



International Criminal Tribunal for Rwanda  
Tribunal pénal international pour le Rwanda

OR: ENG

**IN THE APPEALS CHAMBER**

**Before:** Judge Florence Ndepele Mwachande Mumba

**Registrar:** Mr. Adama Dieng

**Order of:** 5 April 2004

**JUVÉNAL KAJELIJELI**  
**(Appellant)**

**v.**

**THE PROSECUTOR**  
**(Respondent)**

*Case No. ICTR-98-44A-A*

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**ORDER ON MOTION FOR EXTENSION OF TIME**

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**Counsel for the Prosecution**

Melanie Werrett

James Stewart

**Counsel for the Appellant**

Lennox Hinds

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”);

BEING SEISED OF the “Notice of Leave to File Extremely Urgent Motion for Extension of Time to File Appeal Brief” (“Defence Motion”), filed by Counsel for the Appellant on 23 March 2004, where he urges that:

- (1) The Tribunal either modify the Terms of Reference of Ms. Juliette Chinaud, Legal Assistant for the Defence team, “to include translation services outside of the 100 hours cap or approve the appointment of a translator within the Defense Team for this function”; and
- (2) Grant an extension of time for the filing of the Appellant’s Brief, to allow for the completion of the “huge backlog of material for translation”;

NOTING the “Registrar’s Response to Mr. Kajelijeli’s Notice of Leave to File Extremely Urgent Motion for Extension of Time to File Appeal Brief” (“Registrar’s Response”), filed on 30 March 2004;

NOTING the “Defence’s Reply to the Registrar’s Response to Defense Notice of Leave to File Extremely Urgent Motion for Extension of Time to File Appeal Brief” (“Defence Reply”), filed on 5 April 2004;

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 108bis (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”;

NOTING the “Order Granting an Extension of Time for Filing of Translation of Trial Judgement and Appellant’s Brief”, issued on 23 February 2004, where the Appellant was required to file his Appellant’s Brief no later than 8 April 2004;

NOTING that Rule 111 of the Rules provides that the Appellant’s Brief shall be filed within seventy-five days of filing of the notice of appeal pursuant to Rule 108;

NOTING that 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.

CONSIDERING that the Appellant is now represented on appeal by Professor Lennox Hinds, as Lead Counsel, who speaks only English, and by Professor Sherrie Russell-Brown, as Co-Counsel, who speaks only French, and that the Legal Assistant, Juliette Chinaud, is the only bi-lingual English and French speaking person working in the Defence team for the Appellant;

CONSIDERING that there is a backlog of material for translation from French to English, transmitted from the Appellant to Counsel for the Appellant, and that there is insufficient time for these materials to be translated by one Legal Assistant in time for the filing of the Appellant's Brief, and that the instructions of the Appellant are important for preparation of the Appellant's Brief;

CONSIDERING that the Motion does not specify the precise extension of time that the Appellant is seeking, and the full extent of the problem of translation, including the specific documents required for translation;

CONSIDERING that "good cause" within the meaning of Rule 108(A) of the Rules has been shown to extend the time for filing of the Appellant's Brief;

CONSIDERING that the request of Counsel for the Appellant that the Tribunal modify the Terms of Reference of Ms. Juliette Chinaud, Legal Assistant for the Defence team "to include translation services outside of the 100 hours cap or approve the appointment of a translator within the Defense Team for this function", is a matter for determination of the Registry, and that the Motion does not make any formal request for review of the Registrar's decision on allocation of translation resources to the Appellant that the Appeals Chamber is called on to determine, nor does it provide all necessary materials that would be required for the Appeals Chamber to make such a review;

FOR THE FOREGOING REASONS,

GRANTS the Defence Motion in part, allowing an extension of time to file the Appellant's Brief; and ORDERS the Appellant to file his Appellant's Brief no later than 22 April 2004.

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

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Florence Ndepele Mwachande Mumba  
Pre-Appeal Judge

Done this 5th day of April 2004,  
At the Hague,  
The Netherlands.

[Seal of the International Tribunal]