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UNITED NATIONS
NATIONS UNIES

Tribunal pénal international pour le Rwanda
International Criminal Tribunal for Rwanda

ICTR-01-75-AR11bis

14th July 2011

{64/H-62}

IN THE APPEALS CHAMBER

Before:

Judge Patrick Robinson, Pre-Appeal Judge

Registrar:

Mr. Adama Dieng

Decision of:

14 July 2011

Jean UWINKINDI

v.

THE PROSECUTOR

Case No. ICTR-01-75-AR11bis

ICTR Appeals Chamber
Date: 14 July 2011
Action: R. J. J. J.
Copied To: Concerned Judges,

Parties, Judicial Archives,
LOs, LSS -
R. J. J. J.

DECISION ON REQUEST FOR TRANSLATION AND EXTENSION OF TIME

Counsel for Jean Uwinkindi:

Mr. Claver Sindayigaya

The Office of the Prosecutor:

Mr. Hassan Bubacar Jallow

Mr. James J. Arguin

Mr. George Mugwanya

Ms. Inneke Onsea

Mr. Abdoulaye Seye

Mr. François Nsanzuwera

International Criminal Tribunal for Rwanda
Tribunal pénal international pour le Rwanda
CERTIFIED TRUE COPY OF THE ORIGINAL SEEN BY ME
COPIE CERTIFIEE CONFORME A L'ORIGINAL PAR NOUS
NAME / NOM: KEFEL KUMELIO A. AFANDE
SIGNATURE: [Signature] DATE: 14 July 2011

1. I, Patrick Robinson, Presiding 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 and 31 December 1994 ("Tribunal" and "Appeals Chamber", respectively) and Pre-Appeal Judge in this case am seised of a request filed on 11 July 2011 by Mr. Jean Uwinkindi.¹ The Prosecution responded on 13 July 2011.²

2. Mr. Uwinkindi is charged before the Tribunal with genocide, conspiracy to commit genocide, and extermination as a crime against humanity.³ On 28 June 2011, the Referral Chamber Designated under Rule 11 *bis* ordered his case to be referred to the authorities of the Republic of Rwanda to be tried before the High Court of Rwanda.⁴ On 13 July 2011, Mr. Uwinkindi filed his notice of appeal⁵ within the 15-day period of time prescribed by Rule 11 *bis* (H) of the Rules of Procedure and Evidence of the Tribunal ("Rules").⁶ In accordance with paragraph 5 of the Practice Direction, Mr. Uwinkindi's appeal brief is due within 15 days of the filing of his notice of appeal, 28 July 2011.

3. According to the Motion, Mr. Uwinkindi does not know English or French.⁷ Therefore, as the Referral Decision was filed in English, he requests its translation into Kinyarwanda and a 30-day extension of time from the filing of the translation in order to prepare and file his appeal brief.⁸ In the alternative, emphasising the complexity of the Referral Decision and the need for his legal team to coordinate, Mr. Uwinkindi requests an extension of time for the filing of his appeal brief until 29 August 2011.⁹ He requests that the Appeals Chamber accord him the later of these two dates.¹⁰

4. Rule 116(A) of the Rules allows for the extension of time of any deadline on a showing of good cause. Mr. Uwinkindi does not understand either of the official languages of the Tribunal. I am satisfied that in the present case good cause exists to extend the deadline for the appeal brief to

¹ Defence Motion for Translation of the Decision of 28 June 2011 and for Extension of Time to File Appeal Brief, 11 July 2011 ("Motion").

² Prosecutor's Response to Uwinkindi's Motion for Extension of Time to File His Appeal Brief, 13 July 2011.

³ *The Prosecutor v. Jean-Bosco [sic] Uwinkindi*, Case No. ICTR-2001-75-I, Indictment, 11 September 2001.

⁴ *The Prosecutor v. Jean Uwinkindi*, Case No. ICTR-2001-R11 *bis*, Decision on Prosecutor's Request for Referral to the Republic of Rwanda, 28 June 2011 ("Referral Decision"), p. 57.

⁵ Defence Notice of Appeal Against the Decision on the Prosecutor's Request for Referral to the Republic of Rwanda, 13 July 2011.

⁶ See also Practice Direction on Procedure for the Filing of Written Submissions in Appeal Proceedings before the Tribunal, 8 December 2006 ("Practice Direction"), para. 5.

⁷ Motion, para. 6.

⁸ Motion, paras. 6-14, 26.

⁹ Motion, paras. 15-26.

¹⁰ Motion, para. 26.

allow Mr. Uwinkindi an opportunity to read the Referral Decision in a language he understands.¹¹ The filing of the Kinyarwanda version of the Referral Decision is anticipated around 30 August 2011.

5. Since Mr. Uwinkindi's Defence team works in English, it may immediately commence the preparation of the appeal brief. As noted above, paragraph 5 of the Practice Direction envisions 15 days for the filing of the appeal brief from the notice of appeal. In the present circumstances, a 15-day time period from the filing of the Kinyarwanda translation of the Referral Decision should be sufficient for Mr. Uwinkindi to review it and to give his final approval to the appeal brief.

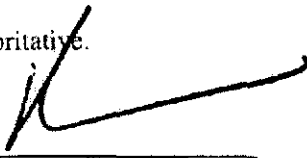
6. For the foregoing reasons, I hereby **GRANT** the Motion, in part, **ORDER** Mr. Uwinkindi to file his appeal brief within 15 days of the filing of the Kinyarwanda translation of the Referral Decision, **DIRECT** the Registry to serve Mr. Uwinkindi with the translation as soon as it is prepared, and **DENY** the Motion in all other respects.

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

Done this 14th day of July 2011,
at The Hague,
The Netherlands.



[Seal of the Tribunal]


Judge Patrick Robinson
Pre-Appeal Judge

¹¹ *Gaspard Kanyarukiga v. The Prosecutor*, Case No. ICTR-0278-A, Decision on Gaspard Kanyarukiga's Motion for Extension of Time for Filing Appellant's Brief and to Expedite Translation of Judgement into Kinyarwanda, 20 January 2011, p. 3 (allowing a limited extension of time to allow an appellant to review his trial judgement in Kinyarwanda prior to the filing of the Appellant's brief).