



101/A

ICTR-01-76-AR72.3
27 JULY 2004
(101/A - 99/A)

Tribunal Pénal International pour le Rwanda
International Criminal Tribunal for Rwanda

IN THE APPEALS CHAMBER

Before:

Judge Theodor Meron, Presiding Judge
Judge Florence Ndepele Mwachande Mumba
Judge Mehmet Güney
Judge Wolfgang Schomburg
Judge Inés Mónica Weinberg de Roca

Registrar:

Mr. Adama Dieng

Decision of:

27 July 2004

Aloys SIMBA

v.

THE PROSECUTOR

Case No. ICTR-01-76-AR72.3

**DECISION ON ALOYS SIMBA'S
MOTION FOR AN EXTENSION OF TIME**

Counsel for the Prosecution

Mr William Egbe
Mr Sulaiman Khan
Ms Amina Ibrahim

Counsel for the Defence

Mr Sadikou Ayo Alao
Ms Beth Lione

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 ("Appeals Chamber" and "International Tribunal", respectively),

BEING SEISED OF the "Requête en extrême urgence de la défense en vue d'obtenir une prorogation des délais pour le dépôt de son recours en appel contre la décision en date du 14 juillet 2004 rendue par la première chambre du TPIR intitulée 'Decision on the Defence's Preliminary Motion Challenging the Second Amended Indictment,' " filed by counsel for Aloys Simba on 21 July 2004 ("Motion");

NOTING Trial Chamber I's "Decision on Defence's Preliminary Motion Challenging the Second Amended Indictment" dated 14 July 2004 ("Impugned Decision");

CONSIDERING that the Motion seeks an extension of time within which to file an appeal following receipt of the French translation of the Impugned Decision, on the basis that the accused and his counsel are proficient in French;

CONSIDERING, however, that at least one member of the Appellant's defence team is proficient in English;¹

CONSIDERING that, to the extent that the Appellant or any members of his defence team are not proficient in English, the essential elements of the Impugned Decision may be effectively conveyed to them without waiting for an official translation;

CONSIDERING that it does not appear that an official translation is necessary to "the ability of the accused to make full answer and defence" under Rule 116(B) of the Rules of Procedure and Evidence of the International Tribunal ("Rules");

CONSIDERING, however, that the Appellant's English-speaking counsel should be afforded a brief extension of time to consult with French-speaking counsel or the Appellant with regard to the contents of the Impugned Decision;

CONSIDERING that Rule 116(A) of the Rules permits the Appeals Chamber to grant a motion to extend a time limit "upon a showing of good cause";

¹ See *Simba v. Prosecutor*, No. ICTR-01-76-AR72.2, Decision on Aloys Simba's Extremely Urgent Motion for an Extension of Time, 11 June 2004, p. 2.
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CONSIDERING that, in light of Rule 116(B) of the Rules, good cause has been shown for granting an extension of time pursuant to Rule 116(A) of the Rules;


FOR THE FOREGOING REASONS,

HEREBY GRANTS the Motion in part;

ORDERS that Aloys Simba's appeal may be filed within ten days of receipt the French translation of the Impugned Decision; and

DIRECTS the Registrar to ensure that the French translation of the Impugned Decision is forwarded without delay to the accused, if he has not already done so.

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


Theodor Meron
Presiding Judge

Done this 27th day of July 2004,
At The Hague,
The Netherlands.

