



ICTR-99-46-A
5 July 2004
(14/A/bis - 11/A/bis)
International Criminal Tribunal for Rwanda
Tribunal pénal international pour le Rwanda

14/A/bis

IN THE APPEALS CHAMBER

Case No. ICTR-99-46-A

ENGLISH
Original : FRENCH

Before: Judge Mehmet Güney, Pre-Appeal Judge

Registry: Adama Dieng

Decision of: 24 March 2004

SAMUEL IMANISHIMWE

v.

THE PROSECUTOR

2004 JUL -5 A 11:07
ICTR
OFFICIAL RECORD

**DECISION ON "REQUÊTE EN EXTRÊME URGENCE AUX FINS DE
PROROGATION DES DÉLAIS DE DÉPÔT DE L'ACTE D'APPEL ET DU
MÉMOIRE EN APPEL CONTRE LE JUGEMENT RENDU LE 25 FÉVRIER
2004 CONTRE SAMUEL IMANISHIMWE"**

Counsel for the Appellant:
Marie Louise Mbida

Office of the Prosecutor:
Melanie Werrett
James Stewart

I, Mehmet Güney, 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 1994 and 31 December 1994 (the "International Tribunal"),

CONSIDERING the Judgement and Sentence pronounced in the instant case in English by Trial Chamber III on 25 February 2004 (the "Trial Judgement");

CONSIDERING the Order of the Presiding Judge Assigning Judges and Designating the Pre-Appeal Judge issued on 23 March 2004, whereby I was designated the Pre-Appeal Judge in the present matter;

WHEREAS, under Rule 108bis(B) of the Rules of Procedure and Evidence of the International Tribunal (the "Rules"), "[t]he 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";

CONSIDERING the "*Requête en extrême urgence aux fins de prorogation des délais de dépôt de l'Acte d'appel et du Mémoire en appel contre le Jugement rendu le 25 février 2004 contre Samuel Imanishimwe - Articles 3, 108, 111 et 116 du Règlement de procédure et de preuve et 20 du Statut*" [Extremely Urgent Motion for Extension of Time Limit for filing a Notice of Appeal and an Appellant's Brief against the Judgement of 25 February 2004 entered against Samuel Imanishimwe – Rules 3, 108 and 116 of the Rules of Procedure and Evidence and Article 20 of the Statute] (the "Motion") filed on 3 March 2004 by Counsel for Samuel Imanishimwe (the "Appellant"), in which the Appellant requests that the time limit for filing his Notice of Appeal be extended by thirty days from the date on which the Trial Judgement is served on him in French, and that the time limit for filing his Appellant's Brief be extended by seventy-five days from the date on which the Trial Judgement is served on him in French. He submits, in particular, that:

- (i) Since the Trial Judgement is available only in English, whereas the Appellant and his Counsel understand only French, the Appellant is not in a position to set forth his grounds of appeal when they have not yet received the Trial Judgement in a language he and his Counsel understand, namely French, the other working language of the International Tribunal;
- (ii) This argument constitutes a good cause within the meaning of Rule 116(B) of the Rules;
- (iii) That the Appeals Chamber has, on several occasions, and in the same circumstances, granted requests for an extension of time on similar grounds;

NOTING that the "Prosecution's Response to: *Requête en extrême urgence aux fins de prorogation des délais de dépôt de l'Acte d'appel et du Mémoire en appel contre le Jugement rendu le 25 février 2004 contre Samuel Imanishimwe - Articles 3, 108, 111 et 116 du Règlement de Procédure et de Preuve et 20 du Statut*" was filed by the Prosecution on 16 March 2004, that is, outside the time-frame prescribed in paragraph 11 of the Practice Direction on Procedure for the Filing of Written Submissions in Appeal Proceedings before the Tribunal of 16 September 2002;

WHEREAS, pursuant to Rule 108 of the Rules, "[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";

WHEREAS, under Rule 111 of the Rules, "[a]n Appellant's brief setting out all the arguments and authorities shall be filed within seventy-five days of filing of the notice of appeal pursuant to Rule 108";

WHEREAS, under 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;

WHEREAS, Article 31 of the Statute of the International Tribunal provides that "[t]he working languages of the International Tribunal for Rwanda shall be English and French";

CONSIDERING that it is in the interests of justice to grant the Appellant a reasonable time limit to enable him to acquaint himself with the Trial Judgement in a language he understands, and to consult his Counsel before filing his Notice of Appeal and Appeal Brief with the Appeals Chamber;

CONSIDERING that there is a showing of "good cause" in the Motion, as required by Rule 116 of the Rules, which justifies granting Appellant's request for extension of time for filing his Notice of Appeal and Appellant's Brief;

FOR THESE REASONS,

GRANT the Motion and **ORDER** the Appellant to file his Notice of Appeal not later than thirty days from the day the French version of the Trial Judgement is served on him, and to file his Appellant's Brief within seventy-five days of the filing of the Notice of Appeal; and

11/A/b's

ORDER the Registrar to indicate to the Appeals Chamber the date on which the Trial Judgement will be available in French.

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

[Signed]

Mehmet Güney
Pre-Appeal Judge

Done at The Hague, the Netherlands on 24 March 2004.

[Seal of the International Tribunal]
