



UNITED NATIONS
NATIONS UNIES



International Criminal Tribunal for Rwanda
Tribunal Pénal International pour le Rwanda

992/A

ICTR-96-14-R
02 November 2005
(992/A - 988/A)

IN THE APPEALS CHAMBER

Original: English

Before: Judge Theodor Meron, Presiding
Judge Mohamed Shahabuddeen
Judge Florence Mumba
Judge Fausto Pocar
Judge Wolfgang Schomburg

Registrar: Mr. Adama Dieng

Decision of: 2 November 2005

02 NOV 2005
L-NOV 5007
ICTR

ELIÉZER NIYTEGEKA
(Applicant)

v.

THE PROSECUTOR
(Respondent)

Case No. ICTR-96-14-R

International Criminal Tribunal for Rwanda
Tribunal pénal international pour le Rwanda
CERTIFIED TRUE COPY OF THE ORIGINAL SEEN BY ME
COPIE CERTIFIÉE CONFORMÉ À L'ORIGINAL PAR MOI
NAME / NOM: CHARLES ZAMIT
SIGNATURE: [Signature] DATE: 02/11/2005

DECISION

ON

EXTREMELY URGENT DEFENCE MOTION SEEKING AN EXTENSION OF TIME
PURSUANT TO RULE 116 OF THE RULES OF PROCEDURE AND EVIDENCE
AND
THE PROSECUTION'S MOTION FOR FILING OF ADDITIONAL MATERIAL

ICTR Appeals Chamber
Date: 02 November 2005
Action: R.J.
Copied To: Concerned Judges

Counsel for the Applicant:

Ms. Sylvia Geraghty

Office of the Prosecutor:

Mr. James Stewart
Mr. George Mugwanya
Ms. Inneke Onsea

SCOs, LOs, AOs
[Signature]

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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 Serious Violations Committed in the Territory of Neighbouring States, between 1 January and 31 December 1994 ("Tribunal");

BEING SEIZED of an *Extremely Urgent Defence Motion Pursuant to Rule 116 of the Rules of the International Criminal Tribunal for Rwanda, Seeking an Extension of Time*, filed on 31 October 2005 ("Defence Motion"), in which the Defence seeks an extension of time to reply to the *Prosecutor's Response, with Confidential Appendices, to Additional Submissions of Applicant Made pursuant to Appeals Chamber Decision dated 20 June 2005 in the Matter of an Application for Review and/or Reconsideration and for Receipt of Evidence pursuant to Article 25 and Rule 120, Rule 89(C), Rule 115, Rule 54 and Rule 107*, filed on 25 October 2005 ("Prosecution's Response to Additional Submissions");

NOTING the *Prosecutor's Response to Extremely Urgent Defence Motion pursuant to Rule 116 of the Rules of the International Criminal Tribunal for Rwanda, Seeking an Extension of Time*, filed on 31 October 2005;

CONSIDERING that the Defence Motion is motivated, *inter alia*, by the fact that the Prosecution's Response to Additional Submissions contains voluminous appendices as well as references to video cassette KV00-0030-0043, which was not attached to the said Response;

CONSIDERING that the Prosecution does not oppose the request for an extension of time;

CONSIDERING that Rule 116 of the Rules of Procedure and Evidence of the Tribunal allows granting an extension of a time limit upon the showing of good cause;

FINDING that, in the present circumstances, good cause exists for an extension of the time limit;

BEING FURTHER SEIZED of the *Prosecutor's Motion for Filing of Additional Material*, filed on 31 October 2005 ("Prosecution's Motion"), in which the Prosecution seeks leave to file video footage labeled KV00-0030 and KV00-0030b as requested by the Defence in the Defence Motion;

CONSIDERING that the filing of the video footage referred to in the Prosecution's Motion will assist the Defence in replying to the Prosecution's Response to Additional Submissions;

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FOR THESE REASONS,

GRANTS the Defence Motion and **ORDERS** the Defence to file a reply to the Prosecution's Response to Additional Submissions no later than 9 November 2005;

GRANTS the Prosecution's Motion, **DIRECTS** the Prosecution to file two sets of the video footage referred to therein immediately upon receipt of this Decision, and **REQUESTS** the Registrar to immediately communicate to Defence Counsel, by an express courier, one set of the additional material filed pursuant to this Decision.

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

Done at The Hague, The Netherlands, on 2 November 2005.



Theodor Meron
Presiding Judge



[Seal of the Tribunal]