



Tribunal Pénal International pour le Rwanda  
International Criminal Tribunal for Rwanda

ICTR-01-74-A  
31 December 2007

(11/H - 8/H)

P.T.

**BEFORE THE PRE-APPEAL JUDGE**

Before: Judge Fausto Pocar, Pre-Appeal Judge  
Registrar: Mr. Adama Dieng  
Decision of: 21 December 2007

JUDICIAL RECORDS  
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**FRANÇOIS KARERA**

v.

**THE PROSECUTOR**

Case No. ICTR-01-74-A

ICTR Appeals Chamber

Date: 31 December 2007

Action: P.T.

Copied To: concerned Judges

Parties, SLOS, LOS, ALPS, SS,

Archives *[Signature]*

**DECISION ON FRANÇOIS KARERA'S MOTION FOR EXTENSION OF  
TIME FOR FILING THE NOTICE OF APPEAL**

**Counsel for Applicant:**

Ms Carmelle Marchessault  
Mr Steven Kelliher  
Mr Alexandre Bergevin

**Office of the Prosecutor:**

Mr Hassan Bubacar Jallow

International Criminal Tribunal for Rwanda Tribunal pénal international pour le Rwanda	
CERTIFIED TRUE COPY OF THE ORIGINAL SENT BY ME COPIE CERTIFIÉE VÉRIFIÉE À L'ORIGINAL PAR MOI	
NAME / NOM: <i>Patricia Tchidimbo</i>	
SIGNATURE: <i>[Signature]</i>	DATE: 31/12/07

**I, FAUSTO POCAR**, 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,

**NOTING** that Trial Chamber I of the Tribunal pronounced its judgement against François Karera on 7 December 2007 and issued a reasoned opinion in writing in English on 14 December 2007 ("Trial Judgement");

**BEING SEIZED OF** the "*Requête de la Défense aux fins de reporter les délais d'appel prévus à l'article 108 du Règlement de procédure et de preuve*" filed by François Karera on 14 December 2007 ("Motion" and "Applicant", respectively), in which he requests that, pursuant to Rule 116 of the Rules, the time limit for filing his Notice of Appeal start running from the date on which the Trial Judgement is served on him and on his Lead Counsel in French;

**CONSIDERING** that Rule 116 of the Rules of Procedure and Evidence of the Tribunal ("Rules") provides that:

- (A) The Appeals Chamber may grant a motion to extend a time limit upon a showing of good cause.
- (B) Where 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, that circumstance shall be taken into account as a good cause under the present Rule;

**NOTING** that the Applicant argues that it is essential to obtain the French version of the Trial Judgement in order for the Defence to file a proper notice of appeal and that he would suffer considerable prejudice if the requested extension of time were to be denied;<sup>1</sup>

**CONSIDERING** that the filing of a notice of appeal marks the commencement of the appeal proceedings in a case and that, since the time limits for the filing of the subsequent briefs are calculated from the date on which the notice of appeal is filed, any delay at such an early stage will affect subsequent filings;

**CONSIDERING** that the Applicant does not argue nor demonstrate that his ability to file a proper notice of appeal depends on the availability of the French version of the Trial Judgement;

<sup>1</sup> Motion, paras 6 and 9.

**CONSIDERING** further that the Defence team for the Appellant is able to work both in French and English and can therefore understand the Trial Judgement in its original version filed on 14 December 2007, discuss with the Applicant the possible grounds of appeal, and advise him as to potential errors of facts and law contained therein;

**CONSIDERING** that the determination of potential grounds of appeal falls primarily within the purview of Defence Counsel and that, if application is made after the Trial Judgement becomes available in French and good cause is shown, leave may be granted to vary the grounds of appeal according to Rule 108 of the Rules;

**NOTING** that, pursuant to Rule 108 of the Rules, a party seeking to appeal the Trial Judgement is required to file its notice of appeal not more than thirty days from the date on which the Trial Judgement was pronounced;

**NOTING** that, in this case, such deadline expires on 7 January 2008;

**NOTING** however that the Trial Judgement pronounced on 7 December 2007 was only filed with the Registry on 14 December 2007;

**CONSIDERING** that, in the circumstances of the case, the delayed filing of the Trial Judgement constitutes good cause for a seven-day extension of time;

**FINDING** therefore that the Applicant fails to demonstrate good cause within the meaning of Rule 116 of the Rules but that there is nonetheless good cause for extending the deadline for the filing of his notice of appeal by seven days so as to allow the Defence team to fully acquaint themselves with the Trial Judgement in preparing the notice of appeal;

**FOR THE FOREGOING REASONS:**

**DENIES** the Motion;

**GRANTS** *proprio motu* an extension of time of seven days;

**ORDERS** the Applicant to file his notice of appeal no later than 14 January 2008;

**DIRECTS** the Registrar to provide the French translation of the Trial Judgement to the Applicant without undue delay;

8/H

**DIRECTS** the Registrar to inform the Appeals Chamber when the French translation of the Trial Judgement has been served on the Applicant.

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

Issued this 21st day of December 2007,



Judge Fausto Pocar

Pre-Appeal Judge



(Seal of the Tribunal)