

ICTR-01-76-AR+2

13 FEBRUARY 2004

FH - 5H

FH



Tribunal Pénal International pour le Rwanda  
International Criminal Tribunal for Rwanda

**IN THE APPEALS CHAMBER**

**Before:** Judge Theodor Meron, Presiding Judge  
Judge Florence Mumba  
Judge Mehmet Güney  
Judge Wolfgang Schomburg  
Judge Inés Mónica Weinberg de Roca

**Registrar:** Mr. Adama Dieng

**Decision of:** 13 February 2004

**Aloys SIMBA**

v.

**THE PROSECUTOR**

*Case No. ICTR-01-76-AR72*

2004 FEB 15 A 9:31  
ICTR  
JUDICIAL SECRETARIAT

**DECISION ON ALOYS SIMBA'S  
MOTION FOR AN EXTENSION OF TIME**

**Counsel for the Prosecution**

Mr William Egbe  
Mr Sulaiman Khan  
Ms Amina Ibrahim

**Counsel for the Defence**

Mr Sadikou Ayo Alao  
Ms Beth Lioné

ICTR Appeals Chamber  
Date: 13-ii-04  
Action: P &  
Copied To: Judges,  
Alois / LOs  
parties  
LSS  
Antonio Band  
Aloys Band

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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 ("Appeals Chamber" and "International Tribunal", respectively),

**BEING SEISED OF** the "Requête en extrême urgence de la défense en vue d'obtenir une autorisation à répliquer à date fixe ou une prorogation des délais pour le dépôt de son recours en appel contre la décision en date du 26 janvier 2004 rendue par la première chambre du TPIR relative à la requête de la défense en exception préjudicielle pour vices de forme des quatre chefs d'accusation et en incompétence (Articles 72(a), B(i) et H(iv) du RPP)", filed on 3 February 2004 ("Motion");

**NOTING** Trial Chamber I's "Decision on Defence Motion alleging Defects in the Form of the Indictment" dated 26 January 2004 ("Impugned Decision");

**NOTING** that, pursuant to Rule 72 of the Rules of Procedure and Evidence of the International Tribunal ("Rules"), appeals in the case of motions challenging jurisdiction shall be filed within fifteen days of filing of the Impugned Decision;

**NOTING** that the Motion seeks an extension of time within which to file an appeal following receipt of the French translation of the Impugned Decision;

**NOTING** that the Prosecution has not filed a response to the Motion;

**CONSIDERING** that the working language of the Defence is French;

**CONSIDERING** that Rule 116(A) of the Rules permits the Appeals Chamber to grant a motion to extend a time limit "upon a showing of good cause";

**CONSIDERING** that, in light of Rule 116(B) of the Rules, good cause has been shown for granting an extension of time pursuant to Rule 116(A) of the Rules;

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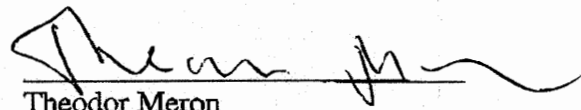
**FOR THE FOREGOING REASONS,**

**HEREBY GRANTS** the Motion;

**ORDERS** that Defendant Aloys Simba's appeal may be filed within fifteen days of receipt the French translation of the Impugned Decision; and

**DIRECTS** the Registrar to ensure that the French translation of the Impugned Decision is forwarded without delay to the Defendant, if he has not already done so.

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



Theodor Meron  
Presiding Judge

Done this 13<sup>th</sup> day of February 2004,  
At The Hague,  
The Netherlands.

[Seal of the International Tribunal]

