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UNITED NATIONS
NATIONS UNIES

Tribunal pénal international pour le Rwanda
International Criminal Tribunal for Rwanda

ICTR-05-88-A
06th April 2010
{646/H - 644/H}

IN THE APPEALS CHAMBER

Before: Judge Theodor Meron, Pre-Appeal Judge

Registrar: Mr. Adama Dieng

Decision of: 6 April 2010

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CALLIXTE KALIMANZIRA

v.

THE PROSECUTOR

Case No. ICTR-05-88-A

DECISION ON CALLIXTE KALIMANZIRA'S MOTION FOR AN EXTENSION OF TIME FOR THE FILING OF HIS REPLY BRIEF

Counsel for Callixte Kalimanzira:

Mr. Arthur Vercken
Mr. Anta Guissé

The Office of the Prosecutor:

Mr. Hassan Bubacar Jallow
Mr. Alex Obote-Odora
Ms. Dior Fall

ICTR Appeals Chamber
Date: 06 April 2010
Action: R. Jurd.
Copied To:

International Criminal Tribunal for Rwanda
Tribunal pénal international pour le Rwanda
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NAME/NOM: SYLVIE VAN DRIESSE
SIGNATURE: *[Signature]* DATE: 07/04 2010

645/H

1. I, Theodor Meron, 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 ("Tribunal") and Pre-Appeal Judge in this case, am seized of a motion, filed on 30 March 2010, by Callixte Kalimanzira for an extension of time to file his Reply brief.¹ The Prosecution has not yet filed a response.

2. On 22 June 2009, Trial Chamber III of the Tribunal convicted Mr. Kalimanzira of one count of genocide and one count of direct and public incitement to commit genocide and sentenced him to a total of 30 years of imprisonment.² Mr. Kalimanzira filed a notice of appeal on 21 July 2009.³ On 31 August 2009, he was granted a 75-day extension of time for his Appellant's brief from the filing of the French translation of the Trial Judgement.⁴ This translation was provided on 16 November 2009, and Mr. Kalimanzira filed his Appellant's brief on 1 February 2010.⁵ On 5 March 2010, the Appeals Chamber granted Mr. Kalimanzira's request to amend his notice of appeal.⁶ As a corollary, the Appeals Chamber also allowed the Prosecution a 15-day extension of time to file its Respondent's brief.⁷ The Prosecution filed its Respondent's brief in English on 29 March 2010.⁸

3. Mr. Kalimanzira seeks leave to file his Reply brief within 15 days of the filing of the French translation of the Prosecution's Respondent's brief.⁹ He notes that he only understands French and Kinyarwanda and that his Lead Counsel's main working language is French.¹⁰ Consequently, in his view, he requires the French version in order to make a full answer to the Prosecution's arguments.¹¹

4. According to Rule 113 of the Rules of Procedure and Evidence of the Tribunal ("Rules"), the Reply brief is to be filed 15 days after the Respondent's brief, which in this case would be 13

¹ *Requête en extrême urgence en extension de délai pour le dépôt du mémoire en réplique de Kalimanzira*, 30 March 2010 ("Motion").

² *The Prosecutor v. Callixte Kalimanzira*, Case No. ICTR-05-88-T, Judgement, 22 June 2009, paras. 739, 756 ("Trial Judgement").

³ *Acte d'appel*, 21 July 2009.

⁴ Decision on Callixte Kalimanzira's Motion for Leave to File an Amended Notice of Appeal and for an Extension of Time for the Filing of His Appellant's Brief, 31 August 2009 ("Decision of 31 August 2009"), para. 7.

⁵ *Mémoire d'appel pour Callixte Kalimanzira*, 1 February 2010. Mr. Kalimanzira filed this brief confidentially. On 5 March 2010, he was ordered to submit a public version, which was filed on 30 March 2010. See Decision on the Prosecution's Motion Requesting a Public Filing of Callixte Kalimanzira's Appellant's Brief, 5 March 2010, p. 2.

⁶ Decision on Callixte Kalimanzira's Motion for Leave to Amend His Notice of Appeal, 5 March 2010 ("Decision on Notice of Appeal"), para. 17. In conformity with this decision, Mr. Kalimanzira filed his amended notice of appeal as a separate document on 8 March 2010. See *Acte d'appel amendé*, 8 March 2010.

⁷ Decision on Notice of Appeal, paras. 16, 17.

⁸ Prosecutor's Respondent Brief, 29 March 2010.

⁹ Motion, para. 7, p. 5.

¹⁰ Motion, paras. 10, 11.

¹¹ Motion, para. 12.

644/H

April 2010. Rule 116(A) of the Rules allows the Pre-Appeal Judge to extend a time limit upon a showing of good cause.

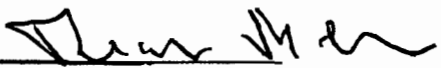
5. In this case, Mr. Kalimanzira's counsel works in both English and in French and is therefore able to discuss the contents of the Prosecution's Respondent's brief with him.¹² Mr. Kalimanzira has made only general arguments about the need to assist his counsel with the arguments raised in the Prosecution's Respondent's brief.¹³ Notably, on appeal, counsel bears the main burden in preparing submissions.¹⁴ It is also assumed that Mr. Kalimanzira has fully discussed the issues relevant to his appeal in the preparation of the Appellant's brief. The Reply brief is the only remaining submission to be filed in this appeal. Any extension of time may therefore adversely impact the ability of the Appeals Chamber to hear this case in a timely manner.

6. In any event, it is expected that a French translation of the Prosecution's Respondent's brief will be available prior to the appeals hearing. Mr. Kalimanzira will therefore have the opportunity to review it and to provide any additional instruction to his counsel, if necessary. Any additional matters arising from such a review can be raised during the hearing.

7. For the foregoing reasons, Mr. Kalimanzira has not demonstrated good cause for an extension of time for the filing of his Reply brief, and the Motion is accordingly **DENIED**.

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

Done this 6th day of April 2010,
At The Hague,
The Netherlands.


Judge Theodor Meron
Pre-Appeal Judge

[Seal of the Tribunal]



¹² Decision of 31 August 2009, para. 4; Decision on Callixte Kalimanzira's Motion for an Extension of Time for the Filing of Notice of Appeal, 20 July 2009, para. 6.

¹³ Motion, para. 12.

¹⁴ See *Protais Zigiranyirazo v. The Prosecutor*, Case No. ICTR-01-73-A, Decision on Protais Zigiranyirazo's Motion for an Extension of Time for the Filing of the Reply Brief, 3 July 2009, para. 7.