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I, **Mehmet GÜNEY**, Judge of 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 Such Violations Committed in the Territory of Neighbouring States Between 1 January and 31 December 1994 ("Appeals Chamber" and "Tribunal", respectively), and Pre-Appeal Judge in this case;

NOTING the appeal lodged by Aloys Ntabakuze ("Ntabakuze")¹ against the Trial Judgement pronounced in this case on 18 December 2008 and filed on 9 February 2009;²

NOTING the appeal brief and the amended appeal brief filed by Ntabakuze on 25 May 2009 and 24 June 2009, respectively;³

NOTING the decision issued on 24 July 2009 in which the Appeals Chamber ordered, *inter alia*, that the Prosecution file a separate response brief to Ntabakuze's Amended Appeal Brief no later than 40 days after the filing of that decision;⁴

NOTING the "Prosecutor's Brief in Response to Aloys Ntabakuze's Appeal" filed on 7 September 2009 ("Response Brief");

NOTING the decision issued on 16 September 2009 in which I dismissed Ntabakuze's motion to declare the Response Brief inadmissible;⁵

BEING SEIZED OF "Ntabakuze Extremely Urgent Motion for Extension of Time-Limit to File Reply to Prosecutor's Response to Appellant's Appeal Brief", filed by Ntabakuze on 17 September 2009 ("Motion"), in which Ntabakuze requests an extension of seven days for the filing of his brief in reply to the Response Brief and prays for a decision before the end of 18 September 2009 as the current deadline for filing the brief in reply expires on 22 September 2009;⁶

¹ See Notice of Appeal in the Interest of: Major Aloys Ntabakuze, 11 March 2009; Public Amended Notice of Appeal in the Interest of: Major Aloys Ntabakuze, 18 May 2009.

² *The Prosecutor v. Théoneste Bagosora et al.*, Case No. ICTR-98-41-T, Judgement and Sentence, signed on 18 December 2008, filed on 9 February 2009.

³ Appeal Brief in the Interest of: Major Aloys Ntabakuze, 25 May 2009; Amended Appeal Brief in the Interest of: Major Aloys Ntabakuze, 24 June 2009 ("Amended Appeal Brief").

⁴ Decision on Aloys Ntabakuze's Motion for Severance, Retention of the Briefing Schedule and Judicial Bar to the Untimely Filing of the Prosecution's Response Brief, 24 July 2009 ("Decision on Motion for Severance"), para. 49.

⁵ Decision on Aloys Ntabakuze's Motion to Declare the Prosecution's Response Brief Inadmissible and the Prosecution's Motion for Leave to File a Sur-Reply, 16 September 2009.

⁶ Motion para 6

NOTING that, in support of his Motion, Ntabakuze submits that: (i) the Defence had organized its activities on the assumption that the Response Brief would be filed on 2 September 2009 and that they only partially succeeded to re-arrange their schedule as a result of the Prosecution's late filing;⁷ (ii) his Lead Counsel had to leave Arusha suddenly on 15 September 2009 due to the death of his mother; and (iii) since none of the team's legal assistants is available in Arusha beyond 17 September 2009, his Co-Counsel is now left to finalize the brief in reply alone;⁸

NOTING further that Ntabakuze submits that "[g]iven the circumstances of the case, [...] it would be in the interests of justice to now allow him to present a fully developed Reply to the Prosecutor's Response, so as to enable this Chamber to be presented with complete and accurate submissions";⁹

CONSIDERING that, in light of the urgency of the matter and given that the Prosecution will not be prejudiced by the outcome of this decision, it is in the interests of justice to render the present decision prior to the expiration of the deadline for filing a response to the Motion;

CONSIDERING that pursuant to Rule 113 of the Rules of Procedure and Evidence of the Tribunal ("Rules"), "[a]n Appellant may file a brief in reply within fifteen days of filing of the Respondent's brief";

CONSIDERING therefore that, since 22 September 2009 is a non-working day of the Tribunal, Ntabakuze's brief in reply should be filed no later than 23 September 2009;

CONSIDERING however that Rule 116(A) of the Rules provides that the Pre-Appeal Judge may grant a motion to extend a time limit upon a showing of good cause;

CONSIDERING that, taken together, the re-organization of the activities of the Defence team due to the confusion with regard to the filing date of the Decision on Motion for Severance and the unexpected unavailability of Lead Counsel constitute, in the particular circumstances of this case, good cause for allowing the requested extension of time for filing the brief in reply;

FINDING therefore that Ntabakuze has shown good cause for a seven-day extension of time to file his brief in reply to the Prosecution's Response Brief;

⁷ Motion, paras. 2, 3.

⁸ Motion, para. 3.

⁹ Motion, para. 4.

FOR THE FOREGOING REASONS,

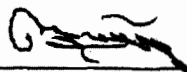
GRANT the Motion; and

ORDER Ntabakuze to file any brief in reply to the Prosecution's Response Brief no later than 29 September 2009.

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

Done this eighteenth day of September 2009
At The Hague,
The Netherlands.




Judge Mehmet Güney
Pre-Appeal Judge

[Seal of the Tribunal]