



International Criminal Tribunal for Rwanda
Tribunal pénal international pour le Rwanda

BEFORE THE PRE-APPEAL JUDGE

Before: Judge Andréia Vaz, Pre-Appeal Judge

Registrar: Mr. Adama Dieng

Order of: 6 December 2005

Ferdinand NAHIMANA
Jean-Bosco BARAYAGWIZA
Hassan NGEZE
(Appellants)

v.

THE PROSECUTOR
(Respondent)

Case No. ICTR-99-52-A

**SCHEDULING ORDER CONCERNING THE FILING OF FERDINAND
NAHIMANA'S REPLY TO THE CONSOLIDATED RESPONDENT'S BRIEF**

Counsel	for	Ferdinand	Nahimana	Office	of	the	Prosecutor
Mr.	Jean-Marie		Biju-Duval	Mr.	James	K.	Stewart
Ms.	Diana		Ellis	Mr. Neville	Weston		
Counsel	for	Jean-Bosco	Barayagwiza				
Mr.	D.	Peter	Herbert				
Mr.	Tanoo		Mylvaganam				
Counsel	for	Hassan	Ngeze				
Mr.	Bharat	B.	Chadha				
Mr. Behram N. Shroff							

I, ANDRÉSIA VAZ, 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 “Tribunal”, respectively) and Pre-Appeal Judge in this case;[\[1\]](#)

RECALLING that, pursuant to Rule 108bis(B) of the Tribunal’s Rules of Procedure and Evidence (“Rules”), the Pre-Appeal Judge “shall take any measures related to procedural matters, including the issuing of decisions, orders and directions with a view to preparing the case for a fair and expeditious hearing”;

HAVING RECEIVED the Consolidated Respondent’s Brief filed by the Prosecution on 22 November 2005 (“Consolidated Respondent’s Brief”) in the English language;

NOTING the “Registrar’s Representation Pursuant to Rule 33 (B) of the Rules of Procedure and Evidence Regarding Language Skills of the Appellants’ Defence Team Members in ‘Nahimana *et al.*’” of 1 December 2005 informing the Appeals Chamber of the composition and language skills claimed by Defence team members of the respective Appellants in the present case and concluding that “all the Defence teams are well-equipped to handle legal matters in both English and French”;[\[2\]](#)

CONSIDERING, however, that Article 20(4)(a) of the Statute of the Tribunal provides that in the determination of any charges against the accused, the accused shall be entitled to be “informed promptly and in detail in a language which he or she understands of the nature and cause of the charge against him or her” and that the Appellant does not understand the English language;

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” justifying an extension of a time limit for a filing;

RECALLING, the Pre-Appeal Judge’s Oral Decision that granted Ferdinand Nahimana the right to file his reply to the Consolidated Respondent’s Brief no later than fifteen days after the French translation of the Consolidated Respondent’s Brief is served on him and his Defence team;[\[3\]](#)

NOTING that the Tribunal’s Language Services Section has advised that the French translation of the Consolidated Respondent’s Brief will be available by 31 March 2006;

FOR THE FOREGOING REASONS,

DIRECT the Registrar to expedite the translation of the Consolidated Respondent's Brief and to serve it on the Ferdinand Nahimana and his Counsel in the French language no later than 31 March 2006;

ORDER that, should Ferdinand Nahimana wish to file a reply to the Consolidated Respondent's Brief, he do so no later than fifteen days from the communication of the Consolidated Respondent's Brief in the French language.

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

Andrésia Vaz
Pre-Appeal Judge

Dated this 6th day of December 2005,
At The Hague, The Netherlands

[Seal of the Tribunal]

[1] *Ferdinand Nahimana et al. v. The Prosecutor*, ICTR-99-52-A, Order of the Presiding Judge Designating the Pre-Appeal Judge, 19 August 2005; *Ferdinand Nahimana et al. v. The Prosecutor*, ICTR-99-52-A, Corrigendum to the Order of the Presiding Judge Designating the Pre-Appeal Judge, 25 August 2005.

[2] *Ferdinand Nahimana et al. v. The Prosecutor*, ICTR-99-52-A, "Registrar's Representation Pursuant to Rule 33 (B) of the Rules of Procedure and Evidence Regarding Language Skills of the Appellants' Defence Team Members in 'Nahimana et al.'", 1 December 2005, para. 4.

[3] *Ferdinand Nahimana et al. v. The Prosecutor*, ICTR-99-52-A, Status Conference, 9 March 2005, ("Oral Decision of 9 March 2005"), p. 7, lines 2-5.