



International Criminal Tribunal for Rwanda
Tribunal Pénal International pour le Rwanda

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IGR-98-44A-R116

9-03-2010

(76/A-74/A)

BEFORE THE APPEALS CHAMBER

Composed of: Judge Patrick Robinson, Presiding
Judge Fausto Pocar
Judge Liu Daqun
Judge Andresa Vaz
Judge Carmel Agius

Registrar: Mr. Adama Dieng

Date: March 8, 2010

JUDICIAL RECORDS ARCHIVES
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JUVENAL KAJELIJELI

v.

THE PROSECUTOR

Case No. ICTR-98-44A-R

**Motion for Extension of Time
(Rule 116(A) of the R.P.E.)**

Counsel for the Appellant:

Prof. Lennox Hinds

The Office of the Prosecutor:

Mr. Hassan Bubacar Jallow
Mr. Alex Obote-Odora

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1. On January 4, 2010, pursuant to Article 10 of the Directive on the Assignment of Defence Counsel and the decision of the Appeals Chamber dated November 12, 2009, Counsel was informed of his appointment for a period of 3 months to assist Mr. Juvenal Kajelijeli in the preliminary examination stage of his potential request for review.
2. By its Decision on Request for Assignment of Counsel dated December 11, 2009, the Appeals Chamber was of the opinion that the allegations contained in the recantation of witness BTH, to wit that numerous witnesses provided manipulated or fabricated testimony, formed the central core of the research and analysis for which the assistance of Counsel to Mr. Kajelijeli would be most useful and critical.¹
3. On January 7, 2010, Counsel submitted a work plan for approval, which was partially approved by the Registry. From January 13-18, 2010, Counsel was authorized to travel to meet and consult with Mr. Kajelijeli in Benin where he is currently incarcerated.
4. During said consultation, Counsel obtained from Mr. Kajelijeli, an elaborate analysis, of over 175 pages in French, of the testimony of numerous Prosecution Witnesses who had previously testified in his case and whom, he claimed, had either recanted and implicated other witnesses or had provided conflicting or contradictory testimony in other cases before the ICTR or in proceedings in Rwanda.
5. Additionally, it became apparent that Counsel had to have copies of many of the following documents translated into English, which Mr. Kajelijeli had either authored in French or received copies of under Rule 68 from the Office of the Prosecutor:
 - May 23, 2008 Rule 68 disclosure of BTH's recantation and exhibits;
 - Copy of Juvenal Kajelijeli's request for disclosure from Prosecutor dated March 26, 2009;
 - Copy of Juvenal Kajelijeli's motion for disclosure dated June 10, 2009;
 - Copy of Juvenal Kajelijeli's motion for appointment of counsel dated June 17, 2009;
 - Copy of March 23, 2007 Rule 68 disclosure by the Prosecutor.² (Note: most of the exhibits are in French and Kinyarwanda);
 - Translated copies of Gacaca judgments of GAO, GAP, GDQ.³ (See March 26 and June 10, 2009 disclosure requests);
 - January 14, 2010 disclosure of CD of exhibits in Nzirorera's case.
6. As can be readily appreciated from the above, the very heart of Counsel's research and analysis in connection with this assignment could not meaningfully begin without the English translations of the documents discussed above. Hence, by letter dated January 25, 2010, Counsel requested that DCDMS authorize Mr. Bernard Habimana to translate the required documents on an expedited basis. The translations of these documents have not been completed

¹ See for e.g. para.13, L11-16 of Decision on Request for Assignment of Counsel in Appeals Chamber ICTR-98-44A-R dated December 11, 2009.

² Note that while the cover letter to this disclosure is in English, most of the exhibits are French and Kinyarwanda.

³ See March 26 and June 10, 2009 disclosure request and motion.

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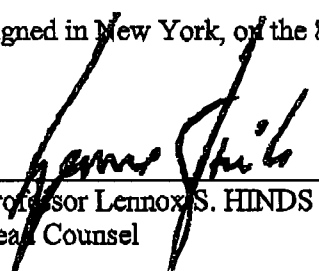
7. Furthermore Counsel notes that as late as February 8 and March 1, 2010, the Prosecutor's Office has made disclosures to Mr. Kajelijeli pursuant to RPE 68. The French and Kinyarwandan material in these disclosures are being identified and translated.
8. Under the circumstances, Counsel has begun to review the disclosed English documents. However, no meaningful analysis to determine either the relevance or significance of many of the documents can be made without their English translations.
9. Counsel is aware that the Appeals Chamber may grant a motion to extend a time limit upon a showing of good cause, pursuant to Rule 116 (A) of the Rules of Procedure and Evidence of the Tribunal.
10. Counsel respectfully submits that good cause has been shown in the particular circumstances of this case.⁴
11. The granting of this motion will not result in any prejudice to the Prosecution.

