

ICTR-98-44A-A
17 December 2003
(19h - 16h)

19h



Tribunal Pénal International pour le Rwanda
International Criminal Tribunal for Rwanda

IN THE APPEALS CHAMBER

Before: Judge Florence Ndepele Mwachande Mumba

Registrar: Mr. Adama Dieng

Decision of: 17 December 2003

2003 DEC 17 P 4 45
[Signature]
JUDICIAL RECORDS DIVISION

JUVÉNAL KAJELIJELI
(Appellant)

v.

THE PROSECUTOR
(Respondent)

Case No. ICTR-98-44A-A

ICTR Appeals Chamber
Date: 17 Dec 03
Action: P.G.
Copied To: Parties;

Concerned Judges;
LOs/ALOs;
LSS;
Judicial Archives
Phyllis Burrell

**DECISION ON MOTION FOR AN EXTENSION OF TIME TO FILE
APPELLANT'S NOTICE OF APPEAL AND BRIEF**

Counsel for the Prosecution
Melanie Werrett

Counsel for the Appellant
Lennox Hinds

International Criminal Tribunal for Rwanda
Tribunal pénal international pour le Rwanda
CERTIFIED TRUE COPY OF THE ORIGINAL SEEN BY ME
COPIE CERTIFIÉE CONFORME À L'ORIGINAL PAR NOUS
NAME / NOM: *Phyllis Burrell*
SIGNATURE: *Phyllis Burrell* DATE: 17 Dec 03

I, FLORENCE NDEPELE MWACHANDE MUMBA, 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 (“Tribunal”),

NOTING the “Judgement and Sentence” rendered in this case by Trial Chamber I on 1 December 2003 (“Judgement”),

NOTING the “Order of the Presiding Judge Assigning Judges and Designating the Pre-Appeal Judge”, filed on 10 December 2003, which designated me to serve as Pre-Appeal Judge in this case,

NOTING that, by virtue of Rule 108*bis* (B) of the Rules of Procedure and Evidence of the Tribunal (“Rules”), “the Pre-Appeal Judge shall ensure that the proceedings are not unduly delayed and shall take any measures related to procedural matters, including the issuing of decisions, orders and directions with a view to preparing the case for a fair and expeditious hearing”,

BEING SEISED OF the “Notice of Motion for an Extension of time to file Appellant’s Notice of Appeal and Brief Pursuant to Rules 108, 111 & 116 of RPE” (“Appellant” and “Motion” respectively) filed on 8 December 2003, in which the Appellant notes that, he is unable to understand the Judgement rendered only in English and that neither his Lead Counsel nor Legal Assistant, speak French ; he therefore requests the Appeals Chamber :

- (i) To grant him a thirty (30) day extension of time to file the Notice of Appeals from the date that the French translation of the Judgement and Sentence is served on the Appellant,
- (ii) A seventy-five (75) day extension of time to file the Appellant’s Brief from the date the Notice of Appeals is filed with the Registry,
- (iii) To direct the Registrar to produce the French translation of the Judgement and Sentence without delay,
- (iv) To direct the Registrar to notify the Lead Counsel when the French translation of the Judgement is served on the Appellant by faxing a copy to his office.

NOTING the “Prosecution Response to Defence Notice of Motion for an Extension of Time to File Appellant’s Notice of Appeal and Brief Pursuant to Rules 108, 111 & 116 of the RPE”, filed on 12 December 2003 (“Prosecution Response”),

NOTING that Rule 108 of the Rules provides that “a party seeking to appeal a judgement or sentence shall, not more than thirty days from the date on which the judgement or the sentence was pronounced, file a notice of appeal, setting forth the grounds”,

NOTING that Rule 116 of the Rules provides that :

- (A) The Appeals Chamber may grant a motion to extend a time limit upon a showing of good cause.
- (B) Where the ability of the accused to make full answer and defence depends on the availability of a decision in an official language other than that in which it was originally issued, that circumstance shall be taken into account as a good cause under the present Rule.

CONSIDERING that Article 31 of the Statute of the Tribunal provides that “the working languages of the International Tribunal for Rwanda shall be English and French”,

CONSIDERING that Article 30(4)(a) of the Statute of the Tribunal provides that in determination of any charge against the accused, the accused shall be entitled to be “informed promptly and in detail in a language which he or she understands of the nature and cause of the charge against him or her”,

CONSIDERING that “good cause” within the meaning of Rule 108(A) of the Rules has not been shown, given that the Lead Counsel for the Appellant speaks English fluently and is able to understand the Judgement rendered in English on 1 December 2003, and is able to discuss possible grounds of appeal with the Appellant and to advise him of potential errors of fact and law contained therein,

CONSIDERING that an application for leave to vary the grounds of appeal may be granted after the Judgement becomes available in French, where good cause is shown,

CONSIDERING however, that it is in the interests of justice to allow the Appellant a reasonable time to read the Judgement in a language he understands and to consult with his counsel before filing his Appellant’s brief,

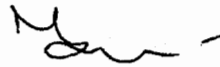
FINDING that, pursuant to Rule 116 (B) of the Rules, “good cause” is shown to grant an extension of time of 45 days, from the date of filing of the French translation of the judgement, for the filing of the Appellant’s brief,

FOR THE FOREGOING REASONS,

ORDER the Appellant to file his notice of appeal no later than 31 December 2003, and to file his Appellant's brief no later than 29 March 2004.

DIRECT the Registrar to have the translation of the Judgement available in French and served on the Accused no later than 11 February 2004.

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



Florence Ndepele Mwachande Mumba
Pre-Appeal Judge

Done this 17th day of December 2003,
At the Hague,
The Netherlands.

[Seal of the International Criminal Tribunal for Rwanda]

