

ICTR - 98-44A-A
17 December 2003
(22h - 20h)

22h



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

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

THE PROSECUTOR
(Appellant)

v.

JUVÉNAL KAJELIJELI
(Respondent)

Case No. ICTR-98-44A-A

Concerned Judges;
LOS / ALOS;
LSS;
Judicial Archives
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**DECISION ON PROSECUTION URGENT MOTION FOR AN EXTENSION
OF TIME TO FILE NOTICE OF APPEAL**

Counsel for the Prosecution
Hassan Bubacar Jallow

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: RHYSS BURAM
SIGNATURE: Rhy Bunn
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 “Prosecution Urgent Motion for an Extension of Time to File Notice of Appeal” (“Prosecution Motion”), filed on 16 December 2003, in which the Prosecution submits that it requires an English translation of the Dissenting Opinion of the Judgement, which has been delivered by Judge Ramaroson in French, and requests an extension of 30 days from the date of receipt of the English translation of the Dissenting Opinion, by which to file the notice of appeal,

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”,

CONSIDERING that Rule 116(B) of the Rules provides that “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...”, yet there is no similar provision in the rule which is applicable to the Prosecution,

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 the Prosecution’s reason for seeking an extension of time to file the notice of appeal cannot be considered to constitute good cause within the meaning of Rule 116 of the Rules, given that the Office of the Prosecutor is expected to work equally in English and French,

FOR THE FOREGOING REASONS,

ORDER the Prosecution to file his notice of appeal no later than 31 December 2003.

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 Tribunal]

