

44/H



Tribunal Pénal International pour le Rwanda  
International Criminal Tribunal for Rwanda

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ICTR-00-55B-R11bis  
24 July 2008  
(44/H – 41/H)

IN THE APPEALS CHAMBER

Before: Judge Fausto Pocar, Presiding  
Judge Mohamed Shahabuddeen  
Judge Mehmet Güney  
Judge Liu Daqun  
Judge Andrésia Vaz

Registrar: Mr. Adama Dieng

Decision of: 23 July 2008

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**THE PROSECUTOR**

v.

**Idephonse HATEGEKIMANA**

Case No. ICTR-00-55B-R11bis

ICTR Appeals Chamber  
Date: 24 July 2008  
Action: P.T.  
Copied To: concerned Judges  
Patrice Tchidimba, Arch.  
LSS, Archiver  
*Signature: Patrice Tchidimba*

**DECISION ON MOTION FOR TRANSLATION AND EXTENSION OF TIME**

Counsel for Idephonse Hategekimana

Mr. Robert Ahlonko Dovi  
Mr. Ata Quan Dovi-Avouyi

Office of the Prosecutor

Mr. Hassan Bubacar Jallow  
Mr. Bongani Majola  
Mr. Alex Obote-Odora  
Mr. Richard Karegyesa  
Ms. Dior Sow Fall

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: *Patrice Tchidimba*  
SIGNATURE: *[Signature]* DATE: *24/07/08*

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**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 and 31 December 1994 ("Appeals Chamber" and "Tribunal", respectively);

**NOTING** the "Decision on Prosecutor's Request for the Referral of the Case of Idephonse Hategekimana to Rwanda" issued by the Trial Chamber designated under Rule 11bis of the Rules of Procedure and Evidence of the Tribunal on 19 June 2008 ("Trial Chamber", "Rules", and "Rule 11bis Decision", respectively);

**NOTING** the "Prosecutor's Notice of Appeal (Rule 11 bis (H))" filed on 30 June 2008 ("Prosecution Notice of Appeal");

**BEING SEIZED OF** the "*Requête en notification des actes de procédure en français et en fixation de délai pour faire réponse au Mémoire d'appel déposé le 30 juin 2008 par le Procureur*" filed by Idephonse Hategekimana on 7 July 2008 ("Hategekimana" and "Motion", respectively), in which Hategekimana requests the Appeals Chamber to, *inter alia*, (i) order the Registry to translate into French the Rule 11bis Decision and the Prosecution Notice of Appeal, as well as all forthcoming written submissions in the present appeal proceedings, and that these be served on the Defence; (ii) order that all forthcoming documents filed in the present proceedings will be given effect only when served on the Defence in their French version and, by implication, that future timelines applicable to the Defence in these proceedings be deemed as commencing on the date of receipt of French translations of the relevant documents; and (iii) grant the Defence sufficient time to respond to the Prosecution's appeal brief after being notified of its French version;<sup>1</sup>

**NOTING** that, in support of his Motion, Hategekimana submits that he and his Counsel exclusively work in French, that this was acknowledged by the Trial Chamber, and that he is not in a position to prepare a full and adequate defence on the basis of the English versions of the Rule 11bis Decision and the Prosecution's written submissions;<sup>2</sup>

**NOTING** that the Prosecution did not respond to the Motion;

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<sup>1</sup> Motion, para. 13.

<sup>2</sup> Motion, paras. 7-13.

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NOTING the "Prosecutor's Appellant's Brief (Rule 11 bis (H))" filed on 14 July 2008 ("Prosecution Appellant's Brief");

NOTING that, pursuant to the Practice Direction on Procedure for the Filing of Written Submissions in Appeal Proceedings Before the Tribunal, Hategekimana's response to the Prosecution Appellant's Brief would be due no later than 24 July 2008;<sup>3</sup>

CONSIDERING however that Rule 116 of the Rules provides that the Appeals Chamber "may grant a motion to extend a time limit upon a showing of good cause" and 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";

CONSIDERING that Article 31 of the Statute of the Tribunal and Rule 3(A) of the Rules provide that "[t]he working languages of the International Tribunal for Rwanda shall be English and French";

CONSIDERING that the need for Hategekimana and his Counsel to be provided with the Rule 11bis Decision and the Prosecution's written submissions in the present appeal proceedings in French in order to be able to make full answer and defence constitutes "good cause" within the meaning of Rule 116 of the Rules;

**FOR THE FOREGOING REASONS,**

**GRANTS** the Motion;

**INSTRUCTS** the Registrar to provide Hategekimana and his Counsel, on an urgent basis and in the following order, French translations of: (i) the Rule 11bis Decision; (ii) the Prosecution Notice of Appeal, (iii) the Prosecution Appellant's Brief, and (iv) the forthcoming Prosecution reply;

**ORDERS** Hategekimana to file his response to the Prosecution Appellant's Brief no later than ten days after the Prosecution Appellant's Brief is made available to him and his Counsel in French;

**ORDERS** that future deadlines applicable to Hategekimana in these proceedings be deemed as commencing on the date of receipt of French translations of the relevant documents;

<sup>3</sup> Practice Direction on Procedure for the Filing of Written Submissions in Appeal Proceedings before the Tribunal, 15 June 2007, Section III, para. 6.

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INSTRUCTS the Registrar to inform the Appeals Chamber when the French translations of the Rule 11bis Decision, the Prosecution Notice of Appeal and the Prosecution Appellant's Brief have been served on Hategekimana and his Counsel.

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



Judge Fausto Pocar  
Presiding

Dated this 23rd day of July 2008,  
at The Hague, The Netherlands.

