



International Criminal Tribunal for Rwanda  
Tribunal pénal international pour le Rwanda

**BEFORE THE PRE-APPEAL JUDGE**

**Before:** Judge Liu Daqun, Pre-Appeal Judge

**Registrar:** Mr. Adama Dieng

**Decision of:** 13 April 2006

**THE PROSECUTOR**

**v.**

**Aloys SIMBA**

*Case No. ICTR-01-76-A*

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**DECISION ON RESPONDENT'S MOTION FOR EXTENSION OF TIME**

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**Counsel for the Prosecution**

Mr. Hassan Bubacar Jallow

Mr. James Stewart

**Counsel for the Respondent**

Mr. Sadikou Ayo Alao

Ms. Beth Lyons

**I, LIU DAQUN**, 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 (“Tribunal”) and Pre-Appeal Judge in this case; [\[1\]](#)

**BEING SEIZED OF** “*Requête en extrême urgence de la Défense en vue d’obtenir un report de délai pour répondre à la Requête du Procureur en modification de son Acte d’appel et déposer son Mémoire en réponse au Mémoire du Procureur (Articles 116B) et 112 du RPP*”, confidentially filed on 6 April 2006 (“Motion for Extension of Time”), by Aloys Simba (“Respondent”), in which the Respondent requests an extension of the time limit for filing his Respondent’s brief and his response to the Prosecutor’s Motion for Variation of Notice of Appeal, pursuant to Rule 108, filed on 27 March 2006 (“Motion for Variation”), pending the translation of this motion and the Prosecutor’s Appellant’s Brief filed on 27 March 2006 (“Appellant’s Brief”); [\[2\]](#)

**RECALLING** that, pursuant to Rule 108*bis*(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";

**NOTING** that the Prosecution does not oppose the Motion for Extension of Time;[3]

**CONSIDERING** that the Respondent does not indicate why the Motion for Extension of Time was filed confidentially and that it is in the interests of justice that it be filed publicly;

**CONSIDERING** that the Appellant's Brief and the Motion for Variation were filed by the Prosecution solely in English;

**CONSIDERING** that according to Rule 112 of the Rules a respondent's brief of argument and authorities shall be filed within forty days of the filing of the appellant's brief;

**CONSIDERING** that, pursuant to paragraph 11 of the Practice Direction on Procedure for the Filing of Written Submissions in Appeal Proceedings Before the Tribunal ("Practice Direction"), during Appeals from Judgement, a response to a motion shall be filed within ten days of the motion;

**CONSIDERING** that Rule 116(A) of the Rules provides that a motion to extend a time limit may be granted upon a showing of good cause;

**CONSIDERING** that the language understood and spoken by the Respondent and his Counsel is French[4] and that, in order to be able to make a full response to the Prosecution's submissions, he needs the French translations of these documents;

**CONSIDERING** that the interests of justice and fairness warrant an extension of time pending the translation of the Prosecution's submissions, and that accordingly the Appellant has established good cause within the meaning of Rule 116(A) of the Rules;

**RECALLING** that the Registrar is under direction to provide a French translation of the Trial Chamber Judgement, delivered on 13 December 2005 ("Trial Judgement"), to the Respondent and his Counsel by 15 May 2006, at the latest;[5]

**CONSIDERING** that, pursuant to paragraph 16 of the Practice Direction,[6] the Pre-Appeal Judge may vary any time-limit prescribed under this Practice Direction and that it is in the interests of justice to extend the time-limits prescribed in the present decision until the Respondent and his Counsel are served with the translation of the Trial Judgement;

**FOR THE FOREGOING REASONS:**

**HEREBY GRANT** the Motion for Extension of Time and:

**DIRECT** the Registrar to provide the French translations of the Motion for Variation and its Annex; the Appellant's Brief and the Corrigendum to the Respondent without undue delay; [7]

**ALLOW** the Respondent to file a response to the Motion for Variation within ten days of the date of receipt of the French translation of that motion or within ten days of receipt of the French translation of the Trial Judgement, whichever is the later;

**ALLOW** the Respondent to file a response to the Appellant's brief within forty days of the date of receipt of the French translation of the Appellant's Brief and the Corrigendum;

**AND DIRECTS** the Registrar to inform the Appeals Chamber and the Prosecution when the French translations of the Trial Judgement, the Prosecutor's Appellant's Brief, the Corrigendum and the Prosecutor's Motion for Variation have been served on the Appellant;

**ORDER** the Registry to lift the confidentiality of the Motion for Extension of Time;

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

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Liu Daqun  
Pre-Appeal Judge

Done this 13<sup>th</sup> day of April 2006,  
At The Hague,  
The Netherlands.

**[Seal of the Tribunal]**

[1] See Order Appointing a Pre-Appeal Judge, 24 January 2006.

[2] On the 28 March 2006, the Prosecutor also filed a Corrigendum to Prosecutor's Appellant's Brief ("Corrigendum").

[3] Prosecutor's Response to "*Requête en extrême urgence de la défense en vue d'obtenir un report de délai pour répondre à la Requête du procureur en modification de son acte d'appel et déposer son Mémoire en réponse au Mémoire du procureur (Articles 116B) et 112 du RPP*", 7 April 2006.

[4] Decision on Motion for Extension of Time for Filing of Notice of Appeal, 16 December 2005, p. 2.

[5] Decision on Registrar's Request for an Extension of Time for Filing an Official Translation of the Trial Judgement, 25 January 2006, p. 3.

[6] Dated 16 September 2002.

[7] The Registry has informed the Pre-Appeal Judge that the translation of the Motion for Variation, on one hand, and the translation of the Appellant's Brief and the Corrigendum, on the other, will have been completed, by 21 April 2006 and 31 May 2006 respectively.