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Tribunal Pénal International pour le Rwanda
International Criminal Tribunal for Rwanda

ICTR-01-71-A
09 November 2005
(A39/H - 437/D)

IN THE APPEALS CHAMBER

Before: Judge Wolfgang Schomburg, Pre-Appeal Judge
Registrar: Mr. Adama Dieng
Decision of: 9 November 2005

International Criminal Tribunal for Rwanda
Tribunal pénal international pour le Rwanda
CERTIFIED TRUE COPY OF THE ORIGINAL SEEN BY ME
COPIE CERTIFIÉE CONFORMÉ À L'ORIGINAL PAR MOI
NAME / NOM: ROSE KUMELIA A. ARANGA
SIGNATURE: [Signature] DATE: 09/11/2005

EMMANUEL NDINDABAHIZI

v.

THE PROSECUTOR

Case No. ICTR-01-71-A

ORDER ON APPELLANT'S "REQUETE URGENTE EN EXTENSION DE DELAI POUR LE DEPOT DE LA REPLIQUE AU PROCUREUR" AND "REQUETE EN CLARIFICATION DE LA DATE DE RECEPTION DU MEMOIRE DE L'INTIME"

ICTR Appeals Chamber
Date: 09 November 2005
Action: R.J.
Copied To: Le Prof of Service & [Signature]
[Signature]

Counsel for the Prosecution

Mr. James Stewart

[Signature]
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ARCHIVES

Counsel for the Defence

Mr. Michel Konitz
Ms. Magali Pirard

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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");

BEING SEIZED OF the "Requête urgente en extension de délai pour le dépôt de la Réplique au Procureur" ("Urgent Motion"), filed by Emmanuel Ndindabahizi ("Appellant") on 28 October 2005, in which lead counsel for the Appellant requests an extension of time of at least three weeks to file the brief in reply;

NOTING the "Prosecutor's Response to Appellant Emmanuel Ndindabahizi's 'Requête urgente en extension de délai pour le dépôt de la Réplique au Procureur'", filed by the Office of the Prosecutor ("Prosecution") on 1 November 2005;

BEING ALSO SEIZED OF the "Requête en clarification de la date de réception du mémoire de l'intime", filed by the Appellant on 7 November 2005 ("Further Motion") in which the Appellant clarifies the Urgent Motion and argues that he received 56 pages of the French translation of the Prosecution Respondent's brief only on 31 October 2005 and that consequently the time limit of fifteen days to file a brief in reply pursuant to Rule 113 of the Rules of Procedure and Evidence ("Rules") should run as of that day, so that he would have to file a brief in reply by 14 November 2005;

NOTING that the Prosecution has informed the Appeals Chamber on 7 November 2005 by telephone that it does not intend to respond to the Further Motion;

CONSIDERING that the Appellant demonstrated in the Further Motion that while he had received the first 44 pages of the French translation of the Prosecution Respondent's brief on 26 October 2005, he received the ending 56 pages of this document on 31 October 2005;

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;

NOTING that Rule 116(B) of the Rules provides that "[w]here 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";

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

FOR THE FOREGOING REASONS

GRANTS the Urgent Motion as clarified by the Further Motion, and

ORDERS the Appellant to file, if he so wishes, his brief in reply no later than 14 November 2005.

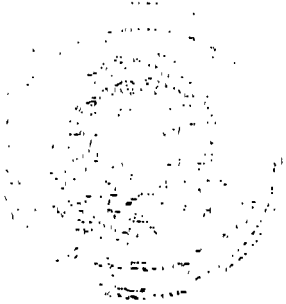
Done in French and English, the English text being authoritative.

Dated this ninth day of November 2005,
At The Hague,
The Netherlands.



