

ICTR-01-76-1
04-05-2004
(1487-1485)

1487
Ivan



International Criminal Tribunal for Rwanda
Tribunal pénal international pour le Rwanda

OR: ENG

TRIAL CHAMBER I

Before: Judge Erik Møse, presiding
Judge Jai Ram Reddy
Judge Sergei Alekseevich Egorov

Registrar: Adama Dieng

Date: 4 May 2004

THE PROSECUTOR

v.

Aloys SIMBA

Case No. ICTR-01-76-I

ND
JUDICIAL RECORDS DIVISION
PROCESSED
ICTR
2004 MAY -4 P 5: 25

DECISION ON DEFENCE MOTION FOR EXTENSION OF TIME

Office of the Prosecutor:

William T. Egbe
Sulaiman Khan
Ignacio Tredici
Amina Ibrahim

Counsel for the Defence

Sadikou Ayo Alao
Beth Lyons

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THE INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA (“the Tribunal”);

SITTING as Trial Chamber I, composed of Judge Erik Møse, presiding, Judge Jai Ram Reddy, and Judge Sergei Alekseevich Egorov;

BEING SEIZED 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 depot de sa réplique à la réponse du procureur à la requête en exceptions prejudicielles et en incompetence pour vice de forme substantiels contre l’acte d’accusation modifié en date du 28 Novembre 2003”, filed on 28 April 2004;

HEREBY DECIDES the motion.

INTRODUCTION

1. The Indictment against the Accused was confirmed on 8 January 2002. The Defence filed a motion alleging defects in the form of the Indictment on 31 October 2002. Prior to a decision having been rendered on the motion, the Prosecution on 28 November 2003 requested leave to file an amended Indictment. Leave was granted by the Chamber on 26 January 2004 and on the same day, the Chamber declared moot the motion regarding defects in the form of the Indictment. The amended Indictment was filed on 27 January 2004. On 3 February 2004, the Defence sought an extension of time to file an appeal against the decision on defects in the form of the Indictment, arguing that a French translation had not been made available to the Defence. The extension was granted on 13 February 2004 and the Defence lodged its appeal on 26 February 2004. On 24 March 2004, the Appeals Chamber dismissed the appeal for lack of appellate jurisdiction. The commencement of the trial has been fixed for 13 May 2004.

SUBMISSIONS

2. The Defence submits that an extension of time is required to reply to the Prosecution’s response, namely five days after a French translation has been made available to the Defence as it is the language of both Counsel and the Accused.

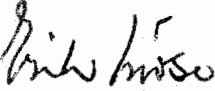
DELIBERATIONS

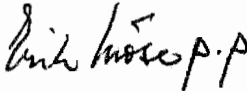
3. The Chamber notes that Co-Counsel is English-speaking and that the Defence itself has filed motions in English, for example, the motion seeking rescheduling of the commencement of trial filed on 19 April 2004, which was signed by both Lead and Co-Counsel. The Chamber considers that Co-Counsel can advise both Lead Counsel and the Accused on the contents of the Prosecution’s response in English, and Lead and Co-Counsel should cooperate more on the issue of translations. Further, the Defence has expressed its views in its motion, and the Prosecution response does not contain any new elements.


FOR THE ABOVE REASONS, THE CHAMBER

DENIES the motion.

Arusha, 4 May 2004


Erik Møse
Presiding Judge


Jai Ram Reddy
Judge


Sergei Alekseevich Egorov
Judge

(Seal of the Tribunal)

