

ICTR-98-44A-A  
02 February 05  
(3201/H - 3199/H)

3201/H  
RMM



Tribunal Pénal International pour le Rwanda  
International Criminal Tribunal for Rwanda

IN THE APPEALS CHAMBER

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

Registrar: Mr. Adama Dieng

Decision of: 2 February 2005

ICTR Appeals Chamber  
Date: 02 February 05  
Action:  
Copied To: Concerned Judges,

Parties, Judicial Archive  
LOs, LSS  
*[Signature]*

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JUDICIAL RECORDS/ARCHIVES  
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JUVÉNAL KAJELIJELI  
(Appellant)

v.

THE PROSECUTOR  
(Respondent)

Case No. ICTR-98-44A-A

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**DECISION ON APPELLANT'S URGENT MOTION FOR CONFIDENTIAL  
TRANSLATION AND INTERPRETATION FOR THE APPEAL HEARING**

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Counsel for the Prosecution  
James Stewart

Counsel for the Appellant  
Lennox Hinds

3200/H

**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 ("Tribunal");

**BEING SEISED OF** the "Appellant's Urgent Motion For Confidential Translation & Interpretation In Connection With the Scheduled March 7 2005 Appeal Hearing" ("Resubmitted Motion") filed on 31 January 2005 by Counsel for Kajelijeli ("Appellant"), and "Appellant's Urgent Motion For Confidential Translation & Interpretation Pre-, During & Post December 10 Hearing" ("Motion") filed on 3 December 2004 by the Appellant, in which the Appellant seeks the provision by the Tribunal of an interpreter not working for the Tribunal to provide the interpretation of communications between counsel and client before, during and after the appeal hearing;

**NOTING** the letter from the Defence Counsel and Detention Management Section ("DCDMS") responding to the Appellant's request dated 29 November 2004 filed by the Appellant<sup>1</sup> on 3 December 2004 in which the DCDMS reiterated its denial of the Appellant's request for their Legal Assistant Ms Juliette Chinaud to assist with the interpretation before during and after the Appeal hearing;

**NOTING** "Answers by Defence Counsel and Detention Management Section to Specific Matters Raised For the Appeals Chamber" filed by the Registry on 24 January 2005 in which they clarified the Registry's position regarding the Motion;

**NOTING** that the interpretation services of Mr Emilien Dusabe were used throughout the trial and have not been withdrawn by the Tribunal<sup>2</sup>;

**NOTING** that when the Appellant filed the Motion Mr Emilien Dusabe was unavailable for the appeal;

**NOTING** further that the Appellant does not object to Mr Emilien Dusabe's services;

**CONSIDERING** that the Appeals Chamber has rescheduled the hearing to 7 March 2005<sup>3</sup> and that both the Resubmitted Motion and the Motion are now moot;

<sup>1</sup> Motion, Exhibit 4.

<sup>2</sup> "Answers by Defence Counsel and Detention Management Section to Specific Matters Raised for the Appeals Chamber" page 2.

<sup>3</sup> *Prosecutor v Kajelijeli*, Case No. ICTR-98-44A-A, Scheduling Order, filed on 17 December 2004.

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**CONSIDERING** that it is in the interests of justice to provide Appellant with the said services;

**HEREBY REQUEST** the Registrar to facilitate the provision of Mr Emilien Dusabe for the Appeal hearing scheduled for Monday 7 March 2005.

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



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Florence Nedepele Mwachande Mumba  
Pre-Appeal Judge

Done this 2<sup>nd</sup> day of February 2005,  
At the Hague,  
The Netherlands.

[Seal of the Tribunal]

