

ICTR-99-52-A  
6 - February - 2004  
(48H-46H)

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UNITED NATIONS  
NATIONS UNIES



Tribunal Pénal International pour le Rwanda  
International Criminal Tribunal for Rwanda

1333

BEFORE THE PRE-APPEAL JUDGE

Before: Judge Inés Weinberg de Roca, Pre-Appeal Judge  
Registrar: Mr. Adama Dieng  
Order of: 6 February 2004

Ferdinand NAHIMANA  
Jean-Bosco BARAYAGWIZA  
Hassan NGEZE  
(Appellants)

V.

THE PROSECUTOR  
(Respondent)

Case No. ICTR-99-52-A

2004 FEB - 9 A 9 24  
*[Handwritten signature]*

DECISION ON NGEZE'S MOTION FOR AN ADDITIONAL EXTENSION  
OF TIME TO FILE HIS NOTICE OF APPEAL AND BRIEF

Counsel for the Appellants

Mr. Jean-Marie Biju-Duval  
Mr. Giacomo Barletta-Caldarera  
Mr. John C. Floyd III

Counsel for the Prosecutor

Ms. Melanie Werrett

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 BURRIS  
SIGNATURE: *[Signature]* DATE: 6-11-04

I, Inés Mónica Weinberg de Roca, 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 "Order of the Presiding Judge Assigning Judges and Designating the Pre-Appeal Judge" filed on 19 December 2003, which designated me to serve as Pre-Appeal Judge in this case;

**NOTING** the "Judgement and Sentence" rendered in the English language by Trial Chamber I in this case on 3 December 2003 ("Judgement");

**NOTING** that in the "Decision on Motions for an Extension of Time to File Appellants' Notices of Appeal and Briefs" of 19 December 2003 the Pre-Appeal Judge ordered the Appellants Barayagwiza and Nahimana to file their Notices of Appeal no later than thirty days from the communication of the Judgement in the French language and to file their Appellants' Briefs no later than seventy-five days from the communication of the Judgement in the French language, and required Appellant Ngeze to file his Notice of Appeal no later than 9 February 2004;

**BEING SEISED OF** Appellant Ngeze's "Motion seeking a further extension of time for filing the notice of appeal", filed on 5 February 2004, in which he requests that the deadline for filing his Notice of Appeal be delayed until after service of the French translation of the Judgement, as is the case for the Appellants Nahimana and Barayagwiza;

**CONSIDERING** that paragraph 18 of the Practice Direction on Procedure for the Filing of Written Submissions in Appeal Proceedings of 16 September 2002 provides that "a motion for an extension of time may, in accordance with existing practice, be disposed of without giving the other party the opportunity to respond to the motion if the Pre-Appeal Judge is of the opinion that no prejudice would be caused to the other party";

**NOTING** that Rule 116 of the Rules of Procedure and Evidence ("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, in the circumstances of this joined case, good cause has been shown to extend the deadline for the filing of the Notice of Appeal of the Appellant Ngeze to the same dates as for his co-Appellants and that no prejudice will be caused to the other parties;

**FOR THE FOREGOING REASONS,**

**ORDER** the Appellant Ngeze to file his Notice of Appeal no later than thirty days from the communication of the Judgement in the French language and to file his Appellant's Brief no later than seventy-five days from the communication of the Judgement in the French language;

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

Dated this 6<sup>th</sup> day of February 2004,  
At The Hague, The Netherlands.

