



UNITED NATIONS
NATIONS UNIES

ICTR-00-55C-PT
25-05-2010
(1390 - 1388)

International Criminal Tribunal for Rwanda
Tribunal pénal international pour le Rwanda

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OR: ENG

TRIAL CHAMBER III

Before Judge: Dennis C. M. Byron, Presiding
Gberdao Gustave Kam
Vagn Joensen

Registrar: Adama Dieng

Date: 24 May 2010

THE PROSECUTOR

v.

Ildephonse NIZEYIMANA

CASE NO. ICTR-2001-55C-PT

JUDICIAL RECORDS/ARCHIVES
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**DECISION ON PROSECUTOR'S MOTION FOR EXTENSION OF
TIME TO FILE THE PRE-TRIAL BRIEF**

Rules 54 and 73 (A) of the Rules of Procedure and Evidence

Office of the Prosecutor:
Richard Karegyesa

Defence Counsel for Ildephonse Nizeyimana:
John Philpot
Cainnech Lussiaà-Berdou

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1. On 12 May 2010, the Prosecution filed a motion requesting an extension of time until 15 July 2010 to file its Pre-Trial Brief.¹ The Defence opposes the motion.²

2. The Defence contends that Ildephonse Nizeyimana does not yet know the allegations against him and the delay means that he cannot adequately prepare his defence. Further, that the effect of the delay is doubled, causing a three-month delay in defence preparations.³ The Chamber recalls that Rule 47(C) requires that the Indictment set forth the statement of facts of the case and the crime with which the suspect is charged and "is aimed at providing the accused with a description of the charges against him with sufficient particularity to enable him to mount his defence".⁴ The Chamber notes that it is the Indictment, not the Pre-Trial Brief, which is the instrument that contains the charges against Nizeyimana. Further, the Chamber notes that Nizeyimana has already made applications concerning the facilitation of his investigations and that they appear to be on-going.

3. The Prosecution submits that due to the delayed availability of resources, timely completion of outstanding tasks to prepare the Pre-Trial Brief has not occurred.⁵ Further, that the extension of time would not unduly delay the case because it will lead to a more accurate briefing being filed and a speedier trial.⁶ While the Chamber considers that resource issues are not necessarily a justification for delay, it accepts that the timely completion of the Pre-Trial Brief has in fact been delayed. The Chamber notes that the extension, if granted, will allow filing of the Pre-Trial Brief to occur more than 60 days before the dates proposed for trial commencement. The Chamber finds that as the extension will not prejudice Ildephonse Nizeyimana because a more accurate and complete briefing will streamline Nizeyimana's investigation process and facilitate a fair and expeditious trial it is in the interest of justice that the extension be granted.⁷ It is not clear, therefore, that any further delays will result from the extension granted.

4. In due course, however, the Chamber can consider whether it is necessary to amend the schedule outlined in the Status Conference of 15 March 2010 to ensure adequate time and facilities for the preparation of the defence.

¹ Prosecutor's Motion for an Extension of Time to File the Pre-Trial Brief, filed on 12 May 2010 ("Motion").

² Response to Prosecutor's Motion for an Extension of Time to File the Pre-Trial Brief, filed on 15 May 2010 ("Response").

³ Response, para. 7.

⁴ *Prosecutor v. Georges Rutaganda*, Case No. ICTR- ICTR-96-3-A, Judgement (AC), 26 May 2003, para. 301.

⁵ Motion, para. 5.

⁶ *Ibid.* at para. 7.

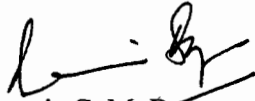
⁷ *Id.*

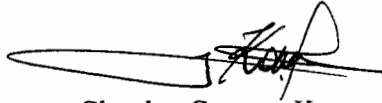
FOR THESE REASONS, THE CHAMBER

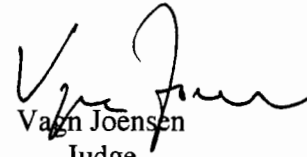
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GRANTS the Prosecution's Motion.

Arusha, 24 May 2010, done in English.


Dennis C. M. Byron
Presiding Judge


Gberdao Gustave Kam
Judge


Vagn Joensen
Judge

