



Tribunal Pénal International pour le Rwanda
International Criminal Tribunal for Rwanda

19/H

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ICTR-98-41 -A
15th January 2009

(19/H-14H)

IN THE APPEALS CHAMBER

Before: Judge Mehmet Güney, Pre-Appeal Judge
Registrar: Mr. Adama Dieng
Decision of: 15 January 2009

ICTR Appeals Chamber

Date: 15th January 2009
Action: R. Juma
Copied To: President's Office,
Relevant judges, SLOs,
LOS, ALOS, CMS/Amaha, LSS-Y.

J. Juma
JUDICIAL RECORDS/ARCHIVE
2009 JAN 16 1 A 9:21

Théoneste BAGOSORA

v.

THE PROSECUTOR

Case No. ICTR-98-41B-A

**DECISION ON THÉONESTE BAGOSORA'S MOTION FOR EXTENSION
OF TIME FOR FILING APPEAL SUBMISSIONS**

Counsel for Théoneste Bagosora:

Raphaël Constant

Office of the Prosecutor:

Hassan Bubacar Jallow
Alex Obote-Odora
George Mugwanya

International Criminal Tribunal for Rwanda
Tribunal pénal international pour le Rwanda

CERTIFIED TRUE COPY OF THE ORIGINAL SENT BY ME
COPIE CERTIFIÉE CONFORME À L'ORIGINAL PAR NOUS

NAME / NOM: KEEFI... KUMELIO... A. AFANDE
SIGNATURE: *[Signature]* DATE: 15/01/2009

[Signature]

I, **Mehmet GÜNEY**, 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,¹

NOTING that Trial Chamber I of the Tribunal pronounced its judgement against Théoneste Bagosora, Gratien Kabiligi, Aloys Ntabakuze and Anatole Nsengiyumva on 18 December 2008 and announced that the English version of the written Trial Judgement ("Trial Judgement") would be "available in the coming days";²

NOTING that the written Trial Judgement has not yet been filed;

BEING SEIZED OF the "*Avis d'appel et Requête en demande de délai*" filed by Counsel for Théoneste Bagosora ("Bagosora") on 7 January 2009 ("Motion"), in which Bagosora requests that the time limit for filing his notice of appeal and Appellant's brief start running from the date on which the Trial Judgement is served on him and his Counsel in French and that the time limit for filing his brief in reply start running from the date on which the Prosecution Respondent's brief is served on him and his Counsel in French;

NOTING that, in support of his Motion, Bagosora argues that he does not know the details of the Trial Judgement yet; that the Trial Chamber announced that the Trial Judgement "amounts to several hundred pages";³ and that, given that he does not understand English, he will need the French translation of the Trial Judgement to understand the reasons underpinning his conviction and discuss factual issues with his Counsel prior to filing his appeal submissions;⁴

CONSIDERING that under Rule 108 of the Rules of Procedure and Evidence of the Tribunal ("Rules"), "[a] party seeking to appeal a judgement or sentence shall, not more than thirty days from the date on which the judgement or the sentence was pronounced, file a notice of appeal, setting forth the grounds";

¹ Order Assigning Judges in a Case before the Appeals Chamber and Assigning a Pre-Appeal Judge, 14 January 2009.

² T. 18 December 2008 p. 2.

³ T. 18 December 2008 p. 2.

⁴ Motion, pp. 2-3.



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CONSIDERING that under Rules 111 and 113 of the Rules, respectively, the “Appellant’s brief setting out all the arguments and authorities shall be filed within seventy-five days of filing of the notice of appeal” and a brief in reply may be filed “within fifteen days of filing of the Respondent’s brief”;

CONSIDERING that Bagosora’s notice of appeal should be filed no later than 19 January 2009;

CONSIDERING, however, that Rule 116 of the 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;

CONSIDERING that Article 31 of the Statute of the Tribunal provides that “the working languages of the International Tribunal for Rwanda shall be English and French”;

CONSIDERING that the delayed filing of the written Trial Judgement after its pronouncement constitutes good cause for extending the deadline for filing the notice of appeal;

CONSIDERING further that Bagosora does not understand English⁵ and that the Registry informed me that his Counsel’s working language is French;⁶

CONSIDERING therefore that Bagosora’s ability to make full answer and defence depends on the availability of the French translations of the Trial Judgement and of the Prosecution’s Respondent’s brief;

FINDING accordingly that Bagosora has established “good cause” within the meaning of Rule 116 of the Rules for extending the deadline for the filing of his notice of appeal to thirty days from the date of the filing of the French version of the Trial Judgement and for extending the deadline for the filing of his brief in reply to fifteen days from the date of the filing of the French version of the Prosecution’s Respondent’s brief;

⁵ See Motion, p. 2.

⁶ E-mail from Koffi Kumelio A. Afande, Legal Officer, dated 13 January 2009.

FOR THE FOREGOING REASONS,

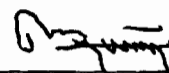
GRANT the Motion; and

ORDER Bagosora to file

- his notice of appeal no later than thirty (30) days from the date of the filing of the French translation of the Trial Judgement;
- his Appellant's brief no later than seventy-five (75) days from the date of the filing of his notice of appeal; and
- his brief in reply, if any, no later than fifteen (15) days from the date of the filing of the French translation of the Prosecution's Respondent's brief.

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

Done this fifteenth day of January 2009,
At The Hague, The Netherlands



Judge Güney
Pre-Appeal Judge



[Seal of the Tribunal]