[Seal of the International Tribunal]

W. Schomburg
Wolfgang Schomburg
Pre-Appeal Judge





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

REGISTRY AT THE HAGUE
Churchillplein 1, 2517 JW The Hague, The Netherlands
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**APPEALS CHAMBER – PROOF OF SERVICE
CHAMBRE D'APPEL - PREUVE DE NOTIFICATION**

Date: 9-Nov-05	Case Name / <i>Affaire</i> : NDINDABAHIZI Case No / <i>No. de l'affaire</i> : ICTR-01-71-A	THE PROSECUTOR v. Emmanuel NDINDABAHIZI
To: A:	OTP, Trial Attorney in charge of case <input type="checkbox"/> In The Hague <input checked="" type="checkbox"/> In Arusha <input type="checkbox"/> In Kigali APPEALS UNIT <input checked="" type="checkbox"/> Ms Félicité Talon, APPEALS CHAMBER <input checked="" type="checkbox"/> Judge / Juge Theodor Meron (Presiding), <input checked="" type="checkbox"/> Judge / Juge Shahabuddeen, <input checked="" type="checkbox"/> Judge / Juge Florence Mumba, <input checked="" type="checkbox"/> Judge / Juge Mehemet Güney, <input checked="" type="checkbox"/> Judge / Juge Wolfgang Schomburg, <input checked="" type="checkbox"/> Ms Catherine Marchi-Uhel <input checked="" type="checkbox"/> Mr Roman Boed <input checked="" type="checkbox"/> Concerned Associate Legal Officers <input checked="" type="checkbox"/> Mr Charles Zama DEFENSE <input checked="" type="checkbox"/> Accused / <i>accusé</i> : Mr. Emmanuel NDINDABAHIZI (complete CMS4 Form) <input checked="" type="checkbox"/> Lead Counsel / <i>Conseil Principal</i> : Mr. Michel Konitz (<i>name / nom</i>) <input type="checkbox"/> In Arusha (complete CMS 2) <input type="checkbox"/> Fax Number: 33-1-47 03 94 76 <input type="checkbox"/> E-mail: konitz@wanadoo.fr <input type="checkbox"/> Co-Counsel / <i>Conseil Adjoint</i> : Magadi Pirard (<i>name / nom</i>) <input type="checkbox"/> In Arusha (complete CMS 2) <input type="checkbox"/> Fax Number:	
From: De:	<input checked="" type="checkbox"/> Koffi Afande <input type="checkbox"/> Charles Zama <input type="checkbox"/> Rosette Muzigo-Morrison	
Subject Objet:	Kindly find attached the following documents / <i>Veillez trouver en annexe les documents suivants</i> :	
Documents name / <i>Titre du document</i>	Date Filed / <i>Date d'enregistrement</i>	Pages
ORDER ON APPELLANT'S "REQUETE URGENTE EN EXTENSION DE DELAI POUR LE DEPOT DE LA REPLIQUE AU PROCUREUR" AND "REQUETE EN CLARIFICATION DE LA DATE DE RECEPTION DU MEMOIRE DE L'INTIME"	November 9, 2005	439/H 437/H

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NATIONS UNIES**International Criminal Tribunal for Rwanda
Tribunal Pénal International pour le Rwanda**APPEALS CHAMBER
CHAMBRE D'APPELChurchillplein 1, 2517 JW The Hague, The Netherlands
Tel: +31 (0)70 512-8225 / 8357 Fax: +31 (0)70 512-8932

9 November 2005

Mr. Michel Konitz
Counsel for Emmanuel Ndindabahizi
Case no. ICTR-2001-71-I

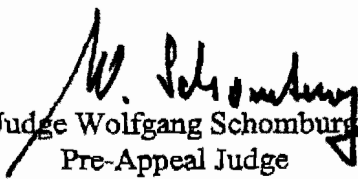
Dear Mr. Konitz,

I write in response to your letter dated 21 September 2005 which you addressed to President Erik Møse. This letter was subsequently forwarded by President Møse to my attention.

On the basis of my indication in the last status conference of 19 September 2005 that the hearing in this case will be tentatively scheduled for June 2006, you requested greater precision regarding the dates in June on which you will need to make yourself available.

I would like to inform you that it is not possible for the Appeals Chamber to confirm any specific dates so far ahead of time. Indeed, at this time it is not yet clear that any hearings will in fact take place in June 2006. As soon as the Appeals Chamber is in a position to clarify the potential dates for the Ndindabahizi hearing, it will of course get into contact with the parties and inquire into their availability on these dates.

Yours sincerely,



Judge Wolfgang Schomburg
Pre-Appeal Judge

cc Mr. James Stewart, Office of the Prosecutor

ICTR Appeals Chamber

Date: 09 October 2005
Action: R.J.
Copied To: See Proof of Service +
attached SLOs, LOs, AOs.