



Tribunal Pénal International pour le Rwanda
International Criminal Tribunal for Rwanda

83/H

ICTR-01-73-A
28 January 2009
{83/H - 80/H}

IN THE APPEALS CHAMBER

Before: Judge Theodor Meron, Pre-Appeal Judge
Registrar: Mr. Adama Dieng
Decision of: 28 January 2009

ICTR Appeals Chamber
Date: 28th January 2009
Action: A - *Turned*
Copied To: *Convened Judge*

PROTAIS ZIGIRANYIRAZO

v.

THE PROSECUTOR

Case No. ICTR-01-73-A

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**DECISION ON PROTAIS ZIGIRANYIRAZO'S
MOTION FOR AN EXTENSION OF TIME**

Counsel for the Prosecution

Counsel for the Defence

Mr. Hassan Bubacar Jallow

Mr. John Philpot
Mr. Peter Zaduk

International Criminal Tribunal for Rwanda
Tribunal pénal international pour le Rwanda
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NAME / NOM: *KAPPA KUMELIO A. AFRANDE*
SIGNATURE: *[Signature]* DATE: *28 Jan. 2009*

I, **Theodor Meron**, 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 1994 and 31 December 1994 ("Appeals Chamber" and "International Tribunal", respectively),¹

BEING SEIZED OF the "Urgent Motion for Extension of Time for the Filing of the Appellant's Brief", filed by Protais Zigiranyirazo ("Appellant") on 29 December 2008 ("Motion");

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

NOTING that Trial Chamber III of the International Tribunal issued judgement against the Appellant on 18 December 2008 ("Judgement"), with the original in English, and that the Appellant filed his Notice of Appeal on 19 January 2009;

CONSIDERING that the Motion seeks an extension of time to file the Appellant's Brief within eighty-two days following the receipt of the French translation of the Judgement, on the basis that the Appellant does not understand English;²

NOTING that the Office of the Prosecutor does not object to the Motion;³

CONSIDERING that under Rule 116(A) of the Rules, the Appeals Chamber may grant a motion for an extension of time if good cause is shown;

CONSIDERING that Rule 116(B) of the Rules provides that "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 the Lead Counsel works in both English and French and is thus able to understand the Judgement, to discuss with the Appellant possible grounds of appeal, to advise him

¹ Order Assigning Judges in a Case before the Appeals Chamber and Assigning a Pre-Appeal Judge, 13 January 2009.

² Motion, paras. 4, 22.

³ Prosecutor's Response to Zigiranyirazo's "Urgent Motion for Extension of Time for The Filing of The Appellant's Brief (Rule 116(B) R.P.P. [sic]", filed on 2 January 2009, para. 4.

as to potential errors of facts and law contained therein⁴ and to discuss a draft Appellant's brief with the Appellant, subject to his final approval once the French translation of the Judgement is available;

CONSIDERING, that it is in the interests of justice to allow the Appellant adequate time to read the Judgement in a language he understands and to consult with his counsel before filing his Appellant's brief;

CONSIDERING that in comparable situations the Appeals Chamber has granted the extension of time;⁵

FINDING that, pursuant to Rule 116(B) of the Rules, "good cause" is shown to grant an extension of time of forty days, from the date of filing of the French translation of the Judgement, for the filing of the Appellant's brief;

FOR THE FOREGOING REASONS,

HEREBY GRANT the Motion;

DECIDE that Protais Zigiranyirazo may file his Appellant's Brief within forty days of the filing of the French translation of the Judgement;

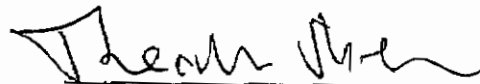
DIRECT the Registrar to serve a French translation of the Judgement no later than 16 April 2009; and to provide a reasoned explanation in case he cannot comply with this instruction;

⁴ See Motion, paras. 5, 7.

⁵ See *Eliezer Niyitegeka v. The Prosecutor*, Case No. ICTR-967-70-14-A, Decision on Eliezer Niyitegeka's Motion for an Extension of Time for the Filing of his Notice of Appeal, 13 June 2003, p. 4; *Juvenal Kajelijeli v. The Prosecutor*, Case No. ICTR-98-44A-A, Decision on Motion for an Extension of Time to File Appellant's Notice of Appeal and Brief, 17 December 2003, pp. 3-4; *Emmanuel Ndinabahizi v. The Prosecutor*, Case No. ICTR-01-71-A, Decision on Emmanuel Ndinabahizi's Motion for an Extension of Time, 26 August 2004, pp. 2, 3.

80/H

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



Theodor Meron
Pre-Appeal Judge

Done this 28 January 2009,
At The Hague,
The Netherlands.



[Seal of the International Tribunal]