

ICTR-98-41A-A
29-12-2008
(2/A - 1/A)



UNITED NATIONS
NATIONS UNIES

International Criminal Tribunal for Rwanda
Tribunal Pénal International pour le Rwanda

Arusha International Conference Centre
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2/A
S. Mupfema

APPEALS CHAMBER

Before: Judge Patrick L. Robinson, President

Registrar: Adama Dieng

Filed on: 29 December, 2008

1 2008 DEC 29 12:12
JUDICIAL RECORDS/ARCHIVES
UNICTR

THE PROSECUTOR

V.

GRATIEN KABILIGI

CASE No. ICTR-98-41-A

**PROSECUTOR'S MOTION FOR AN EXTENSION OF TIME TO FILE A
NOTICE OF APPEAL**

Office of the Prosecutor:

Hassan Bubacar Jallow

Alex Obote-Odora

George Mugwanya

Defence Counsel

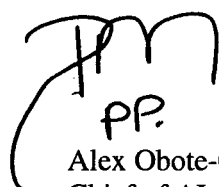
Mr. Paul Skolnik

1/4

1. Trial Chamber I of the Tribunal pronounced its oral Judgement on 18 December 2008 in the case of *Bagosora et Al.* and acquitted Gratien Kabiligi of all counts.
2. On the 18th of December 2008, the Trial Chamber announced that the written judgement would be filed in "the coming days". At this stage, the Trial Chamber has not given any further information about the date of the issuance of the written judgment.
3. Until now, the Prosecutor does not have access to the full reasoning of the Judgment. As one of the parties to the proceedings, the Prosecutor is required to identify the specific errors he alleges, by reference to specific passages or paragraphs in the Judgment and Sentence and this requires a careful analysis of the written Judgment.
4. Considering that under Rule 108, "*a party seeking to appeal a judgement or sentence shall, not more than thirty days from the date of the judgement or the sentence was pronounced, file a notice of appeal setting forth the ground*". The notice of Appeal is due to be filed on 17 January, 2008.
5. The Prosecutor respectfully moves the Appeal Chamber to grant him an extension of time. The Appeals Chamber has held that the delayed filing of a Judgment may constitute good cause for the filing of a Notice of Appeal¹.
6. Due to the circumstances described above and in the interest of justice, the Prosecutor requests that, according to Rule 108, the 30 day time limit start running from the date the written judgment is issued.

WORD COUNT: 383

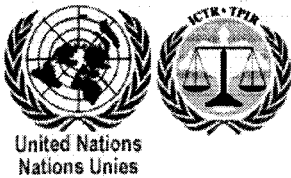
Dated at Arusha this 29 th December 2008.



PP.

Alex Obote-Odora
Chief of ALAD

¹ *Prosecutor v. Tharcisse Muvunyi*, case N° ICTR-00-55A-A, Decision on the Prosecution for Extension of Time for Filing the Notice of Appeal, 22 November 2006 and *Prosecutor v. Vidoje Blagojevic and Dragon Jovic*, case N° IT-02-60, Decision on the Prosecution for extension of time in which to file the Prosecution Notice of Appeal, 15 February 2005.



TRANSMISSION SHEET FOR FILING OF DOCUMENTS WITH CMS

COURT MANAGEMENT SECTION
(Art. 27 of the Directive for the Registry)

I - GENERAL INFORMATION (To be completed by the Chambers / Filing Party)

To:	<input type="checkbox"/> Trial Chamber I N. M. Diallo	<input type="checkbox"/> Trial Chamber II R. N. Kouambo	<input type="checkbox"/> Trial Chamber III C. K. Hometowu	<input checked="" type="checkbox"/> Appeals Chamber / Arusha F. A. Talon
	<input type="checkbox"/> Chief, CMS J.-P. Forn��t��	<input type="checkbox"/> Deputy Chief, CMS M. Diop	<input type="checkbox"/> Chief, JPU, CMS M. Diop	<input type="checkbox"/> Appeals Chamber / The Hague R. Muzigo-Morrison K. K. A. Afande
From:	<input type="checkbox"/> Chamber (names)	<input type="checkbox"/> Defence (names)	<input checked="" type="checkbox"/> Prosecutor's Office Alex Obote-Odora (names) <i>PPA</i>	<input type="checkbox"/> Other: (names)
Case Name:	The Prosecutor vs. Gratien Kabiligi			Case Number: ICTR-98-41-A
Dates:	Transmitted: 29/12/2008		Document's date: 29/12/2008	
No. of Pages:	2	Original Language: <input checked="" type="checkbox"/> English <input type="checkbox"/> French <input type="checkbox"/> Kinyarwanda		
Title of Document:	Prosecutor's Motion For An Extension Of Time To File A Notice Of Appeal			
Classification Level:		TRIM Document Type:		
<input type="checkbox"/> Ex-Parte		<input type="checkbox"/> Indictment	<input type="checkbox"/> Warrant	<input type="checkbox"/> Correspondence
<input type="checkbox"/> Strictly Confidential / Under Seal		<input type="checkbox"/> Decision	<input type="checkbox"/> Affidavit	<input type="checkbox"/> Notice of Appeal
<input type="checkbox"/> Confidential		<input type="checkbox"/> Disclosure	<input type="checkbox"/> Order	<input type="checkbox"/> Appeal Book
<input checked="" type="checkbox"/> Public		<input type="checkbox"/> Judgement	<input checked="" type="checkbox"/> Motion	<input type="checkbox"/> Book of Authorities
		<input type="checkbox"/> Submission from non-parties	<input checked="" type="checkbox"/> Submission from parties	
		<input type="checkbox"/> Accused particulars		

II - TRANSLATION STATUS ON THE FILING DATE (To be completed by the Chambers / Filing Party)

CMS SHALL take necessary action regarding translation.

