



Tribunal Pénal International pour le Rwanda
International Criminal Tribunal for Rwanda

776/H

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ICTR-98-41-A

3rd July 2009

{776/H - 775/H}

IN THE APPEALS CHAMBER

Before: Judge Mehmet Güney, Pre-Appeal Judge
Registrar: Mr. Adama Dieng
Decision of: 3 July 2009

ICTR Appeals Chamber
Date: 3rd July 2009
Action: R. *under*
Copied To: Concerned Judges

Théoneste BAGOSORA
Aloys NTABAKUZE
Anatole NSENGIYUMVA

v.

THE PROSECUTOR

*Parties, Judicial Archives,
LOs, LSS
[Signature]*

Case No. ICTR-98-41-A

**DECISION ON ALOYS NTABAKUZE'S MOTION FOR LEAVE
TO FILE AMENDED APPEAL BRIEF OUT OF TIME**

Counsel for Théoneste Bagosora

Raphaël Constant

Counsel for Aloys Ntabakuze

Peter Erlinder
André Tremblay

Counsel for Anatole Nsengiyumva

Kennedy Ogetto

Office of the Prosecutor

Hassan Bubacar Jallow
Alex Obote-Odora
George W. Mugwanya
Renifa Madenga
Inneke Onsea
Evelyn Kamau
William Mubiru
Priyadarshini Narayanan
Aisha Kagabo

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NAME / NOM: ROSETTE MUZIGO-MORRISON
SIGNATURE: *[Signature]* DATE: 03 July 09

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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,

NOTING the Notice of Appeal filed by Aloys Ntabakuze ("Ntabakuze") on 18 May 2009¹ against the Trial Judgement pronounced in this case on 18 December 2008 and filed on 9 February 2009;²

NOTING the "Decision on Aloys Ntabakuze's Motion for Leave to File a Corrected Appeal Brief and Order Concerning the Appeal Brief" of 23 June 2009, in which I ordered Ntabakuze to file no later than 24 June 2009 a revised version of his Appeal Brief filed on 25 May 2009;³

BEING SEIZED OF the "Motion for Leave to File Amended 25 May 2009 Brief of Appellant *Instanter*" filed by Ntabakuze on 25 June 2009 ("Motion"), in which he requests leave from the Appeals Chamber "to file the Amended Brief *instanter* on June 25, 2009";

NOTING the "Amended Appeal Brief in the Interest of: Major Aloys Ntabakuze", the filing date of which reads 25 June 2009 on the cover page ("Amended Appeal Brief");

NOTING the interoffice memorandum from Nouhou Madani Diallo, Legal Officer in the Tribunal's Court Management Section, indicating that the filing date of the Amended Appeal Brief should read 24 June 2009;

FINDING, therefore, that the Amended Appeal Brief was filed within the imposed time limit;

FOR THE FOREGOING REASONS,

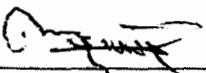
DISMISS the Motion as moot.

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

Done this third day of July 2009,
At The Hague, The Netherlands



[Seal of the Tribunal]


Judge Mehmet Güney
Pre-Appeal Judge

¹ Public Amended Notice of Appeal in the Interest of: Major Aloys Ntabakuze, 18 May 2009 ("Notice of Appeal").

² *The Prosecutor v. Théoneste Bagosora et al.*, Case No. ICTR-98-41-T, Judgement and Sentence, signed on 18 December 2008, filed on 9 February 2009 ("Trial Judgement").

³ Appeal Brief in the Interest of: Major Aloys Ntabakuze, 25 May 2009 ("Appeal Brief").