



Tribunal Pénal International pour le Rwanda
International Criminal Tribunal for Rwanda

ICTR-01-73-AR73
03 July 2006
(32/H - 30/H)

IN THE APPEALS CHAMBER

Before:

Judge Fausto Pocar, Presiding
Judge Mohamed Shahabuddeen
Judge Mehmet Güney
Judge Liu Daqun
Judge Theodor Meron

Registrar:

Mr. Adama Dieng

Decision of:

3 July 2006

ICTR Appeals Chamber

Date: 03 July 2006

Action: R.T.

Copied To: Echo and J.T.
verified (LO, LOS, ALOS, ISS)

Archived *[Signature]*

2006 JUL -4 A.G.

ICTR ARCHIVES

Protais ZIGIRANYIRAZO

v.

The Prosecutor

Case No. ICTR-2001-73-AR73

2006 JUL -4 A 8:11
ICTR ARCHIVES
2006-07-2006

Decision on Request for Extension of Time to File a Reply

Office of the Prosecutor:

Mr. Hassan Bubacar Jallow
Mr. Wallace Kapaya
Mr. Neville Weston
Ms Charity Kagwi-Ndungu
Mr. Abdoulaye Seye

Counsel for the Defence:

Mr. John Philpot
Mr. Peter Zaduk

International Criminal Tribunal for Rwanda Tribunal pénal international pour le Rwanda	
CERTIFIED TRUE COPY OF THE ORIGINAL SEEN BY ME COPIE CERTIFIÉE CONFORME À L'ORIGINAL PAR NOUS	
NAME / NOM: <i>Patrice Tchidimbi</i>	
SIGNATURE: <i>[Signature]</i>	DATE: <i>03.07.06</i>

1. 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 Neighboring States, between 1 January and 31 December 1994 (“Appeals Chamber” and “Tribunal”, respectively) is seized with an interlocutory appeal filed by Protais Zigiranyirazo¹ against a decision of Trial Chamber III.²

2. In connection with this interlocutory appeal, the Appeals Chamber is seized with a request by Counsel for Mr. Zigiranyirazo for a brief extension of time to file Mr. Zigiranyirazo’s reply brief.³ The Prosecution filed its Response to Mr. Zigiranyirazo’s appeal on 29 June 2006 at 5.25 p.m. In his submissions, Counsel for Mr. Zigiranyirazo explains that he received the Prosecution’s response brief on 30 June 2006. He adds that on 1 July 2006, he departs Arusha, Tanzania, in order to return to Canada and will not have access to his office until 4 July 2006. Counsel seeks an extension of time until 6 July 2006 to file the reply. He notes that the Prosecution indicated to him orally that it did not oppose this request.⁴ The Prosecution has confirmed the same with the Appeals Chamber and that it does not intend to file a response to the Request for Extension of Time.

3. The Appeals Chamber observes that its Practice Direction generally provides for the filing of a reply brief within four days from the filing of the response brief for interlocutory appeals.⁵ In other words, Mr. Zigiranyirazo’s reply brief should normally be filed no later than 3 July 2006. Rule 116 of the Rules of Procedure and Evidence of the Tribunal, however, allows for extensions of time upon a showing of good cause. In the circumstances of this case, as described by Counsel, and given the nature of the interlocutory appeal, the Appeals Chamber finds good cause and will grant the limited extension of time.

4. For the foregoing reasons, the Request for Extension of Time is **GRANTED**. Counsel for Mr. Zigiranyirazo will be permitted until 6 July 2006 to file Mr. Zigiranyirazo’s reply brief.

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

¹ Protais Zigiranyirazo Appeal from the Extremely Confidential Decision on Defense Motion Concerning the Hearing of Witness ADE, 18 June 2006. The Prosecution responded in Prosecutor’s Response to “Protais Zigiranyirazo Appeal from the Extremely Confidential Decision on Defense Motion Concerning the Hearing of Witness ADE”, 29 June 2006 (“Response”).

² *The Prosecutor v. Protais Zigiranyirazo*, Case No. ICTR-2001-73-T, Extremely Confidential Decision on Defence Motion Concerning the Hearing of Witness ADE, 5 June 2006 (“Impugned Decision”).

³ Urgent Motion to Suspend Time in Appeal From the Extremely Confidential Decision on Defence Motion Concerning the Hearing of Witness ADE, 3 July 2006 (the Appeals Chamber notes that the motion was transmitted to the Registry on 30 June 2006) (“Request for Extension of Time”).

⁴ Request for Extension of Time, paras. 3-6.

⁵ See Practice Direction on the Procedure for the Filing of Written Submissions in Appeal Proceedings Before the Tribunal, 16 September 2002.

Done this 3rd day of July 2006,
At The Hague,
The Netherlands.



Fausto Pocar
Judge Fausto Pocar
Presiding

[Seal of the Tribunal]