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4/12/2000



UNITED NATIONS
NATIONS UNIES



Tribunal pénal international pour le Rwanda
International Criminal Tribunal for Rwanda

BEFORE A BENCH OF THE APPEALS CHAMBER

Before : Judge Fausto POCAR, Presiding
Judge Lal Chand VOHRAH
Judge NIETO-NAVIA

ICTR-98-44-A

Registrar : Mr Agwu U. OKALI

1 DECEMBER 2000
(214/H - 212/H)

Decision of : 1 December 2000

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ICTR
JUDICIAL RECORDS ARCHIVES
RECEIVED

Joseph NZIRORERA
(Appellant)

v.

THE PROSECUTOR
(Respondent)

Case No. ICTR 98-44-A

ICTR Appeals Chamber
Date: 9/Dec/2000
Action:
Copied To: All Judges, Parties,
Judicial Archives, ALDs,
MB, *R. Webb*

ORDER

Counsel for Joseph Nzirorera:

Mr Andrew J. McCartan

Counsel for the Prosecutor :

Mr Ken Fleming
Mr Don Webster

THIS BENCH 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 1994 and 31 December 1994 ("the Bench" and "the Tribunal" respectively),

BEING SEISED OF a request filed on 21 November 2000 by Counsel for Joseph Nzirorera ("the Appellant") for an extension of time ("Request for Extension of Time") from 21 November 2000 for a period of twenty-one (21) days, until 12 December 2000, to file a reply to the "Response of the Prosecutor to Notice of Appeal" filed on 14 November 2000 ("Prosecution Response");

NOTING that the Appellant filed an appeal on 18 September 2000 ("the Appeal") against the Decision of Trial Chamber II on the Defence Motion Challenging the Legality of the Arrest and Detention of the Accused and Requesting the Return of Personal Items Seized, filed on 11 September 2000 ("the Impugned Decision");

NOTING that according to the Request for Extension of Time, the Appellant's Counsel had not received a copy of the Prosecution Response as of the date of the filing of the Request for Extension of Time, and that because the Appellant can only effectively communicate in French, a French translation of the Prosecution Response must be served on him before he can file his reply;

NOTING that the Prosecution Response has been served on the Appellant's Counsel on 23 November 2000;

CONSIDERING that the Appellant's Counsel has indicated to the Registry that English is one of his working languages and that the Request for Extension of Time was itself filed by Counsel in English;

CONSIDERING that the Appellant's Counsel can explain the Prosecution Response fully to the Appellant, enabling the latter to provide him with adequate instructions to file the reply within the requisite time limits;

CONSIDERING that, in any event, the Rules of Procedure and Evidence (« the Rules ») do not envisage the extension of time limits for the translation of all documents, and that in each case good cause must be shown;

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FINDING that the Appellant has failed to show that a French translation of the Prosecution Response must be provided to him;

CONSIDERING however that the Appeals Chamber has accepted that the opposing party may file a response to a notice of appeal filed by an appellant and that if it chooses to do so, an appellant may then file a reply to the issues raised in such a response;¹

CONSIDERING that the Rules provide for the expeditious handling of interlocutory appeals;

HEREBY ORDERS that the Appellant's Reply be filed no later than seven (7) days from the date that this Order is rendered.

Done in both French and English, the English text being authoritative.

[signed]



Fausto Pocar
Presiding Judge

Dated this 1st day of December 2000

At The Hague,

The Netherlands.

[Seal of the Tribunal]

¹ Practice Direction on Procedure for the Filing of Written Submissions in Appeal Proceedings Before the Tribunal, 29 Sept. 2000. Although the Practice Direction does not apply to this appeal, it does reflect the general practice of the ICTR.