



UNITED NATIONS
NATIONS UNIES

ICTR-98-42-T
1-12-2004
(1145 — 1143)
International Criminal Tribunal for Rwanda
Tribunal pénal international pour le Rwanda

1145
mankoy

OR: ENG

TRIAL CHAMBER II

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

Registrar: Mr Adama Dieng

Date: 1 December 2004

JUDICIAL RECORDS/ARCHIVES
ICTR
1 2004 DEC -1 P 5: 24

The PROSECUTOR

v.

Pauline NYIRAMASUHUKO and Arsène Shalom NTAHOBALI
(Case No. ICTR-97-21-T)
Sylvain NSABIMANA (Case No. ICTR-97-29A-T)
Joseph KANYABASHI (Case No. ICTR-96-15-T)
Elie NDAYAMBAJE (Case No. ICTR-96-8-T)

Joint Case No. ICTR-98-42-T

**DECISION ON PROSECUTOR'S EXTREMELY URGENT MOTION FOR
EXTENSION OF TIME TO FILE A CONSOLIDATED RESPONSE AND
FOR OFFICIAL TRANSLATION OF DEFENCE REPLIES**

Office of the Prosecutor

Silvana Arbia
Adelaïde Whest
Adesola Adeboyejo
Althea Alexis
Michael Adenuga
Astou Mbow, Case Manager

Defence Counsel

Ms Nicole Bergevin and Mr Guy Poupart
for Pauline Nyiramasuhuko
Mr Duncan Manyumba and Mr Normand Marquis
for Arsène Shalom Ntahobali
Ms Josette Kadji and Charles Tchakoute-Patie
for Sylvain Nsabimana
Michel Marchand and Josette Santerre
for Joseph Kanyabashi
Pierre Boulé and Claude Desrochers **for Elle Ndayambaje**

Handwritten signature

11144

THE INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA (the "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 "Prosecutor's Confidential Extremely Urgent Motion for Order for Extension of Time to File a Consolidated Response to Defence 98 *bis* Replies and for Official Translation of Defence Replies – Rule 73 of the Rules" of 29 November 2004;

CONSIDERING the Statute of the Tribunal (the "Statute") and the Rules of Procedure and Evidence (the "Rules") in particular Rule 73;

NOW DECIDES the matter pursuant to Rule 73(A) on the basis of the written submissions of the Prosecutor;

HAVING DELIBERATED

CONSIDERING the Prosecution's submissions that it would be in the interests of justice, economy of resources and clarity for it to file a Consolidated Response to the various Defence Replies. The Prosecution requests that it be allowed to file a Consolidated Response to the Defence Replies five (5) days after it has received the official translations of all the Defence Replies;

WHEREAS the Chamber recalls that with regard to the Defence Motions under Rule 98*bis*, the Registry issued deadlines, upon the Chamber's instructions, within which the Prosecution should file their Responses and thereafter, the Defence may, if they wish, file any Replies to the Prosecution Responses.¹ In that regard, no deadlines were set within which the Prosecution was required to file a Response to the Defence Replies;

WHEREAS, the Chamber finds that the Prosecution request to extend timeframes for filing a Consolidated Response, or any form of Response to the Defence Replies, is misconceived;

WHEREAS the Chamber is of the opinion that hearing the Parties is limited to 'Motions, Responses and Replies, if any' when raising matters before the Chamber and that for Parties to file submissions beyond these would be against the interests of judicial economy;

WHEREAS the Chamber observes that this manner of hearing Parties has been the usual practice at the Tribunal and it sees no reason to depart from its usual practice;

ACCORDINGLY, the Chamber denies the Prosecution request.

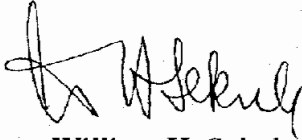
¹ See the Facsimile Transmission of 27 October 2004 to the Parties with Reference No. ICTR/Jud-11-6-2-04/153 from Mr. John Kiyeyu, Court Management Section.

11143

THEREFORE, THE TRIAL CHAMBER

DENIES the Motion.


Arusha, 1 December 2004



William H. Sekule
Presiding Judge



Arlette Ramarson
Judge



Solomy Balungi Bossa
Judge

