



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:

31 August 2004

ICTR Appeals Chamber

Date: 01 September 04

Action: PG

Copied To: Concerned Judge

Aloys SIMBA

v.

Parties, Judicial Archive

LOs, LSS *[Signature]*

2004 SEP -1 P 2:31
ICTR
JUDICIAL RECORDS/ARCHIVES
RECEIVED

THE PROSECUTOR

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

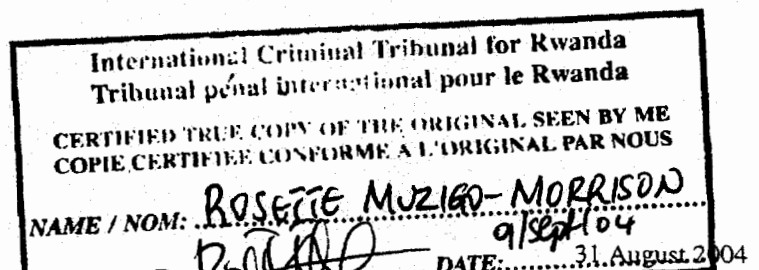
DECISION ON ALOYS SIMBA'S EXTREMELY URGENT MOTION FOR AN EXTENSION OF TIME FOR THE FILING OF A REPLY BRIEF

Counsel for the Prosecution

Mr William Egbe
Mr Sulaiman Khan
Ms Amina Ibrahim

Counsel for the Defence

Mr Sadikou Ayo Alao
Ms Beth Lyons



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 autorisation à répliquer à date fixe ou une prorogation des délais pour le dépôt de sa réplique à la réponse du Procureur à son acte d'appel contre la décision de rejet de la Première Chambre en date du 4 juillet 2004," filed by counsel for Aloys Simba on 18 August 2004 ("Motion");

RECALLING the "Decision on Aloys Simba's Motion for an Extension of Time," rendered by the Appeals Chamber on 27 July 2004, which granted Appellant Aloys Simba ("Appellant") an extension of time in which to file his appeal in this matter pending receipt of the French translation of the decision of the Trial Chamber appealed from;

CONSIDERING that the Appellant filed his appeal on 9 August 2004 ("Appeal");

CONSIDERING that the Prosecution filed its response to the Appeal on 16 August 2004 ("Response");

CONSIDERING that, pursuant to the Practice Direction on Procedure for the Filing of Written Submissions in Appeal Proceedings Before the Tribunal, dated 16 September 2002, the Appellant was permitted to file a reply within four days of the filing of the Response, thus on or before 20 August 2004;

CONSIDERING that the Motion timely sought an extension of time within which to file a reply to the Response on the ground that the Response was filed in English whereas the Appellant and his counsel are proficient in French;

CONSIDERING 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 Response may be effectively conveyed to them without waiting for an official translation;

¹ See *Simba v. Prosecutor*, No. ICTR-01-76-AR72.2, Decision on Aloys Simba's Extremely Urgent Motion for an Extension of Time, 14 June 2004, p. 2.
Case No. ICTR-01-76-AR72.3

CONSIDERING, however, that the Response asserts arguments, notably regarding whether the appeal is properly filed, to which the Appellant should be permitted to reply in full and 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 Response;

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";

CONSIDERING that good cause has been shown for granting a brief extension of time pursuant to Rule 116(A) of the Rules;

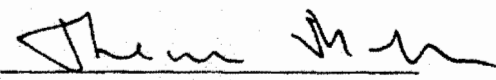
FOR THE FOREGOING REASONS,

HEREBY GRANTS the Motion in part;

ORDERS that the Appellant may file a reply brief within four days of receipt of the French translation of the Response; and

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

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


Theodor Meron
Presiding Judge

Done this 31st day of August 2004,
At The Hague,
The Netherlands.

