



UNITED NATIONS  
NATIONS UNIES

**International Criminal Tribunal for Rwanda  
Tribunal pénal international pour le Rwanda**

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OR: ENG

**TRIAL CHAMBER II**

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

**Registrar:** Mr Adama Dieng

**Date:** 9 November 2007

**THE PROSECUTOR**

v.

**Emmanuel RUKUNDO**

*Case No. ICTR-2001-70-T*

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**DECISION ON DEFENCE MOTION TO RE-SCHEDULE THE FILING OF  
CLOSING BRIEFS AND THE HEARING OF CLOSING ARGUMENTS**

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**Office of the Prosecutor:**

Mr William T. Egbe  
Mr Sulaiman Khan  
Ms Veronic Wright  
Mr Patrick Gabaake  
Mr Disengi Mugeyo  
Ms Amina Ibrahim

**Counsel for the Defence:**

Ms Aïcha Condé  
Ms Allison Turner

## **INTRODUCTION**

1. The trial against Emmanuel Rukundo commenced on 15 November 2006. The Defence closed its case on 22 October 2007.
2. Following the conclusion of the presentation of evidence, the Chamber suggested that closing arguments be heard on 11 December 2007, and recalled that closing briefs had to be filed not later than five days before that date, as per Rule 86(B).<sup>1</sup> The Defence was not amenable to that date and cited several reasons.<sup>2</sup> The Chamber then directed the Defence to file a motion in this regard.<sup>3</sup> In its motion,<sup>4</sup> the Defence requests the re-scheduling of the filing of closing briefs for the second half of January 2008 and that closing arguments be heard 15 days after the translation of the Prosecution's brief. The Defence submits that it has not yet received all the transcripts of the case<sup>5</sup> and that it is awaiting the Chamber's decisions on several pending issues, the results of which should be known prior to the writing of the closing briefs.<sup>6</sup> Further, Lead Counsel for the Defence claims that she has other professional obligations to attend to,<sup>7</sup> and that in general, the Defence team requires more time to familiarise itself with the entire evidence.<sup>8</sup> The Defence also submits that additional time will be needed for the translation of the closing briefs, in order for the Accused to understand the Prosecution's brief before closing arguments are made.<sup>9</sup>
3. The Prosecution filed its response,<sup>10</sup> indicating its readiness to proceed as per the dates scheduled by the Chamber.

## **DELIBERATIONS**

4. The Chamber recalls that the presentation of the Defence case was concluded on 22 October 2007. At this stage, the Defence team should be familiar with the entire case. The Chamber also expects Lead Counsel to manage her time according to the Chamber's schedule and with due consideration to her undertaking to give priority to this case over any domestic commitments, as per Rule 45*ter*. The Chamber, however, notes that it was not until Monday, 5 November 2007 that the Parties were in possession of most of the transcripts of the case. The Chamber therefore agrees that further time for the filing of closing briefs is needed.
5. Further, the Chamber finds that the Parties can be given time, prior to the closing arguments, for the translations of the closing briefs.

## **FOR THE ABOVE REASONS, THE CHAMBER**

**INSTRUCTS** the Parties to file their closing briefs by 14 January 2008; and

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<sup>1</sup> T. 22 October 2007, p. 41.

<sup>2</sup> T. 22 October 2007, pp. 42-44.

<sup>3</sup> T. 22 October 2007, pp. 43-44.

<sup>4</sup> Requête en extrême urgence aux fins de prolongation du délai du dépôt du mémoire et aux fins d'obtenir un délai supplémentaire entre le dépôt du mémoire et la date des plaidoiries, filed on 29 October 2007 (Defence Motion), para. 20; Conclusions en duplique de la Défense suite aux fins de prorogation du délai pour le dépôt du mémoire final et des plaidoiries, filed on 5 November 2007 (Defence Reply), para.4.

<sup>5</sup> Defence Motion, para. 7; Defence Reply, para. 3.

<sup>6</sup> Defence Motion, paras. 8-11.

<sup>7</sup> Defence Motion, paras. 15-16.

<sup>8</sup> Defence Motion, paras. 12-14.

<sup>9</sup> Defence Motion, paras. 21-25.

<sup>10</sup> Prosecutor's Response to Extremely Urgent Defence Motion to Extend the Dates for Filing of Defence Closing Brief and For Closing Arguments, filed on 1 November 2007.

Decision on Defence Motion to Re-Schedule the Filing of Closing Briefs and the Hearing of Closing Arguments

**SCHEDULES** the closing arguments to be held in the week of 28 January 2008 – 1 February 2008.

Arusha, 9 November 2007

Asoka de Silva  
Presiding Judge

Taghrid Hikmet  
Judge

Seon Ki Park  
Judge

[Seal of the Tribunal]