



International Criminal Tribunal for Rwanda
Tribunal pénal international pour le Rwanda

BEFORE THE PRE-APPEAL JUDGE

Before: Judge Florence Mumba, Pre-Appeal Judge

Registrar: Mr. Adama Dieng

Decision of: 19 April 2005

JEAN DE DIEU KAMUHANDA
(Appellant)

v.

THE PROSECUTOR
(Respondent)

Case No. ICTR-99-54A-A

**DECISION ON JEAN DE DIEU KAMUHANDA'S MOTION FOR AN
EXTENSION OF TIME**

Counsel for the Appellant

Ms. Aïcha Condé

Counsel for the Prosecutor

Mr. James Stewart

I, FLORENCE NDEPELE MWACHANDE MUMBA, 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 (“International Tribunal”) and Pre-Appeal Judge in this case;[\[1\]](#)

BEING SEISED of “Requête en Extrême Urgence aux Fins de Prorogation de Délai Pour le Dépôt des Conclusions en Duplique” (“Request”), filed by Jean de Dieu Kamuhanda (“Appellant”) on 14 April 2005, in which the Appellant seeks an extension of time to file his brief in reply on 27 April 2005;

NOTING the Prosecutor’s Urgent Response to “Requête en Extrême Urgence aux Fins de Prorogation de Délai Pour le Dépôt des Conclusions en Duplique” (“Response”) filed by the Office of the Prosecutor (“Prosecution”) on 18 April 2005 in which the Prosecution opposes the Request because it was made over four months after the filing was due and, therefore, may cause prejudice to the Prosecution if the Appeals Chamber decides to hear this case in the near future;[\[2\]](#)

NOTING Respondent’s Brief filed by the Prosecution on 29 November 2004;

NOTING Rule 113 of the Rules and Procedures of Evidence of the International Tribunal (“Rules”) that provides that an Appellant may file a brief in reply within fifteen days after the filing of the Respondent’s brief;

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

CONSIDERING that in the Request, the Appellant submits, *inter alia*, that the Respondent’s Brief was filed on 29 November 2004 in English, without a translation into

French, his working language, and that it was therefore not possible to consider filing a brief in reply until he was given a draft translation of the Appellant's Brief into French on 11 April 2005;

NOTING that the Appellant has delayed in filing the Request;[\[3\]](#)

CONSIDERING that an official translation of the Respondent's Brief has not yet been filed;

CONSIDERING that the Appellant does not object to the use of the draft translation and requests 16 days from the date of receipt of the draft translation of the Respondent's Brief to file his brief in reply;

FINDING that the argument raised by the Appellant constitutes good cause justifying an extension of time;

PURSUANT TO Rule 116 of the Rules;

HEREBY GRANT the request and **ORDER** the Appellant to submit his brief in reply not later than 27 April 2005.

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

Florence Ndepele Mwachande Mumba
Pre-Appeal Judge

Dated this 19th day of April 2005,

At The Hague, The Netherlands.

[Seal of the International Tribunal]

[1] Order of the Presiding Judge Assigning Judges and Designating the Pre-Appeal Judge, 9 February 2004.

[2] Response, para. 2.

[3] The Respondent's Brief having been filed on 29 November 2004, the Appellant should have filed the Request within 15 days thereof. Instead, the Appellant filed the Request on 14 April 2005, that is, 136 days after the filing of the Respondent's Brief. The Appellant has failed to provide any explanation for his delay. The Appellant is hereby reprimanded for failing to give notice to the Prosecution or to this Chamber that he intended to file a brief in reply and for delaying in filing the Request.