

1. 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 and 31 December 1994 ("Tribunal") and Pre-Appeal Judge in this case, am seized of a motion filed on 18 February 2009 by Protais Zigiranyirazo for an extension of the time for the filing of his Respondent's brief.¹ The Prosecution responded to the Motion on 19 February 2009.²

2. On 18 December 2008, Trial Chamber III convicted Mr. Zigiranyirazo of two counts of genocide and extermination as a crime against humanity and sentenced him to a total of 20 years of imprisonment.³ The Prosecution filed its Notice of Appeal, which is limited to sentencing, on 15 January 2009.⁴ The Prosecution's Appellant's brief was filed in English on 16 February 2009.⁵ According to the Motion, Mr. Zigiranyirazo does not understand English.⁶ He therefore requests a 30-day extension of time to file his Respondent's brief from the filing of the French translation of the Trial Judgement as well as the Prosecution's Appellant's brief so that he can advise his counsel.⁷ The Prosecution does not oppose the Motion.⁸

3. According to Rule 112(A) of the Rules of Procedure and Evidence of the Tribunal ("Rules"), where an appeal is limited to sentencing, the Respondent's brief is to be filed 30 days after the Appellant's brief, which in this case would be 18 March 2009. However, Rule 116(A) of the Rules allows the Pre-Appeal Judge to extend a time limit upon a showing of good cause. In accordance with Rule 116(B), the requirement for good cause is satisfied "[w]here 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". With respect to Mr. Zigiranyirazo's Appellant's brief, a 40-day extension of time from the filing of the French version of the Trial Judgement was already granted on this basis.⁹

¹ Urgent Motion for Extension of Time for the Filing of the Appellant's Response to the Prosecutor's Appellant's Brief (Rule 116(B) R.P.E.), 18 February 2009 ("Motion").

² Prosecutor's Response to "Urgent Motion for Extension of Time for the Filing of the Appellant's Response to the Prosecutor's Appellant's Brief (Rule 116(B) R.P.E.)", 19 February 2009 ("Response").

³ *The Prosecution v. Protais Zigiranyirazo*, Case No. ICTR-01-73-T, Judgement, 18 December 2008, paras. 447, 468-471 ("Trial Judgement"). Specifically, the Trial Chamber sentenced Mr. Zigiranyirazo to two terms of 20 years of imprisonment for genocide and extermination as a crime against humanity in relation to events at Kesho Hill and to a term of 15 years of imprisonment for genocide with respect to Kiyovu roadblock. The sentences are to run concurrently.

⁴ Prosecutor's Notice of Appeal, 15 January 2009 (English version), 28 January 2009 (French version). Mr. Zigiranyirazo filed his Notice of Appeal on 19 January 2009. See Notice of Appeal (Rule 108 R.P.E.), 19 January 2009.

⁵ Prosecutor's Appellant's Brief, 16 February 2009.

⁶ Motion, para. 6.

⁷ Motion, para. 19.

⁸ Response, para. 2.

⁹ Decision on Protais Zigiranyirazo's Motion for Extension of Time, 28 January 2009, p. 3 ("Decision of 28 January 2009"). The French version of the Trial Judgement is expected no later than 16 April 2009.

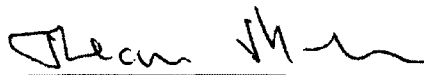
4. On the basis of the above, and in accordance with Rule 116(B) of the Rules, good cause thus exists to extend the time for the filing of Mr. Zigiranyirazo's Respondent's brief from the filing of the French version of the Trial Judgement. It is also in the interests of justice to allow Mr. Zigiranyirazo the opportunity to review the Prosecution's Appellant's brief in French.¹⁰ Furthermore, an extension of time will not impact the overall time for considering this appeal since the translation of the Prosecution's Appellant's brief is expected around the same time as the French version of the Trial Judgement.

5. However, a full 30-day extension of time is not warranted in this case. It follows from Mr. Zigiranyirazo's motion to amend his Notice of Appeal that he has some limited ability to understand English.¹¹ In addition, his Lead Counsel works in both English and French and is therefore able to discuss the contents of the Trial Judgement as well as the Prosecution's Appellant's brief with him.¹²

6. For the foregoing reasons, a 15-day extension of time for the filing of Mr. Zigiranyirazo's Respondent's brief is **GRANTED** from the filing of the French version of the Trial Judgement and the Prosecution's Appellant's brief.

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

Done this 10th day of March 2009,
At The Hague,
The Netherlands.


Judge Theodor Meron
Pre-Appeal Judge

[Seal of the Tribunal]



¹⁰ See, e.g., *The Prosecutor v. Théoneste Bagosora et al.*, Case No. ICTR-98-41-A, Decision on Anatole Nsengiyumva's Motion for Extension of Time for Filing Appeal Submissions, 2 March 2009, p. 5.

¹¹ Motion for Leave to Amend Notice of Appeal, 10 February 2009, para. 14 ("The addition of Ground 5 concerning Joint Criminal Enterprise is being added at the request of the Accused. He has labored to understand the Joint Criminal Enterprise parts of the English language judgement.")

¹² Decision of 28 January 2009, pp. 2, 3.