossa (the "Chamber");

BEING SEISED of the "Defence Motion for Extension of Time for the Filing of a Motion for Acquittal Under Rule 98bis" (the "Motion"), filed on 19 October 2004;¹

CONSIDERING the "Prosecutor's Response to Nyiramasuhuko's Motion For Extension of Time to File Rule 98bis Motion" (the "Response"), filed on 20 October 2004;

CONSIDERING the Statute of the Tribunal (the "Statute") and the Rules of Procedure and Evidence (the "Rules");

NOW DECIDES the matter, pursuant to Rule 73 (B), on the basis of the written submissions of the Parties.

WHEREAS the Defence submits that Counsel have to travel to Montreal for a three days period starting on 19 October 2004;

WHEREAS the Defence submits that, during their travel, Counsel are supposed to meet their investigator in Europe and that they also have to prepare the cross-examination of Prosecution Handwriting Expert Witness;

WHEREAS, for these reasons, the Defence asks the Chamber to grant it a seven days additional period for the filing of a motion for acquittal pursuant to Rule 98bis;

WHEREAS the Prosecution submits that the reasons enumerated by the Defence are not sufficient for an extension of time;

WHEREAS the Prosecution further submits that any delay occasioned by the extension of time for the filing of Rule 98bis Motion will be unjustifiable in view of the consequent waste of judicial time and resources that will be engendered;

CONSIDERING that Rule 98bis gives the Trial Chamber the discretion to grant an extension of the time-limit for the filing of motions under this Rule;

CONSIDERING that the Defence knew for months that the Prosecution Case was about to end in or around October 2004;

CONSIDERING that the Defence had full opportunity to organise itself in such a way as to file a Rule 98bis Motion in a timely manner;

CONSIDERING that the legal team for the Defence of Nyiramasuhuko includes a co-counsel and a legal assistant, in addition to the lead counsel, who can assist with the drafting of this or any other motion;

¹ The Motion was filed in French and originally entitled: « Requête en extension de délai aux fins de présenter la requête en acquittement en vertu de l'Article 98 bis du Règlement ».

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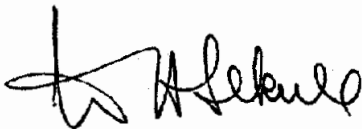
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CONSIDERING that the submissions by the Defence are insufficient to justify an extension of time;

THEREFORE, THE TRIAL CHAMBER

DENIES the Motion.

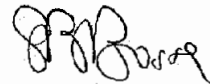
Arusha, 21 October 2004



William H. Sekule
Presiding Judge



Arlette Ramaroson
Judge



Solomy Balungi Bossa
Judge

