

MICT-12-16-R  
21-06-2017  
(2818 - 2816)

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Mechanism for International  
Criminal Tribunals

Case No: MICT-12-16-R

Date: 21 June 2017

Original: English

**THE APPEALS CHAMBER**

Before: Judge Theodor Meron, President  
Judge Carmel Agius  
Judge Christophe Flügge  
Judge Burton Hall  
Judge Ben Emmerson

Registrar: Mr. Olufemi Elias

PROSECUTOR

v.

ELIÉZER NIYITEGEKA

*PUBLIC*

**PROSECUTION'S REQUEST FOR VARIATION OF THE  
TIME LIMIT TO RESPOND TO NIYITEGEKA'S  
*REQUÊTE EN RÉVISION* (pursuant to Article 11 of the  
*Practice Direction on filings made before the Mechanism for  
International Criminal Tribunals*)**

**Office of the Prosecutor:**

Richard Karegyesa  
Thembile Segoete  
Sunkarie Ballah-Conteh

**Counsel for Eliézer Niyitegeka:**

Philippe Larochelle  
Sébastien Chartrand

Received by the Registry  
Mechanism for International Criminal Tribunals

21/06/2017 14:52

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## I. INTRODUCTION

1. On 7 June 2017, Eliézer Niyitegeka (the Applicant) filed his “*Requête en révision (Article 19 et 24 du Statut du MTPI; Articles 55, 131, 146 et 147 du Règlement de procédure et de preuve du MPTI)*”<sup>1</sup>, by which he seeks a 7<sup>th</sup> review of the ICTR Appeal Judgment of 9 July 2004.
2. In the Request for Review, the Applicant has listed 32 annexes in support of the Request.<sup>2</sup> To date, the Prosecution has only received 19 of the 32 listed annexes.<sup>3</sup>

## II. SUBMISSIONS

3. The Prosecution requests a variation of the time limit for filing its response to the Request for Review, pursuant to Article 11 of the Practice Direction on Filings Made Before the Mechanism for International Criminal Tribunals (“the Practice Direction”). The Prosecution requests a variation of the time limit to start running from the day the Prosecution receives the last of the 32 annexes to the Request for Review.
4. Article 11(3) of the Practice Direction provides that “a recipient of a Filing is deemed notified of the Filing on the day the Filing is effectively sent by the Registry...If a recipient has not received the Filing, the recipient may seek an appropriate remedy from the Chamber, including a variation of the time limit.”<sup>4</sup>
5. The ICTR Appeals Chamber has acknowledged that parties are permitted to file annexes that are relevant to their arguments,<sup>5</sup> and that annexes assist the parties to clarify the record.<sup>6</sup> The MICT Appeals Chamber has also acknowledged that annexes are an integral part of a party’s submission, without which a party would be unable to fully appreciate the other party’s

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<sup>1</sup> *Eliézer Niyitegeka v. The Prosecutor*, Case No. MICT-12-16-R, *Requête en révision, Article 19 et 24 du Statut du MTPI; Articles 55, 131, 146 et 147 du Règlement de procédure et de preuve du MPTI*, 7 June 2017 (Request for Review)

<sup>2</sup> Only Annexes 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 12, 13, 14, 19, 20, 22, 30, 31, and 32 were distributed by Registry on 14 June 2017, a week after the filing of the Request

<sup>3</sup> Out of the 13 missing annexes, the material contained in 4 annexes (24, 25, 26 and 27) is already in the possession of the Prosecution.

<sup>4</sup> Practice Direction on Filings Made Before the Mechanism for International Criminal Tribunals, 16 February 2015.

<sup>5</sup> *Nshogoza* Appeal Judgment, para. 10; *Mugenzi et al. v. Prosecutor*, Case No. ICTR-99-50-A, Decision on Motions for an Order Requiring the Prosecutor to Re-file its Response Briefs, 16 April 2012, p. 2

<sup>6</sup> *Prosecutor v. Ntakirutimana*, Case No. ICTR-96-10-A, Decision on Defence Motion to Strike Annex B from the Prosecution Response Brief and for Re-Certification of the Record, 24 June 2004, p. 3

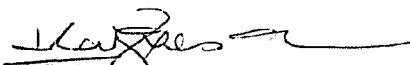
arguments.<sup>7</sup> Moreover, Article 8 of the Practice Direction recognizes that annexes form part of the supporting material of submissions from parties.<sup>8</sup>

6. Without all the listed annexes, the Prosecution is not able to fully appreciate the basis of some of Niyitegeka's arguments and draft a meaningful response.

III. Prayer

7. The Prosecution requests the Appeals Chamber to vary the time limit for the filing of its response to Niyitegeka's Request for Review to start running from the day it receives the last of the annexes listed in support of the Request.

**Dated at Arusha this 21<sup>st</sup> day of June 2017**



Richard Karegyesa  
Senior Legal Officer

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<sup>7</sup> *Prosecutor v Jean Uwinkindi*, Case No. MICT-12-25-AR14.1, Decision on Prosecutor's Request for Variation of Time-Limit, 19 February 2016.

<sup>8</sup> Practice Direction on Filings Made Before the Mechanism for International Criminal Tribunals, 16 February 2015, Article 8 (1)(i).



**TRANSMISSION SHEET FOR FILING OF DOCUMENTS WITH THE  
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Case Name/ Affaire :	The Prosecutor v. Eliezer Niyitegeka		Case Number/ Affaire n° : MICT-12-16-R
Date Created/ Daté du :	21 June 2017	Date transmitted/ Transmis le :	21 June 2017
			No. of Pages/ Nombre de pages : 3
Original Language / Langue de l'original :	<input checked="" type="checkbox"/> English/ Anglais	<input type="checkbox"/> French/ Français	<input type="checkbox"/> Kinyarwanda <input type="checkbox"/> B/C/S <input type="checkbox"/> Other/Autre (specify/préciser) :
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