

5799/H

Bis



**International Criminal Tribunal for Rwanda  
Tribunal Pénal International pour le Rwanda**

**IN THE APPEALS CHAMBER**

**Before:**

**Judge Claude JORDA, Presiding  
Judge Lal Chand VOHRAH  
Judge Mohamed SHAHABUDEEN  
Judge Rafael NIETO-NAVIA  
Judge Fausto POCAR**

**Registrar:**

**Mr. Adama DIENG**

**Order of:**

**29 March 2001**

ICTR Appeals Chamber  
Date: 30 / March / 2001  
Action: DG  
Copied To: All Judges, Parties

**Jean-Paul AKAYESU**  
*(Appellant)*

Judicial Archives (Original)  
MB, ALB, JK, FZ

ICTR-96-4-A  
30 MARCH 2001  
(5799H<sub>Bis</sub> - 5797H<sub>Bis</sub>)

v.

**THE PROSECUTOR**  
*(Cross-Appellant)*

Case No. ICTR-96-4-A

**ORDER**  
**(FOR TRANSLATION OF APPELLANT'S BRIEFS)**

**Counsel for the Appellant**

Mr. John PHILPOT  
Mr. André TREMBLAY

**Counsel for the Prosecution**

Mr. Solomon LOH

2001 APR -2 P 2: 50 I  
ICTR  
JUDICIAL RECORDS/ARCHIVES  
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**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 Appeals Chamber" and "the Tribunal" respectively);

**NOTING** the pending appeals by Jean-Paul AKAYESU ("the Appellant") and the Prosecutor against the Judgement rendered on 2 September 1998 by Trial Chamber I and against the sentence passed on 2 October 1998;

**NOTING** the parties' Briefs and particularly the Appellant's "*Mémoire de l'Appellant*" and "*Mémoire en Réplique*" filed with Registry on 20 July 2000 and 19 September 2000 respectively (together "the Appellant's Briefs");

**NOTING** that at the hearing on 1 and 2 November 2000 the parties were heard on their appeals and the case reserved for decision;

**NOTING** the "Extremely Urgent Notice of Motion Requesting an Order for Translation of Appellant's Brief and Appellant's Brief in Reply", filed by the Appellant on 15 March 2001, in which he submits *inter alia* that under Sub-Article 13 (6) of the Directive for the Registry the Registrar has an obligation to have documents filed by the parties translated and that consequently the Appeals Chamber should order the Registrar to have the Appellant's Briefs translated immediately;

**NOTING** the "Prosecution Response to the 'Extremely Urgent Notice of Motion Requesting an Order for Translation of Appellant's Brief and Appellant's Brief in Reply'", filed on 16 March 2001, in which the Prosecution argues *inter alia* that the Appellant has suffered no prejudice from the fact that the documents have not been translated as the Appeals Chamber has before it, to meet the needs of its deliberations, the parties' briefs in their original languages and the transcripts of the arguments which the parties made at the hearing, but nevertheless it does not oppose a direction to the Registrar to provide translations of the Appellant's Briefs;

**NOTING** the "Reply to Prosecutor's Response to the Appellant's Extremely Urgent Notice of Motion Requesting an Order for Translation of Appellant's Brief and Appellant's Brief in Reply", filed on 21 March 2001, in which the Appellant argues that it is false to affirm that he would not suffer prejudice if the Appellant's Briefs were not translated inasmuch as the Appellant understands that two Judges of the Appeals Chamber know no French and because it is his fundamental right to be understood by all the Judges of the Appeals Chamber through the Appellant's Briefs;

**NOTING** Sub-Article 13 (6) of the Directive for the Registry, which stipulates that “when a document is filed with the Court Management Section, the Section shall make the appropriate arrangements for its translation into the working languages of the Tribunal”;

**CONSIDERING** that it is imperative, for the proper administration of justice and for equality of treatment of the parties, that their written submissions, and particularly their briefs, are translated into the Tribunal’s two working languages;

**FOR THESE REASONS**

**DIRECTS** the Registrar to have the Appellant’s Briefs translated into English within 20 days of the date of this Order.

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

[signed]

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Claude Jorda,  
Presiding

Done at The Hague (Netherlands), 29 March 2001

[Seal of the Tribunal]