IV - Conclusion

For the reasons set out herein Appellant Juvenal Kajelijeli, by and through his Counsel, respectfully prays this Appeals Chamber to:

GRANT the present motion to extend the period of assignment of Counsel from 3 to 6 months to enable Counsel to adequately review the translated materials in the preliminary examination stage of Mr. Kajelijeli's request for review.

Signed in New York, on the 8th day of March 2010.



Professor Lennox S. HINDS
Lead Counsel

⁴ See, e.g., *Protais Zigiranyirazo v. The Prosecutor*, Case No. ICTR-01-73-A, Decision on Protais Zigiranyirazo's Motion for an Extension of Time for the Filing of the Reply Brief, 3 July 2009, para. 5; *Edouard Karemera et al. v. The Prosecutor*, Case No. ICTR-98-44-AR73.16, Decision on Requests for Extension of Time, 24 March 2009, para. 4.



TRANSMISSION SHEET FOR FILING OF DOCUMENTS WITH CMS

COURT MANAGEMENT SECTION
(Art. 27 of the Directive for the Registry)

I - GENERAL INFORMATION (To be completed by the Chambers / Filing Party)

To:	<input type="checkbox"/> Trial Chamber I N. M. Diallo	<input type="checkbox"/> Trial Chamber II R. N. Kouambo	<input type="checkbox"/> Trial Chamber III C. K. Hometowu	<input checked="" type="checkbox"/> Appeals Chamber / Arusha F. A. Talon
	<input type="checkbox"/> Chief, CMS J.-P. Fomété	<input type="checkbox"/> Deputy Chief, CMS M. Diop	<input type="checkbox"/> Chief, JPU, CMS M. Diop	<input checked="" type="checkbox"/> Appeals Chamber / The Hague R. Muzigo-Morrison K. K. A. Afande
From:	<input type="checkbox"/> Chamber (names)	<input checked="" type="checkbox"/> Defence Lennox S. Hinds (names)	<input type="checkbox"/> Prosecutor's Office (names)	<input type="checkbox"/> Other: (names)
Case Name:	The Prosecutor vs. Juvenal Kajelijeli			Case Number: ICTR-ICTR-98-44-A-A
Dates:	Transmitted: MARCH 8, 2010		Document's date: MARCH 8, 2010	
No. of Pages:	3	Original Language: <input checked="" type="checkbox"/> English <input type="checkbox"/> French <input type="checkbox"/> Kinyarwanda		
Title of Document:	MOTION FOR EXTENSION OF TIME (RULE 116 (A) OF THE RPE)			
Classification Level:		TRIM Document Type:		
<input type="checkbox"/> Ex-Parte		<input type="checkbox"/> Indictment	<input type="checkbox"/> Warrant	<input type="checkbox"/> Correspondence
<input type="checkbox"/> Strictly Confidential / Under Seal		<input type="checkbox"/> Decision	<input type="checkbox"/> Affidavit	<input type="checkbox"/> Notice of Appeal
<input type="checkbox"/> Confidential		<input type="checkbox"/> Disclosure	<input type="checkbox"/> Order	<input type="checkbox"/> Appeal Book
<input checked="" type="checkbox"/> Public		<input type="checkbox"/> Judgement	<input checked="" type="checkbox"/> Motion	<input type="checkbox"/> Book of Authorities
		<input type="checkbox"/> Submission from non-parties	<input type="checkbox"/> Submission from parties	
		<input type="checkbox"/> Accused particulars		

II - TRANSLATION STATUS ON THE FILING DATE (To be completed by the Chambers / Filing Party)

CMS SHALL take necessary action regarding translation.

Filing Party hereby submits only the original, and will **not submit** any translated version.

Reference material is provided in annex to facilitate translation.

Target Language(s):

English French Kinyarwanda

CMS SHALL NOT take any action regarding translation.

Filing Party hereby submits **BOTH** the original and the translated version for filing, as follows:

Original	in	<input type="checkbox"/> English	<input type="checkbox"/> French	<input type="checkbox"/> Kinyarwanda
Translation	in	<input type="checkbox"/> English	<input type="checkbox"/> French	<input type="checkbox"/> Kinyarwanda

CMS SHALL NOT take any action regarding translation.

Filing Party will be submitting the translated version(s) in due course in the following language(s):

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III - TRANSLATION PRIORITISATION (For Official use ONLY)

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<input type="checkbox"/> Normal		<input type="checkbox"/> Other deadlines:

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DATE: 3/9/2010

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