

ICTR-99-52-A  
5 MARCH 2004  
(10914 - 10814)

10914



Tribunal Pénal International pour le Rwanda  
International Criminal Tribunal for Rwanda

UNITED NATIONS  
NATIONS UNIES

**BEFORE THE PRE-APPEAL JUDGE**

Before: Judge Inés Weinberg de Roca, Pre-Appeal Judge  
Registrar: Mr. Adama Dieng  
Decision of: 5 March 2004

Ferdinand NAHIMANA  
Jean-Bosco BARAYAGWIZA  
Hassan NGEZE  
(Appellants)

V.

THE PROSECUTOR  
(Respondent)

Case No. ICTR-99-52-A

2004 MAR -8 14:05  
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**DECISION ON BARAYAGWIZA'S MOTION FOR DETERMINATION OF TIME LIMITS**

**Counsel for the Appellants**

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

**Counsel for the Prosecutor**

Mr. James Stewart  
Ms. Melanie Werrett

ICTR Appeals Chamber  
5-iii-04 PG  
Date:  
Action:  
Copied To: JUDGES

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I, Inés Mónica Weinberg de Roca, Pre-Appeal Judge in this case,<sup>1</sup>

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

**BEING SEIZED OF** the "*Détermination du dies a quo pour le calcul des délais d'appel dans l'affaire 'Le Procureur contre Ferdinand Nahimana, Jean-Bosco Barayagwiza et Hassan Ngeze, ICTR-99-52-A'*" filed by Appellant Barayagwiza personally on 1 March 2004 ("Motion"), in which Appellant Barayagwiza seeks a declaration that the seventy-five days granted for the filing of his Appellant's Brief will run from the date after the filing of his Notice of Appeal and that the date for filing additional evidence will run from the date of the communication of the French translation of the Judgement;

**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 an extension of time may be disposed of without giving the other party the opportunity to respond to the motion;

**NOTING** the "Decision on Motions for an Extension of Time to File Appellants' Notices of Appeal and briefs" of 19 December 2003 and the "Decision on Ngeze's Motion for Clarification of the Schedule and Scheduling Order" of 2 March 2004, which ordered each Appellant to file his single Notice of Appeal no later than thirty days from the communication of the Judgement in the French language and to file his single Appellant's Brief no later than seventy-five days from the communication of the Judgement in the French language;

**FINDING** that Appellant Barayagwiza has not demonstrated good cause as required by Rule 116 of the Rules for any further extension of the time limit for the filing of his Appellant's Brief;

**FINDING** that the time limit for filing motions to present additional evidence before the Appeals Chamber expired seventy-five days after the date of the Judgement pursuant to Rule 115(A) of the Rules;

**CONSIDERING** that no good cause has been shown for further delay in relation to any particular motion to present additional evidence;

**FOR THE FOREGOING REASONS, DISMISS** the Motion.

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

Dated this 5 March 2004,

At The Hague, The Netherlands.



Judge Inés Mónica Weinberg de Roca  
Pre-Appeal Judge

[Seal of the International Tribunal]

<sup>1</sup> "Order of the Presiding Judge Assigning Judges and Designating the Pre-Appeal Judge" 19 December 2003, Case No. ICTR-99-52-A, 5 March 2004