

ICTR-00-56-T
05-02-2007
(63737-63735)

63737
RWANDA



International Criminal Tribunal for Rwanda
Tribunal pénal international pour le Rwanda

INTERNATIONAL
RESPONSIBILITY

OR: ENG

TRIAL CHAMBER II

Before: Judge Asoka de Silva, Presiding
Judge Taghrid Hikmet
Judge Seon Ki Park

Registrar: Mr Adama Dieng

Date: 5 February 2007

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The PROSECUTOR
v.
Augustin NDINDILYIMANA
Augustin BIZIMUNGU
François-Xavier NZUWONEMEYE
Innocent SAGAHUTU
Case No. ICTR-00-56-T

DECISION ON BIZIMUNGU'S EXTREMELY URGENT MOTION FOR
ADDITIONAL TIME TO FILE A REPLY

Office of the Prosecutor:
Mr Ciré Aly Bá
Mr Moussa Sefon
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Ms Felistas Mushi
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Ms Anne Pauline Bodley

Counsel for the Defence:
Mr Gilles St-Laurent and Mr Ronnie MacDonald for Augustin Bizimungu
Mr Christopher Black and Mr Patrick De Wolf for Augustin Ndindiliyimana
Mr Charles Takti for François-Xavier Nzuwonemeye
Mr Fabien Segatwa and Mr Seydou Doumbia for Innocent Sagahutu

Paula

INTRODUCTION

1. On 15 January 2007, the Defence for Bizimungu filed a Motion for partial acquittal pursuant to Rule 98bis ("the 98bis Motion") of the Rules of Procedure and Evidence ("the Rules");¹
2. On 29 January 2007, the Prosecutor filed a Response to the 98bis Motion following an Order for extension of time granted by the Chamber;²
3. On 2 February 2007, the Defence filed the current Motion asking for an extension of six days with effect from 2 February 2007 to file a Reply.³

SUBMISSIONS

4. The Defence submits that the Rules are silent on the issue of the time limit within which to reply to a 98bis Motion, and that the 5 day limit provided for under Rule 73 (F) (*sic*) applies only to responses.
5. Furthermore, the Defence states that the Chamber has not given any indication as to when the Defence teams should file Replies to the Prosecutor's Response, and argues that in the circumstances, it remains at best an unwritten practice that such Replies must be filed within five days.
6. Bizimungu's defence submits that it is in the interests of justice that the Defence be given enough time to properly understand the Prosecutor's Response; and adds that it would not be in a position to do so in the absence of Co-Counsel who is currently away from the seat of the Tribunal.

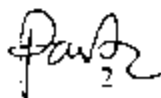
DELIBERATIONS

7. The Chamber reminds the Defence that under the Rules, Lead Counsel has primary responsibility for the preparation and presentation of the Defence case. The absence of Co-Counsel, therefore, is not a good reason to request for an extension of time within which to file a Reply.
8. The Chamber notes that Rule 98bis does not provide a time limit for filing any pleadings subsequent to the Motion for acquittal. However, the general practice before this Chamber has been that a reply must be filed within five days from the date of receipt of the Response, unless otherwise ordered by the Chamber.
9. The Chamber considers that a motion for acquittal is an important procedural step in the Tribunal and the Defence should be given adequate time to fully present its arguments in support of such a Motion. This is consistent with the rights of the Accused under Article 20 of the Statute and the overall interests of justice.

¹ *Requête en Acquiescement de la Défense d'Augustin Bizimungu (article 98bis du Règlement de Procédure et de Preuve)* filed on 15 January 2007.

² Prosecutor's Response to *Requête en Acquiescement de la Défense d'Augustin Bizimungu (article 98bis du Règlement de Procédure et de Preuve)* filed on 29 January 2007.

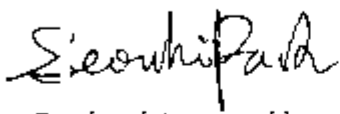

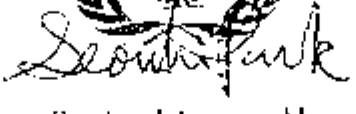

³ *Requête en Extrême Urgence de la Défense Sollicitant un délai supplémentaire quant au Dépôt de la Réplique à la Prosecutor's Response to "Requête en Acquiescement de la défense d'Augustin Bizimungu"*, filed on 2 February 2007.



FOR THE ABOVE REASONS, THE CHAMBER

GRANTS the Defence Motion;

ORDERS the Defence to file its Reply not later than 9 February 2007.

Arush, 5 February 2007, done in English.		
	 	
Read and Approved by Asoka de Silva	Read and Approved by Taghrid Hikmet	Seon Ki Park
Presiding Judge	Judge	Judge
(absent at the time of the signature)	(absent at the time of the signature)	(and on behalf of Judges de Silva and Hikmet)
	[Seal of the Tribunal]	



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COURT MANAGEMENT SECTION
(Art. 27 of the Directive for the Registry)

I - GENERAL INFORMATION (To be completed by the Chambers / Filing Party)

To:	<input type="checkbox"/> Trial Chamber I N. M. Diallo	<input checked="" type="checkbox"/> Trial Chamber II R. N. Kouambo	<input type="checkbox"/> Trial Chamber III C. K. Hometowu	<input type="checkbox"/> Appeals Chamber / Arusha F. A. Talon
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From:	<input checked="" type="checkbox"/> Chamber Bruno Zehnder <small>(names)</small>	<input type="checkbox"/> Defence <small>(names)</small>	<input type="checkbox"/> Prosecutor's Office <small>(names)</small>	<input type="checkbox"/> Other: <small>(names)</small>
Case Name:	The Prosecutor vs. A. Nindiliyimana et al.			Case Number: ICTR-00-56-T
Dates:	Transmitted: 5 February 2007		Document's date: 5 February 2007	
No. of Pages:	3		Original Language:	<input checked="" type="checkbox"/> English <input type="checkbox"/> French <input type="checkbox"/> Kinyarwanda
Title of Document:	DECISION ON BIZIMUNGU'S EXTREMELY URGENT MOTION FOR ADDITIONAL TIME TO FILE A REPLY			
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Translation	in	<input type="checkbox"/> English	<input type="checkbox"/> French	<input type="checkbox"/> Kinyarwanda

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<input type="checkbox"/> Normal		<input type="checkbox"/> Other deadlines: