



Tribunal Pénal International pour le Rwanda
International Criminal Tribunal for Rwanda

ICTR-98-44A-R
30th March 2010
{83/H – 80/H}

IN THE APPEALS CHAMBER

Before:

Judge Patrick Robinson, Presiding

Judge Fausto Pocar

Judge Liu Daqun

Judge Andréia Vaz

Judge Carmel Agius

Registrar:

Mr. Adama Dieng

Decision of:

30 March 2010

ICTR Appeals Chamber

Date: 30th March 2010

Action: R. Juma

Copied To: Concerned Judges, SLOs, LCOs,
ALCOs, Parties, CMSA Rwanda, LSS.

Juma

JUVÉNAL KAJELIJELI

v.

THE PROSECUTOR

Case No. ICTR-98-44A-R

DECISION ON REQUEST FOR EXTENSION OF TIME

Counsel for the Applicant:

Professor Lennox Hinds

Office of the Prosecutor:

Mr. Hassan Bubacar Jallow

Mr. Alex Obote-Odora

**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: ROFFA KUMELIS A. AFANDE

SIGNATURE: *[Signature]* DATE: 30 March 2010

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 Such Violations Committed in the Territory of Neighbouring States, between 1 January 1994 and 31 December 1994 (“Tribunal” and “Appeals Chamber”, respectively) is seized of a motion for extension of time, filed by Juvénal Kajelijeli on 9 March 2010, in connection with an anticipated request for review.¹ The Prosecution did not respond to this motion.

A. Background

2. Mr. Kajelijeli was the bourgmestre of Mukingo Commune in Ruhengeri Prefecture from 1988 to 1993 and again from late June to mid-July 1994.² On 23 May 2005, the Appeals Chamber affirmed his convictions, pursuant to Article 6(1) of the Statute, on three counts of genocide, direct and public incitement to commit genocide, and extermination as a crime against humanity; it entered a single sentence of 45 years of imprisonment.³ He is currently serving his sentence in Benin.

3. On 12 November 2009, the Appeals Chamber directed the Registrar to assign Mr. Kajelijeli counsel for a limited period of three months to assist him with his potential request for review.⁴ In granting this exceptional measure, the Appeals Chamber noted that Mr. Kajelijeli had provided *prima facie* support for his claim of false testimony against him by a number of Prosecution witnesses and considered that, in view of the complexity of this matter, it was only with the assistance of counsel that he would be in a position to explore and develop these allegations.⁵

4. On 4 January 2010, the Registrar offered to appoint as counsel Professor Lennox Hinds,⁶ who originally represented Mr. Kajelijeli at trial and on appeal.⁷ From 13 to 18 January 2010, Professor Hinds was authorized to travel to Benin to consult with Mr. Kajelijeli.⁸ During this meeting, Mr. Kajelijeli provided Professor Hinds with extensive documentation, some in French

¹ Motion for Extension of Time, 9 March 2010 (“Motion”).

² See *Juvénal Kajelijeli v. The Prosecutor*, Case No. ICTR-98-44A-A, Judgement, 23 May 2005, para. 2 (“*Kajelijeli Appeal Judgement*”).

³ *Kajelijeli Appeal Judgement*, paras. 3, 325. The Appeals Chamber set aside the sentences of two terms of life imprisonment and one term of fifteen years’ imprisonment imposed by Trial Chamber II on 1 December 2003. See *The Prosecutor v. Juvénal Kajelijeli*, Case. No. ICTR-98-44A-T, 1 December 2003, Judgment and Sentence, paras. 968, 969 (“*Kajelijeli Trial Judgement*”); *Kajelijeli Appeal Judgement*, para. 325.

⁴ Decision on Request for Assignment of Counsel, 12 November 2009, p. 7 (“Decision of 12 November 2009”).

⁵ Decision of 12 November 2009, para. 13.

⁶ Motion, para. 1. See also Letter from Dunstain Mwaungulu, Legal Officer and Officer in Charge of Defence Counsel and Detention Management Section, to Professor Lennox Hinds, Ref. No. ICTR/JUD-11-5-2-10/010/dfm, 4 January 2010 (“Letter of 4 January 2010”).

⁷ See *Kajelijeli Appeal Judgement*; *Kajelijeli Trial Judgement*.

⁸ Motion, para. 3.

and Kinyarwanda, related to his potential request for review.⁹ Professor Hinds commenced work on the basis of materials in English and has requested translation of the other documents.¹⁰

5. Mr. Kajelijeli submits that “the very heart of Counsel’s research and analysis in connection with this assignment could not meaningfully begin without the English translations” of the relevant documents.¹¹ Consequently, pursuant to Rule 116(A) of the Tribunal’s Rules of Procedure and Evidence (“Rules”), Mr. Kajelijeli requests the Appeals Chamber to extend the period of Professor Hinds’s assignment from three to six months to allow his counsel sufficient time to adequately review the translated material.¹²

B. Discussion

6. Rule 116(A) of the Rules allows for the extension of a time limit on a showing of good cause. This rule applies to extending deadlines for the filing of submissions before the Appeals Chamber. In accordance with Rule 120(A) of the Rules, there is no time limit imposed on a convicted person for filing a request for review. The three month limited period of Tribunal-funded legal assistance authorized by the Appeals Chamber in its Decision of 12 November 2009 is not a deadline for Mr. Kajelijeli’s request for review or for the filing of any other submission before the Appeals Chamber; it is simply the extent to which Mr. Kajelijeli should receive legal aid during the preliminary stage of his potential request for review. As such, it is not a time limit amenable to extension under Rule 116(A) of the Rules.

7. The Appeals Chamber notes that the Registry has offered Professor Hinds a lump sum amount for his work for the duration of the preliminary examination of the review.¹³ To the extent that the amount of this lump sum is equivalent to approximately three months of work, there is no time frame in which this work must be completed. Therefore, there is no need to extend Professor Hinds’s assignment while he awaits the translation of documents.

C. Disposition

8. For the foregoing reasons, the Appeals Chamber **DENIES** the Motion.

⁹ Motion, paras. 4-7. This material includes copies of various motions and disclosures from the Prosecution of exculpatory material, such as Rwandan *gacaca* judgements and trial transcripts and exhibits from other Tribunal proceedings related to Prosecution witnesses.

¹⁰ Motion, paras. 6-8.

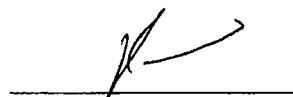
¹¹ Motion, para. 6.

¹² Motion, paras. 9, 10, part IV.

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

Done this 30th day of March 2010,

At The Hague,
The Netherlands.



Judge Patrick Robinson
Presiding

[Seal of the Tribunal]



¹³ Letter of 4 January 2010, pp. 1, 2. The offer is not limited by time, but is instead based on an approved work program submitted by counsel.