



UNITED NATIONS
NATIONS UNIES

Tribunal pénal international pour le Rwanda
International Criminal Tribunal for Rwanda

142/H

CA

ICTR-01-75-AR11bis

15th September 2011

{142/H - 140/H}

IN THE APPEALS CHAMBER

Before: Judge Patrick Robinson, Pre-Appeal Judge
Registrar: Mr. Adama Dieng
Decision of: 15 September 2011

Jean UWINKINDI

v.

THE PROSECUTOR

Case No. ICTR-01-75-AR11bis

**DECISION ON THE PROSECUTION'S REQUEST FOR AN EXTENSION OF
TIME TO FILE ITS RESPONSE BRIEF**

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

ICTR Appeals Chamber
Date: 15th September 2011
Action: R. Juma
Copied To: Concerned Judges, Parties,
JPU, LSS, LD, R. Juma

International Criminal Tribunal for Rwanda
Tribunal pénal international pour le Rwanda
CERTIFIED TRUE COPY OF THE ORIGINAL SEEN BY ME
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NAME / NOM: KOFFI KUMIELE A. AFANDE
SIGNATURE: *[Signature]* DATE: 15 SEPT 2011

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;

RECALLING that Jean Uwinkindi is charged before the Tribunal with genocide, conspiracy to commit genocide, and extermination as a crime against humanity¹ and that, 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;²

NOTING that, on 13 July 2011, Mr. Uwinkindi filed his notice of appeal against the Referral Decision³ and that, on 14 July 2011, he was granted an extension of time to file his appeal brief within 15 days of the filing of the Kinyarwanda translation of the Referral Decision;⁴

NOTING that, on 5 September 2011, Mr. Uwinkindi was granted a 6,000 word extension of the word limit and thus allowed to file an appeal brief not exceeding 15,000 words;⁵

NOTING that, on 8 September 2011, Mr. Uwinkindi filed his appeal brief totalling 13,286 words;⁶

BEING SEIZED of a request filed by the Prosecution for a 10 day extension of the time limit for the filing of its response brief in light of the extension of time and word limit granted to Mr. Uwinkindi as well as the length of the Referral Decision and the complexity of the issues on appeal;⁷

NOTING that Mr. Uwinkindi does not oppose the Motion and considers it fair in view of the extension of time he received;⁸

¹ *The Prosecutor v. Jean-Bosco [sic] Uwinkindi*, Case No. ICTR-2001-75-I, Indictment, 11 September 2001.

² *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.

³ Defence Notice of Appeal Against the Decision on the Prosecutor's Request for Referral to the Republic of Rwanda, 13 July 2011.

⁴ Decision on Request for Translation and Extension of Time, 14 July 2011, para. 6.

⁵ Decision on Request for Extension of Word Limit, 5 September 2011, p. 2. The Prosecution was granted a similar extension.

⁶ Defence Appeal Brief Against the Decision on the Prosecutor's Request for Referral to Rwanda, 8 September 2011, p. 36.

⁷ Prosecutor's Request for Extension of Time to File Response Brief, 6 September 2011 ("Motion"), paras. 1-6.

⁸ Response to Prosecutor's Request for Extension of Time to File Response Brief, 12 September 2011, para. 6.

CONSIDERING that, in accordance with paragraph 6 of the Practice Direction on the Procedure for the Filing of Written Submissions in Appeal Proceedings Before the Tribunal, the response brief is due within 10 days of the filing of the appeal brief, which in this case is 19 September 2011;

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

CONSIDERING the complexity of the issues on appeal, the extension of time granted to Mr. Uwinkindi, and the extensions of word limits for the parties' briefs;

HEREBY


GRANT the Motion and **ALLOW** the Prosecution to file its response brief no later than 28 September 2011.

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

Done this 15th day of September 2011,
at The Hague,
The Netherlands.



[Seal of the Tribunal]



Judge Patrick Robinson
Pre-Appeal Judge