

19/H



Tribunal Pénal International pour le Rwanda  
International Criminal Tribunal for Rwanda

ICTR-01-74-A  
9 January 2008  
(19/H - 17/H)

BEFORE THE PRE-APPEAL JUDGE

P.T.

Before: Judge Fausto Pocar, Pre-Appeal Judge  
Registrar: Mr. Adama Dieng  
Decision of: 9 January 2008

FRANÇOIS KARERA

v.

THE PROSECUTOR

Case No. ICTR-01-74-A

JUDICIAL  
INVESTIGATION  
SECTION  
2008 JAN 10 10:11 A 8:20  
ICTR Appeals Chamber  
Date: 9 January 2008  
Action: P.T.  
Copied To: Concerned Judges,  
Parties, SLOS, LOR, ALAR, I.R.  
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**DECISION ON REQUESTS FOR EXTENSION OF TIME FOR FILING THE  
NOTICE OF APPEAL AND/OR FOR RECONSIDERATION**

Counsel for the Applicant:

Ms. Carmelle Marchessault

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 SEEN BY ME  
COPIE CERTIFIÉE CONFORME À L'ORIGINAL PAR MOI  
NAME / NOM: Patrice Tchidimba  
SIGNATURE: [Signature] DATE: 09/01/08

PM

**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");

**NOTING** my "Decision on François Karera's Motion for Extension of Time for Filing the Notice of Appeal" issued on 21 December 2007 and filed on 31 December 2007 denying François Karera's request that the time limit for filing his notice of appeal start running from the date on which the Trial Judgement was served on him and on his Lead Counsel in French, but granting *proprio motu* an extension of time of seven days ("21 December 2007 Decision");

**BEING SEIZED OF** the "*Requête extrêmement urgente de la Défense aux fins de reporter les délais d'appel prévus à l'article 108 du RPP et/ou Requête en reconsidération de décision*" filed by Lead Counsel for François Karera on 8 January 2008 ("Motion" and "Lead Counsel", respectively), in which Lead Counsel requests the Appeals Chamber to extend the deadline for filing her client's notice of appeal to 9 February 2008 "and/or" requests reconsideration of the 21 December 2007 Decision;

**NOTING** that Lead Counsel argues that she is unable to prepare a proper notice of appeal in the prescribed time limit on the grounds that: (i) her working language is French; (ii) she was unable to act in the case and communicate and consult with François Karera between 23 December 2007 and 9 January 2008 due to holidays which had been arranged at a time when the delivery of the Trial Judgement was not scheduled before 2008; and (iii) Co-Counsel and legal assistants at trial are unavailable to assist in the case;

**NOTING** that Lead Counsel further submits that, should her requests be denied, François Karera would suffer grave injustice and be deprived of his ability to present a full defence;

**CONSIDERING** that it is not necessary to wait for a response from the Prosecution to the Motion, as the Prosecution would not be prejudiced by the outcome of this decision;

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**CONSIDERING** that, pursuant to Rule 108bis of the Rules of Procedure and Evidence of the Tribunal ("Rules"), the Pre-Appeal Judge shall ensure that the proceedings are not unduly delayed and shall take any measures related to procedural matters with a view to preparing the case for a fair and expeditious hearing;

**CONSIDERING** that an extension of time for filing the notice of appeal may be granted pursuant to Rule 116 of the Rules upon a showing of good cause;

**RECALLING** also 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;

**FINDING** that Lead Counsel has failed to demonstrate good cause for a further extension of time;

**CONSIDERING** that the Appeals Chamber has an inherent power to reconsider its own decisions if a clear error of reasoning has been demonstrated or if it is necessary to do so to prevent an injustice;<sup>1</sup>

**FINDING** that none of the arguments put forward by Lead Counsel justifies a reconsideration of the 21 December 2007 Decision;

**FOR THE FOREGOING REASONS:**

**DENY** the Motion; and

**RECALL** that François Karera's notice of appeal is to be filed no later than 14 January 2008.

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

Issued this 9<sup>th</sup> day of January 2008,



Judge Fausto Pocar  
Pre-Appeal Judge

<sup>1</sup> See e.g. *The Prosecutor v. Édouard Karemera et al.*, Case No. ICTR-98-44-AR73.10, Decision on Ngirumpatse's Motion for Reconsideration, 5 October 2007, p. 3; *Prosecutor v. Momčilo Krajišnik*, Case No. IT-00-39-A, Decision on Momčilo Krajišnik's Motion for Reconsideration of the Appeals Chamber's Decision of 27 September 2007, 18 October 2007, p. 1; *Prosecutor v. Pavle Strugar*, Case No. IT-01-42-Misc.I, Decision on Strugar's Request to Reopen Appeal Proceedings, 7 June 2007, para. 26; *Juvénal Kajelijeli v. Prosecutor*, Case No. ICTR-98-44A-A, Judgement, 23 May 2005, para. 203.