



**Tribunal Pénal International pour le Rwanda
International Criminal Tribunal for Rwanda**

IN THE APPEALS CHAMBER

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

Anatole NSENGIYUMVA

v.

THE PROSECUTOR

Case No. ICTR-98-41C-A

**DECISION ON ANATOLE NSENGIYUMVA'S MOTION FOR EXTENSION
OF TIME FOR FILING NOTICE OF APPEAL**

Counsel for Anatole Nsengiyumva:

Kennedy Ogetto

Office of the Prosecutor:

Hassan Bubacar Jallow
Alex Obote-Odora
George Mugwanya

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 written Trial Judgement would be “available in the coming days”;²

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

BEING SEIZED OF “Anatole Nsengiyumva’s Motion for Extension of Time to File Notice of Appeal” filed on 14 January 2009, in which Anatole Nsengiyumva (“Nsengiyumva”) requests that the time limit for filing his notice of appeal starts running from the date the written judgement is issued on the ground that he cannot file a notice of appeal “in the absence of a binding and authoritative written judgement from which he can formulate grounds of appeal”;

CONSIDERING that under Rule 108 of the Rules of Procedure and Evidence of the Tribunal (“Rules”), “Fağ 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”;

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

CONSIDERING however that Rule 116(A) of the Rules provides that the Pre-Appeal Judge may grant a motion to extend a time limit upon a showing of good cause;

FINDING 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;

¹ Order Assigning Judges in a Case before the Appeals Chamber and Assigning a Pre-Appeal Judge, 15 January 2009.

² T. 18 December 2008 p. 2.

FOR THE FOREGOING REASONS,

GRANT the Motion; and

ORDER Nsengiyumva to file his notice of appeal no later than thirty (30) days from the date of the filing of the written Trial Judgement.

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

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