



International Criminal Tribunal for Rwanda
Tribunal pénal international pour le Rwanda

IN THE APPEALS CHAMBER

Before: Judge Mohamed SHAHABUDEEN, Pre-Appeal Judge

Registrar: Mr. Adama DIENG

Decision of: 25 July 2003

Eliézer NIYITEGEKA

(Appellant)

V.

THE PROSECUTOR

(Respondent)

Case No. ICTR-96-70-14-A

DECISION ON THE REGISTRAR'S REQUEST

Counsel for the Appellant

Ms. Sylvia Geraghty

Counsel for the Prosecutor

Mr. Norman Farrell

I, MOHAMED SHAHABUDEEN, Judge 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 and 31 December 1994 (“International Tribunal”),

NOTING the “Judgement and Sentence” rendered in the case by Trial Chamber I on 16 May 2003 (“Judgement”);

NOTING the “Decision on Eliezer Niyitegeka’s Motion for an Extension of Time for the Filing of his Notice of Appeal” rendered on 13 June 2003 (“Decision of 13 June 2003”), which directed the Registrar to have the translation of the Judgement available in French

and communicated to the parties no later than 31 August 2003 and ordered Eliezer Niyitegeka (“Appellant”) to file his notice of appeal no later than 20 June 2003 and to file his Appellant’s brief no later than 15 October 2003;

NOTING the “Registrar’s Submissions under Rule 33 (B) of the Rules on Pre-Appeal Judge Decision of 13 June 2003” filed on 11 July 2003, in which the Registrar submits that “due to prior assignments emanating from the Trial Chambers as well as the shortage of human resources in the Language Services Section, it will not be possible for the Registry to meet the deadline of 31 August 2003” and undertakes to “provide unrevised and uncertified translation of Niyitegeka Judgment on 30 September 2003”;

NOTING the “Decision on the Registrar’s Submissions” rendered on 15 July 2003 which directs the Registrar to state within seven days when will the revised and certified translation of the Judgement be made available;

NOTING the “Registrar’s Submissions following Pre-Appeal Judge Decision of 15 July 2003” filed on 18 July 2003, in which the Registrar submits that “a final, complete, revised and certified translation in French of the Judgment will be filed and communicated to the parties no later than 30 September 2003”;

NOTING the “Defence Motion in Response to Registrar’s Submissions under Rule 33 (B) of the Rules on Pre-Appeal Judge Decision of 13 June 2003” (“Defence Motion in Response to Registrar’s Submissions”), in which the Appellant “objects to the Registrar’s application for an extension of time to 30 September 2003 or at all, in which to serve the Judgment and Sentence on the Appellant in a language which he understands”;

NOTING that, in the Defence Motion in Response to the Registrar’s Submissions, the Appellant submits *inter alia* that:

- “the Registrar has been dilatory in allowing twenty seven days to pass from the date of the Direction on 13 June 2003 before filing his submission”,
- “the Registrar has known since on or about 9 April 2003 that this Judgment was to be delivered on 15 May 2003 and that it would require translation and distribution to Mr Niyitegeka”,
- back in February 2003, when the Trial Chamber requested the Registrar to produce the French translation of the Defence Closing Brief, the said translation of this brief of 228 pages was completed in eight days, whereas the Registrar requests 138 days from the date of the Judgment to translate in French the Niyitegeka Judgement of 113 pages,
- to grant such an extension, which would amount to an overall delay of 138 days before Mr Niyitegeka can read the Judgement in his own language, amounts to “a gross violation of the rights and minimum statutory guarantees afforded to Mr Niyitegeka”;

RECALLING the obligations of the Registrar under Rule 3 (E) of the Rules of Procedure and Evidence, Articles 9 (iv), 13.6 and 49 of the Directive for the Registry of the International Tribunal and under the Decision of 13 June 2003;

FINDING, in the light of the filings, that the Registrar will not be complying with the Decision of 13 June 2003 which directed him to have the translation of the Judgement available in French and communicated to the parties no later than 31 August 2003;

CONSIDERING HOWEVER the fact that the Registrar is submitting that the translation will not be physically available until the end of September 2003;

FOR THE FOREGOING REASONS,

DIRECT the Registrar to do his utmost to have the translation of the Judgement available in French and communicated to the parties as soon as practically possible, but no later than 30 September 2003;

ORDER the Appellant to file his Appellant's brief no later than 45 days after the filing of the French version of the Judgement.

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

Mohamed Shahabuddeen

Done this twenty fifth day of July 2003,
At The Hague,
The Netherlands.

[Seal of the International Tribunal]