



ICTR-04-81-T
24-09-2009

International Criminal Tribunal for Rwanda
Tribunal pénal international pour le Rwanda
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ORIGINAL: ENGLISH

TRIAL CHAMBER I

Before: Judge Erik Møse, presiding
Judge Sergei Alekseevich Egorov
Judge Florence Rita Arrey

Registrar: Adama Dieng

Date: 24 September 2009

THE PROSECUTOR

v.

Ephrem SETAKO

Case No. ICTR-04-81-I

2009 SEP 24 P 3:58
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**DECISION ON DEFENCE REQUEST
FOR EXTENSION OF TIME TO FILE CLOSING BRIEF**

The Prosecution
Ifeoma Ojemeni-Okali
Simba Mawere
Christiana Fomenky

The Defence
Lennox Hinds
Cainnech Lussiaa-Berdou

THE INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA

SITTING as Trial Chamber I, composed of Judge Erik Møse, presiding, Judge Sergei Alekseevich Egorov, and Judge Florence Rita Arrey;

BEING SEIZED OF a Defence motion for an extension of time to file its closing brief, filed on 23 September 2009;

HEREBY DECIDES the motion.

INTRODUCTION

1. The Defence requests that the Chamber extend the time limit to file its closing brief from 25 September 2009 to 5 October 2009. It states that, although the parties agreed on 26 June 2009 to submit closing briefs by 25 September, all members of the Setako Defence mistakenly retained 30 September 2009 as the deadline instead. It planned its work accordingly. On 22 September, the Defence discovered its error, too late to complete the work by the originally agreed-upon date. The Defence also claims that the preparation of its 15 September motion to admit Gacaca documents delayed its work on the closing brief. Additionally, Co-counsel came to Arusha on Sunday 20 September 2009 to meet with Setako at UNDF to discuss the brief in the days that followed, but discovered that the ICTR and UNDF would be closed on 21 and 22 September due to an annual holiday.

2. The Prosecution has not yet responded. However, given the close timing of the request, the Chamber will decide the motion without further delay.

DELIBERATIONS


3. The Defence is expected to pay due attention to deadlines to which it agrees, and also to be aware of the annual UN holiday schedule. However, a brief extension for the filing of the closing brief will not have a significant impact on the case's overall scheduling, given that closing arguments will be heard on 5 November 2009. Rule 86 (B) of the Rules of Procedure and Evidence allows a party to 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.

4. The Defence had planned to file its closing brief by 30 September 2009 but its work was delayed due to preparation of its 15 September motion. The Chamber and the parties have an interest in ensuring the best possible closing briefs that that can be produced within the time limits. In the interests of fairness, the Prosecution should be given the same deadline as the Defence. The Chamber will therefore grant both parties an extension of time until 12 p.m. on Friday 2 October 2009 to file their closing briefs.

FOR THE ABOVE REASONS, THE CHAMBER

ORDERS the parties to file their closing briefs no later than 12 p.m. on Friday 2 October 2009.

Arusha, 24 September 2009

for 
Erik Møse
Presiding Judge


Sergei Alekseevich Egorov
Judge


Florence Rita Arrey
Judge

[Seal of the Tribunal]

