28 June 2005
(410/H - 408/H)

410/H
RMM

Tribunal Pénal International pour le Rwanda
International Criminal Tribunal for Rwanda

IN THE APPEALS CHAMBER

Before: Judge Wolfgang Schomburg, Pre-Appeal Judge

Registrar: Mr. Adama Dieng

Decision of: 28 June 2005

ICTR Appeals Chamber
Date: 28 June 2005
Action:
Copied To: Concerned Judges Parties, Judicial Archives LOs, LSS

2005 JUN 29 10:26

EMMANUEL NDINDABAHIZI

v.

THE PROSECUTOR

Case No. ICTR-01-71-A

DECISION ON "REQUETE URGENTE AUX FINS DE PROROGATION DE DELAI POUR LE DEPOT DE LA REPLIQUE DE L'APPELANT"

Counsel for the Prosecution

James Stewart

Counsel for the Defence

Michel Konitz
Magali Pirard

International Criminal Tribunal
Tribunal pénal international pour le Rwanda
CERTIFIED TRUE COPY OF THE ORIGINAL SEEN BY ME
COPIE CERTIFIEE CONFORME A L'ORIGINAL PAR NOUS
NAME / NOM: Rosette Muzigo-Mathelon
SIGNATURE: DATE: 28 June 2005

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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 SEIZED OF the "Requête Urgente aux Fins de Prorogation de Délai pour le Dépôt de la Réplique de l'Appelant", filed by Emmanuel Ndindabahizi ("Appellant") on 22 June 2005 ("Request"), in which the Appellant requests the Appeals Chamber to order that the time limit pursuant to Rule 113 of the Rules of Procedure and Evidence ("Rules") for filing his brief in reply "ne commence á courir qu' á compter du jour où le Mémoire en Réplique [*sic*] du Procureur sera notifié á l'appelant en langue française";

NOTING the "Respondent's Brief of the Prosecutor" which was filed by the Office of the Prosecutor ("Prosecutor") solely in English on 17 June 2005 ("Respondent's Brief");

NOTING that the Appellant and his counsel are solely francophone;

NOTING that the Prosecutor has informed the Appeals Chamber that it does not intent to file a response to the Request;

NOTING 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;

NOTING that the Appellant, in support of the Request, refers to Rule 116(B) of the Rules which 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 Rule 116(B) of the Rules is not directly applicable in the present circumstances, as the Request is made in relation to a Respondent's brief and not with regard to a decision;

CONSIDERING, however, that the fact that the Appellant and his counsel are solely francophone warrants in the interest of fair trial an extension of time and therefore constitutes good cause pursuant to Rule 116(A) of the Rules;

NOTING that it is not necessary for the purposes of this appeal to translate into English the part of the Respondent's Brief which is written in French;

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FOR THE FOREGOING REASONS,

HEREBY GRANT the Request;

ORDER that the Appellant may file his brief in reply, if any, within fifteen days after his receipt of the translation of the Respondent's Brief into French;

DIRECT the Registrar to ensure that the translation of the Respondent's Brief into French 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 translation of the Respondent's Brief into French.

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

Dated this twenty-eighth day of June 2005,
At The Hague,
The Netherlands.

W. Schomburg
Wolfgang Schomburg
Pre-Appeal Judge

[Seal of the International Tribunal]