



ICTR-01-63-T
10-3-2008
(2840-2838)

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International Criminal Tribunal for Rwanda
Tribunal pénal international pour le Rwanda

TRIAL CHAMBER III

ENGLISH
Original: FRENCH

Before: Judge Dennis C. M. Byron, presiding
Judge Gberdao Gustave Kam
Judge Robert Fremr

Registrar: Adama Dieng

Decision of: 30 November 2007

JUDICIAL RECORDS/ARCHIVES
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THE PROSECUTOR

v.

SIMÉON NCHAMIHIGO

Case No. ICTR-2001-63-T

DECISION ON "REQUÊTE DU PROCUREUR AUX FINS DE PROROGATION
DU DELAI POUR LE DÉPÔT DE SES CONCLUSIONS ECRITES"

Rules 54, 73 and 86 of the Rules of Procedure and Evidence

Office of the Prosecutor:

Alphonse Van
Lloyd Strickland
Madeleine Schwarz
Adama Niane
Anne Bodley

Counsel for the Defence:

Denis Turcotte
Benoît Henry

INTRODUCTION

1. Proceedings in the instant case commenced on 25 September 2006 and ended on 21 September 2007. On that same date, pursuant to Rule 86 of the Rules (the "Rules"), the Chamber asked the parties to file their final trial briefs on 3 December 2007. On 28 November 2007, the Prosecutor filed an urgent motion for extension of the time limit by seven days.¹ The Defence did not object to the Prosecutor's request and moreover sought leave to submit its brief at the time the Prosecutor would be filing his.²

DELIBERATIONS

2. Rule 86(B) of the Rules provides that "[a] party shall file a final trial brief with the Trial Chamber not later than five days prior to the day set for the presentation of that party's closing argument". The Chamber recalls that it set the date for the parties' closing arguments for 23 January 2008.

3. The Prosecutor relies on Rules 54, 73 and 86 of the Rules for his Motion. He submits, in support thereof, that Senior Trial Attorney Alphonse Van, who is in charge of this case-file, has in addition been designated to take charge of the case known as "*Military II*" which had several accused. The delay in drafting the Prosecution final trial brief in the case at hand is allegedly caused by the contingencies of the *Military II* case as well as the extra work involved.³ The Prosecutor submits that the Defence will not suffer any prejudice because, if the Defence wished to issue a rebuttal to the Prosecutor's final trial brief, it would have more than enough time to do so until 18 January 2008. The Prosecutor submits that an additional time limit of seven days would also not disrupt the Chamber's schedule.⁴

4. The Chamber is of the opinion that in the instant case, it is in the interest of justice to grant additional time for the Prosecutor to draft his final trial brief. The Chamber is also of the opinion that such additional time will have no repercussion on the proceedings as a whole. It is further of the view that the Defence ought to be entitled to the extension allowed the Prosecutor.

5. The Chamber notes that it had consulted the parties as to the time to be allotted to them for their closing arguments, and that they had proposed to be given three hours each. The Chamber however is of the view that two hours will suffice for each party, considering that the Chamber would have already received their final trial briefs.

FOR THESE REASONS, THE CHAMBER

I. **GRANTS** the Prosecutor's request for extension of time;

II. **AUTHORISES** the Prosecutor, as well as the Defence, to file their final trial briefs not later than Monday, 10 December 2007;

¹ *Requête en extrême urgence du Procureur aux fins de prorogation de sept jours du délai pour le dépôt des conclusions écrites du Procureur*, filed on 28 November 2007, (the "Prosecutor's Motion"), para. 4.

² Reply to "*Requête en extrême urgence du Procureur aux fins de prorogation de sept jours du délai pour le dépôt des conclusions écrites du Procureur*", filed on 29 November 2007, paras. 4-5.

³ Prosecutor's Motion, para. 6 (i).

⁴ *Ibid.*, para. 6 (ii) (iii).

III. DECIDES that the closing arguments of the parties will be heard on 23 January 2008, and

IV. For the presentation of their closing arguments **ALLOCATES** two hours to each party as follows:

- (a) 90 minutes for each party to present its oral arguments, the Prosecutor being first, followed by the Defence;
- (b) 30 minutes for rebuttals by each party, the Prosecutor being first, followed by the Defence.

Done at Arusha on 30 November 2007 in French.

[Signed]

Judge Dennis C. M. Byron
Presiding

[Signed]

Judge Gberdao Gustave Kam

[Signed]

Judge Robert Fremr

[Seal of the Tribunal]

