



ICTR-01-71-A  
 26 August 2004  
 (16/H = 14/H)  
 Tribunal Pénal International pour le Rwanda  
 International Criminal Tribunal for Rwanda

16/H  
 RMM

**IN THE APPEALS CHAMBER**

Before: Judge Wolfgang Schomburg, Pre-Appeal Judge  
 Registrar: Mr. Adama Dieng  
 Decision of: 26 August 2004

JUDICIAL RECORDS/ARCHIVES  
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**EMMANUEL NDINDABAHIZI**

v.

**THE PROSECUTOR**

Case No. ICTR-01-71-A

ICTR Appeals Chamber  
 Date: 26 August 2004  
 Action: PG  
 Copied To: Concerned Parties, Judicial Archivist, Chief, LSS, LOS  
 [Signature]

**DECISION ON EMMANUEL NDINDABAHIZI'S  
 MOTION FOR AN EXTENSION OF TIME**

**Counsel for the Prosecution**

Mr. Hassan Bubacar Jallow  
 Mr. James Stewart  
 Mr. Charles Adeogun-Phillips  
 Mr. Wallace Kapaya  
 Mr. Peter Tafah

**Counsel for the Defence**

Mr. Pascal Besnier

International Criminal Tribunal for Rwanda  
 Tribunal pénal international pour le Rwanda  
 CERTIFIED TRUE COPY OF THE ORIGINAL SEEN BY ME  
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 NAME / NOM: Rosette Muzig-Morrison  
 SIGNATURE: [Signature] DATE: 26/08/04

I, WOLFGANG SCHOMBURG, a 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 ("Appeals Chamber" and "International Tribunal", respectively),

**BEING SEISED OF** the "Requête aux fins de Prorogation de Délai pour le Dépôt du Mémoire en Appel – Articles 111 et 116 du Règlement de Procédure et de Preuve", filed by Emmanuel Ndindabahizi ("Appellant") on 24 August 2004 ("Motion");

**NOTING** the "Order of the Presiding Judge Assigning Judges and Designating the Pre-Appeal Judge" of 24 August 2004;

**NOTING** that Trial Chamber I of the International Tribunal has issued the judgement against the Appellant in the original English version on 15 July 2004 ("Judgement"), and that the Appellant has filed his Notice of Appeal on 13 August 2004;

**CONSIDERING** that the Motion seeks an extension of time to file the Appellant's Brief within seventy-five days<sup>1</sup> following the receipt of the French translation of the Judgement, on the basis that the Appellant and his counsel are "*francophones*";

**NOTING** that the Office of the Prosecutor has informed the Appeals Chamber that it does not object to the Motion;

**CONSIDERING** that under Rule 116(A) of the Rules, the Appeals Chamber may grant a motion for an extension of time if good cause is shown;

**CONSIDERING** that Rule 116(B) of the Rules provides that "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, 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,**

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<sup>1</sup> Cf. Rule 111 of the Rules of Procedure and Evidence ("Rules").

14/H

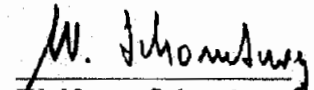
**HEREBY GRANT** the Motion;

**ORDER** that Emmanuel Ndindabahizi may file his Appellant's Brief within seventy-five days of receipt of the French translation of the Judgement;

**DIRECT** the Registrar to ensure that the French translation of the Judgement is provided without undue delay and immediately forwarded to the Appellant; and

**DIRECT** the Registrar to inform the Appeals Chamber about the day on which the Appellant will have received the French translation of the Judgement.

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

  
Wolfgang Schomburg  
Pre-Appeal Judge

Done this twenty-sixth day of August 2004,  
At The Hague,  
The Netherlands.

[Seal of the International Tribunal]





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**International Criminal Tribunal for Rwanda  
Tribunal Pénal International pour le Rwanda**

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**JUDICIAL DOCUMENTS TRANSMISSION SHEET – APPEALS CHAMBER**  
*FICHE DE TRANSMISSION DE DOCUMENTS JUDICIAIRES-CHAMBRE D'APPEL*

Date:	26 August 2004	Case Name / Affaire: Emmanuel Ndindabahizi	Emmanuel NDINDABAHIZI v. The PROSECUTOR	
		Case No / no. de l'affaire: Case no ICTR-01-71-A		
To: A:	<b>OTP, Trial Attorney in charge of case</b> <input checked="" type="checkbox"/> Ms Mélanie Werrett <input checked="" type="checkbox"/> Mr James Stewart  <b>REGISTRY</b> <input checked="" type="checkbox"/> Ms Félicité Talon <input checked="" type="checkbox"/> Mr Sankara Menon  <b>APPEALS CHAMBER</b> <input checked="" type="checkbox"/> Judge / Juge Theodor Meron, Président / <i>Président</i> <input checked="" type="checkbox"/> Judge / Juge Florence Ndepele Mwachande Mumba <input checked="" type="checkbox"/> Judge / Juge Mehmet Güney <input checked="" type="checkbox"/> Judge / Juge Wolfgang Schomburg <input checked="" type="checkbox"/> Judge / Juge Inés Mónica Weinberg de Roca  <input checked="" type="checkbox"/> Mr Ken Roberts <input checked="" type="checkbox"/> Mr Jamie Williamson <input checked="" type="checkbox"/> Mr Roman Boed <input checked="" type="checkbox"/> Associate Legal Officers  <b>TRANSLATION SECTION</b> <input checked="" type="checkbox"/> Mr Charles Zama <input type="checkbox"/> For Information <input checked="" type="checkbox"/> For Translation  <b>DEFENSE</b> <input checked="" type="checkbox"/> Accused / <i>accusé</i> : Mr Ndindabahizi <input checked="" type="checkbox"/> Lead Counsel / <i>Conseil Principal</i> : Me Pascal Besnier			
From: De:	<input checked="" type="checkbox"/> R. Muzigo-Morrison <i>RAM</i>			
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<b>Documents name / Titre du document</b>		<b>Date Filed / Date d'enregistrement</b>		<b>Pages</b>
Decision on Emmanuel Ndindabahizi's Motion for an Extension of Time		26 August 2004		16/H-14/H

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From:	<input checked="" type="checkbox"/> R. Muzigo-Morrison <b>Dani</b>		