



Tribunal Pénal International pour le Rwanda
International Criminal Tribunal for Rwanda

1336/H
ICTR-98-44-AR73.7
04 April 2006

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IN THE APPEALS CHAMBER

Before: Judge Liu Daqun, Presiding
Judge Mohamed Shahabuddeen
Judge Mehmet Güney
Judge Theodor Meron
Judge Wolfgang Schomburg

Registrar: Mr. Adama Dieng

Decision of: 4 April 2006

ICTR Appeals Chamber
Date: *04 April 2006*
Action: *R.T.*
Copied To: *See Prof of Service*

PROSECUTOR

v.

**Édouard KAREMERA
Mathieu NGIRUMPATSE
Joseph NZIRORERA**

Case No. ICTR-98-44-AR73.7

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Decision on Édouard Karemera's Request for Extension of Time to Respond to the Prosecution's Interlocutory Appeal

Office of the Prosecutor:

Mr. Hassan Bubacar Jallow
Mr. James Stewart
Mr. Don Webster
Ms. Linda Bianchi

International Criminal Tribunal for Rwanda
Tribunal pénal international pour le Rwanda
CERTIFIED TRUE COPY OF THE ORIGINAL SEEN BY ME
COPIE CERTIFIÉE CONFORME À L'ORIGINAL PAR NOUS
NAME / NOM: *KOFFI KUMELID A. AFANDÉ*
SIGNATURE: *[Signature]* DATE: *05 April 2006*

Counsel for the Defence:

Ms. Dior Diagne Mbaye and Mr. Félix Sow for Édouard Karemera
Ms. Chantal Hounkpatin and Mr. Frédéric Weyl for Mathieu Ngirumpatse
Mr. Peter Robinson and Mr. Patrick Nimy Mayidika Ngimbi for Joseph Nzirorera

1. 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 Serious Violations Committed in the Territory of Neighbouring States, between 1 January and 31 December 1994 (“Appeals Chamber” and “Tribunal”, respectively) is seized of the “Prosecutor’s Interlocutory Appeal of the Trial Chamber’s Decision Given Orally on 16 February 2006 Regarding the Role of the Electronic Disclosure Suite in Discharging the Prosecution’s Disclosure Obligations”, filed on 6 March 2006 (“Appeal”). The Appeals Chamber is also presently seized of a request for an extension of time to respond to the Appeal pending the translation of the submissions of the Prosecution and Joseph Nzirorera into French, filed by Édouard Karemera on 24 March 2006 (“Motion for Extension of Time”).¹

2. Rule 116 of the Rules of Procedure and Evidence of the Tribunal allows for extensions of time upon a showing of good cause. A request must normally be filed within the prescribed time limits, which Mr. Karemera did not do. However, the Appeals Chamber has already granted Mr. Ngirumpatse’s timely request for an extension of time to respond to the Prosecution’s Appeal pending its translation into French.² The Appeals Chamber has on occasion permitted a co-accused to benefit from an extension of time granted to another based on a timely filed motion when it is in the interests of justice to do so.³ Given the joint nature of the trial and the breadth of the Prosecution’s Appeal, the Appeals Chamber finds it in the interests of justice to excuse Mr. Karemera’s late filing in this matter and to benefit from the relief accorded to Mr. Ngirumpatse.

3. The Prosecution objects to Mr. Karemera’s request by adopting the same arguments advanced and rejected in connection with Mr. Ngirumpatse’s motion.⁴ However, as the Appeals Chamber has recently observed, counsel for Mr. Karemera work in French, and not in English.⁵ It is clear that, in order to be able to present a full answer to the Appeal, he needs access to French translations of the Appeal itself. The Appeals Chamber has already determined that this constitutes

¹ *The Prosecutor v. Édouard Karemera et al.*, Case No. ICTR-98-44-AR73.7, Requête de Édouard Karemera en extension de délai sur la Prosecutor’s Interlocutory Appeal of the Trial Chamber’s Decision Given Orally on 16 February regarding the Role of the Electronic Disclosure Suite in Discharging the Prosecution’s Disclosure Obligations, filed 24 March 2006.

² *The Prosecutor v. Édouard Karemera et al.*, Case No. ICTR-98-44-AR73.7, Decision on Request for Extension of Time, 24 March 2006 (“Decision of 24 March 2006”).

³ *See, e.g., The Prosecutor v. Édouard Karemera et al.*, Case No. ICTR-98-44-AR116, Decision on Request for Extension of Time, 27 January 2006, para. 7 (“Decision of 27 January 2006”).

⁴ *The Prosecutor v. Édouard Karemera et al.*, Case Nos. ICTR-98-44-AR73.6, ICTR-98-44-AR73.7, Réponse du Procureur à la requête d’Édouard Karemera en extension de délai sur la Joseph Nzirorera’s Interlocutory Appeal from Decision Denying Motion for Stay Proceedings and Request for Stay Pending Appeal et à la requête en extension de délai sur la Prosecutor’s Interlocutory Appeal of the Trial Chamber’s Decision Given Orally on 16 February 2006 Regarding the Role of the Electronic Disclosure Suite in Discharging the Prosecution’s Disclosure Obligations, filed 24

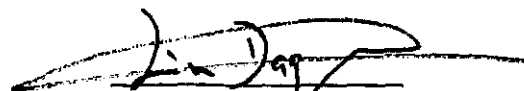
good cause for a reasonable extension of time in this case.⁶ Mr. Karemera has not demonstrated, however, that access to the translation of the submissions of his co-accused Mr. Nzirorera is necessary to enable him to prepare his response to the Prosecution's Appeal, and the Appeals Chamber has refused such relief in the past.⁷

Disposition

For the foregoing reasons, the Motion for Extension of Time is **GRANTED** in part. The Registry is **DIRECTED** to provide to Mr. Karemera and his counsel, on an urgent basis, French translations of the Appeal and the present decision. Starting from the date on which the last of these translated documents is transmitted, Mr. Karemera will be permitted 10 days to file his response, if any, to the Appeal. The Registry is also **DIRECTED** to inform the Appeals Chamber of the date on which the translations documents are transmitted.

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

Done this 4th day of April 2006,
At The Hague,
The Netherlands.


Judge Liu Daqun
Presiding

[Seal of the Tribunal]

