



UNITED NATIONS  
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**Tribunal Pénal International pour le Rwanda  
International Criminal Tribunal for Rwanda**

**IN THE APPEALS CHAMBER**

**Before:** Judge Patrick Robinson, Pre-Appeal Judge

**Registrar:** Mr. Adama Dieng

**Decision of:** 5 August 2011

**Augustin NDINDILYIMANA  
Augustin BIZIMUNGU  
François-Xavier NZUWONEMEYE  
Innocent SAGAHUTU**

**v.**

**THE PROSECUTOR**

*Case No. ICTR-00-56-A*

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**DECISION ON NDINDILYIMANA'S REQUEST FOR EXTENSION OF TIME TO FILE  
HIS APPELLANT'S BRIEF**

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**Defence Counsel:**

Mr. Christopher Black for Augustin Ndindiliyimana  
Mr. Gilles St-Laurent for Augustin Bizimungu  
Mr. Charles A. Taku for François-Xavier Nzuwonemeye  
Mr. Fabien Segatwa for Innocent Sagahutu

**The Office of the Prosecutor:**

Mr. Hassan Bubacar Jallow  
Mr. James J. Arguin  
Mr. William Egbe  
Mr. Abubacarr Tambadou

**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 Pre-Appeal Judge in this case,<sup>1</sup>

**NOTING** that, on 17 May 2011, Trial Chamber II of the Tribunal convicted all four accused in the *Ndindiliyimana et al.* case and that the written Trial Judgement was filed in English on 17 June 2011;<sup>2</sup>

**BEING SEISED** of a request filed by Augustin Ndindiliyimana for an extension of time to file his Appellant’s brief 40 days after the filing of the French translation of the Trial Judgement;<sup>3</sup>

**NOTING** that Mr. Ndindiliyimana submits that he does not understand English and requires the French translation in order to give his Counsel appropriate instructions in preparing the Appellant’s brief;<sup>4</sup>

**CONSIDERING** that Rule 116(A) of the Tribunal’s Rules of Procedure and Evidence (“Rules”) allows for the extension of time of any deadline on a showing of good cause;

**CONSIDERING** that Rule 116(B) of the Rules provides that the requirement for good cause is satisfied “[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”;

**CONSIDERING** that it is in the interests of justice to allow Mr. Ndindiliyimana adequate time to read the Trial Judgement in a language he understands and to consult with his Counsel before filing his Appellant’s brief<sup>5</sup> and that, accordingly, good cause exists to grant an extension of time for the filing of Mr. Ndindiliyimana’s Appellant’s brief;

**FOR THE FOREGOING REASONS**

**GRANT** the Motion; and

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<sup>1</sup> Order Assigning a Pre-Appeal Judge, 8 July 2011.

<sup>2</sup> T. 17 May 2011 pp. 23-25. *See also The Prosecutor v. Augustin Ndindiliyimana et al.*, Case No. ICTR-00-56-T, Judgement and Sentence, dated 17 May 2011 and filed on 17 June 2011 (“Trial Judgement”), paras. 71, 73, 75, 77, 2085, 2106-2108, 2119, 2128, 2152-2157, 2162, 2163.

<sup>3</sup> Extremely Urgent Motion for Extension to File Appeal Brief on Behalf of Augustin Ndindiliyimana, 28 July 2011 (“Motion”).

<sup>4</sup> Motion, paras. 2, 3, 13-17.

<sup>5</sup> *See, e.g.*, Decision on Motions for Extension of Time for the Filing of Appeal Submissions, 11 July 2011, para. 16.

**ORDER** Mr. Ndindiliyimana to file his Appellant's brief, if any, no later than 40 days after the filing of the French translation of the Trial Judgement.

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

Done this 5th day of August 2011,  
at The Hague,  
The Netherlands.

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Judge Patrick Robinson  
Pre-Appeal Judge

**FSeal of the Tribunal**