Filing Party hereby submits only the original, and **will not submit** any translated version.

Reference material is provided in annex to facilitate translation.

Target Language(s):

English French Kinyarwanda

CMS SHALL NOT take any action regarding translation.

Filing Party hereby submits **BOTH the original and the translated version** for filing, as follows:

Original	in	<input type="checkbox"/> English	<input type="checkbox"/> French	<input type="checkbox"/> Kinyarwanda
Translation	in	<input type="checkbox"/> English	<input type="checkbox"/> French	<input type="checkbox"/> Kinyarwanda

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III - TRANSLATION PRIORITISATION (For Official use ONLY)

<input type="checkbox"/> Top priority	COMMENTS	<input type="checkbox"/> Required date: 12:11
<input type="checkbox"/> Urgent		<input type="checkbox"/> Hearing date: 11
<input type="checkbox"/> Normal		<input type="checkbox"/> Other deadlines:

JUDICIAL RECORDED
 2008 DEC 29 P 12:11



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APPEALS - PROOF OF SERVICE - BY FAX PREUVE DE NOTIFICATION - CHAMBRE D'APPEL - PAR FAX

Date: 29 December, 2008	Case Name / affaire: The Prosecutor vs. KABILIGI							
	Case No / no. de l'affaire: ICTR-98-41- A							
To: A:	Rosette Muzigo-Morrison, Legal Officer, Appeals Unit, The Hague.	<input checked="" type="checkbox"/> Judge / Juge Patrick L. Robinso, President <input checked="" type="checkbox"/> Judge / <input checked="" type="checkbox"/> Judge / <input checked="" type="checkbox"/> Judge / <input checked="" type="checkbox"/> Judge /						
ACCUSED / DEFENSE <input checked="" type="checkbox"/> Accused / <i>Accusé</i> G. Kabiligi <small>see / voir " CMS4</small> <input checked="" type="checkbox"/> Lead Counsel / <i>Conseil Principal</i> : Me. Paul Skolnik <input type="checkbox"/> In Arusha / à Arusha: (see / voir CMS3) <input type="checkbox"/> Fax: <input type="checkbox"/> Co-Counsel / <i>Conseil Adjoint</i> : Me. <input type="checkbox"/> Arusha (see / voir CMS3) <input type="checkbox"/> Fax:								
OTP / BUREAU DU PROCUREUR <input type="checkbox"/> , Prosecutor <input checked="" type="checkbox"/> Hassan Jallow, Chief OTP <input type="checkbox"/> B. Majola, Deputy Chief <input type="checkbox"/> OTP, Trial Attorney in charge of case (name) <input type="checkbox"/> The Hague / <i>La Haye</i> <input type="checkbox"/> Arusha (see / voir CMS3) <input type="checkbox"/> Kigali								
From: De:	<input type="checkbox"/> JP. Fomété <input checked="" type="checkbox"/> N.M. Diop Coordinator <input type="checkbox"/> Other	<input type="checkbox"/> Matar Diop (DP Chief, CMS)						
CC:	<input checked="" type="checkbox"/> Registrar <input type="checkbox"/> OLA, NY <input checked="" type="checkbox"/> D. Reg. <input type="checkbox"/> P&PA <input checked="" type="checkbox"/> Spokesman <input type="checkbox"/> WVSS-P <input type="checkbox"/> WVSS-D <input checked="" type="checkbox"/> DCMS <input checked="" type="checkbox"/> CSS <input checked="" type="checkbox"/> Other							
Subject Objet:	Kindly find attached the following documents / Veuillez trouver en annexe les documents suivants:							
<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 60%;">Documents name / titre du document</th> <th style="width: 20%;">Date Filed / Date enregistré</th> <th style="width: 20%;">Pages</th> </tr> </thead> <tbody> <tr> <td>PROSECUTOR'S MOTION FOR AN EXTENSION OF TIME TO FILE A NOTICE OF APPEAL</td> <td style="text-align: center;">29/12/2008</td> <td style="text-align: center;">2/A - 1/A</td> </tr> </tbody> </table>			Documents name / titre du document	Date Filed / Date enregistré	Pages	PROSECUTOR'S MOTION FOR AN EXTENSION OF TIME TO FILE A NOTICE OF APPEAL	29/12/2008	2/A - 1/A
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PROSECUTOR'S MOTION FOR AN EXTENSION OF TIME TO FILE A NOTICE OF APPEAL	29/12/2008	2/A - 1/A						

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