



International Criminal Tribunal for Rwanda  
Tribunal pénal international pour le Rwanda

**IN THE APPEALS CHAMBER**

**Before:** Judge Florence Ndepele Mwachande Mumba, Pre-Appeal Judge

**Registrar:** Mr. Adama Dieng

**Decision of:** 14 June 2004

**Juvénal KAJELIJELI**  
**(Appellant)**

**v.**

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

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

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**DECISION ON NOTICE OF LEAVE TO FILE EXTREMELY URGENT  
MOTION FOR ENLARGEMENT OF TIME TO FILE APPELLANT'S BRIEF IN  
REPLY**

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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 ("International Tribunal"),

**NOTING** the “Order of the Presiding Judge Assigning Judges and Designating the Pre-Appeal Judge”, issued on 10 December 2003, in which I was designated to serve as Pre-Appeal Judge in this case;

**BEING SEISED OF** the “Notice of Leave to File Extremely Urgent Motion for Enlargement of Time to File Appellant’s Brief in Reply”, filed confidentially by counsel for Kajelijeli (“Defence” and “Appellant”, respectively) on 7 June 2004 (“Motion”), in which the Defence requests that the Appeals Chamber

(1) order the Registrar to provide the Appellant with a French version of the Respondent’s Brief; and

(2) grant an extension of time for the Appellant to file his brief in reply;

**NOTING** the “Decision on Motion for Extension of Time to File Appellant’s Notice of Appeal and Brief”, issued by the Appeals Chamber on 17 December 2003;

**NOTING** that on 31 December 2003, the Defence filed confidentially its “Notice of Appeal”;

**NOTING** the “Order Granting an Extension of Time for Filing of Translation of Trial Judgement and Appellant’s Brief”, issued on 23 february 2004;

**NOTING** the “Order on Motion for Extension of Time”, issued on 5 April 2004;

**NOTING** that on 22 April 2004 the Defence filed its “Grounds of Appeal Against Conviction and Sentence and Appellant’s Brief on Appeal”;

**NOTING** the “Amended Notice of Appeal”, filed by the Defence on 28 April 2004;

**NOTING** that on 1 June 2004, the Prosecution filed its “Respondent’s Brief” in the English language;

**NOTING** the letter of 2 June 2004, in which the Appellant requested the Registry to provide him with a French version of the Respondent’s Brief;

**NOTING** that, under Rule 108 *bis* (B) of the Rules of Procedure and Evidence of the International 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** that under Rule 113 of the Rules, “an Appellant may file a brief in reply within fifteen days after the filing of the Respondent’s brief”;

**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 speaks only French, is represented by Professor Lennox Hinds, as Lead Counsel, who speaks only English, and that the only English and French speaking person working in the Defence team for the Appellant is the Legal Assistant, Juliette Chinaud;

**CONSIDERING** that, as the Appellant is represented by counsel, only motions filed by counsel shall be recognised by the Appeals Chamber and the parties;

**CONSIDERING** that there is insufficient time for the Respondent’s Brief to be translated from English to French in time for the filing of the Appellant’s brief in Reply and that the instructions of the Appellant are important for the preparation of the Appellant’s brief in reply;

**FINDING** that “good cause” within the meaning of Rule 116 of the Rules has been shown to extend the time for the filing of the Appellant’s brief in reply;

**CONSIDERING** that on 11 June 2004 the Prosecution communicated to the Appeals Chamber that it did not object to the Motion;

**CONSIDERING** that the Motion does not specify the precise extension of time that the Defence is seeking;

**FOR THE FOREGOING REASONS,**

**GRANT** the Motion and,

**ORDER** as follows;

(i) the Registry to make available to the Appellant, as expeditiously as is possible, a French version of the Respondent’s Brief, and to notify the Appeals Chamber and parties upon filing of that version;

(ii) the Appellant's brief in reply to be filed within fifteen days of the filing of the said French version.

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

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Florence Ndepele Mwachande Mumba  
Pre-Appeal Judge

Done this 14<sup>th</sup> day of June 2004,  
At the Hague,  
The Netherlands.

**[Seal of the International Tribunal]**