



Tribunal Pénal International pour le Rwanda
International Criminal Tribunal for Rwanda

38/H

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IN THE APPEALS CHAMBER

ICTR-97-31-A
21st October 2009
{38/H – 36/H}

Before: Judge Carmel Agius, Pre-Appeal Judge

Registrar: Mr. Adama Dieng

Decision of: 21 October 2009

ICTR Appeals Chamber
Date: 21st October 2009
Action: *A. Dieng*
Copied To: Concerned Judges,
Parties, Judicial Archives,
LOs, LSS *[Signature]*

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THE PROSECUTOR

v.

Tharcisse RENZAHO

Case No. ICTR-97-31-A

DECISION ON THARCISSE RENZAHO'S MOTION FOR EXTENSION OF TIME FOR THE FILING OF APPELLANT'S BRIEF

International Criminal Tribunal for Rwanda
Tribunal pénal international pour le Rwanda
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NAME / NOM: *KREFFI... KUMELID... A. AFANDI...*
SIGNATURE: *[Signature]* DATE: *21 Oct. 2009*

Counsel for Mr. Tharcisse Renzaho:

Office of the Prosecutor:

Mr. François Cantier, Lead Counsel

Mr. Hassan Bubacar Jallow
Mr. Alex Obote-Odora

1. I, CARMEL AGIUS, 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 9 October 2009 by Tharcisse Renzaho for an extension of time to file his Appellant's Brief.¹ The Prosecution has not filed a response.

2. Trial Chamber I pronounced its judgement against Mr. Renzaho on 14 July 2009 and issued its reasoned opinion in writing in English on 14 August 2009.² On 22 September 2009, Mr. Renzaho's request for a 30-day extension of time for the filing of his Notice of Appeal from the filing of the French translation of the Trial Judgement was denied because his Counsel is able to work in English.³ On 2 October 2009, Mr. Renzaho filed his Notice of Appeal.⁴

3. Mr. Renzaho now requests an extension of time to file his Appellant's Brief within 75 days from the service to him and his Counsel of the French translation of the Trial Judgement.⁵ In support of his request, Mr. Renzaho submits that because he is francophone and can neither speak nor read English, he is incapable of fully understanding the Trial Judgement, properly discussing grounds of appeal, and actively participating in the drafting of his Appellant's Brief, particularly with respect to factual issues.⁶ He argues that his circumstances constitute good cause for an extension of time to file his Appellant's Brief pursuant to Rule 116 of the Rules of Procedure and Evidence of the Tribunal ("Rules").⁷

4. Rule 116(A) of the Rules allows for the extension of time of any deadline on a showing of good cause. Pursuant to Rule 116(B) of the Rules, where the ability of the convicted person to make full answer and defence depends on the availability of a decision in an official language other than that in which it was issued, that circumstance shall be taken into account as a good cause. This provision may provide a basis for an extension of time, upon request, for the filing of the convicted

¹ *Requête en Demande de Délai*, 9 October 2009 ("Motion").

² *The Prosecutor v. Tharcisse Renzaho*, Case No. ICTR-97-31-T, Judgement and Sentence, dated 14 July 2009 and filed on 14 August 2009 ("Trial Judgement").

³ *The Prosecutor v. Tharcisse Renzaho*, Case No. ICTR-97-31-A, Decision on Tharcisse Renzaho's Motion for Extension of Time for the Filing of Notice of Appeal and Brief in Reply, 22 September 2009, paras. 2, 5, 8 ("Decision of 22 September 2009"). Mr. Renzaho also requested a 15-day extension of time for the filing of his Brief in Reply from the filing of the French translation of the Prosecution's Brief in Response, should the Response, if any, be filed in English. This request was considered premature and therefore declared moot. Decision of 22 September 2009, paras. 7, 8.

⁴ *Acte d'Appel*, 2 October 2009 ("Notice of Appeal").

⁵ Motion, paras. 7, 11, p. 4.

⁶ Motion, para. 9.

⁷ Motion, paras. 8, 10, referring to Decision of 22 September 2009, para. 4 and Appeals Chamber case law.

person's Appellant's Brief pending the translation of the Trial Judgement into a working language of the Tribunal which he or she understands.⁸

5. Mr. Renzaho's circumstances constitute good cause to extend the time for the filing of his Appellant's Brief from the filing of the French translation of the Trial Judgement.

6. Mr. Renzaho's Lead Counsel has the ability to work in both English and French,⁹ and may therefore discuss the draft of the Appellant's Brief with Mr. Renzaho, subject to his final approval once the French translation of the Trial Judgement is filed. It is therefore appropriate in this instance to allow a limited extension of time.

7. For the foregoing reasons, the Motion is **GRANTED**. Mr. Renzaho may file his Appellant's Brief within 40 days of being served the French translation of the Trial Judgement.

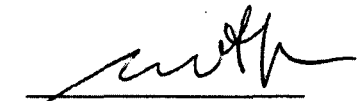
8. The Registrar is **DIRECTED** to serve Mr. Renzaho with a French translation of the Trial Judgement no later than 1 February 2010, or to provide a reasoned explanation in case he cannot comply with this instruction.

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

Done this 21st day of October 2009,
at The Hague,
The Netherlands.



[Seal of the Tribunal]


Judge Carmel Agius
Pre-Appeal Judge

⁸ See Decision of 22 September 2009, para. 4. See also *Callixte Kalimanzira v. The Prosecutor*, Case No. ICTR-05-88-A, Decision on Callixte Kalimanzira's Motion for Leave to File an Amended Notice of Appeal and for an Extension of Time for the Filing of his Appellant's Brief, 31 August 2009, para. 5; *Protais Zigiranyirazo v. The Prosecutor*, Case No. ICTR-01-73-A, Decision on Protais Zigiranyirazo's Motion for an Extension of Time for the Filing of the Respondent's Brief, 10 March 2009, paras. 4, 6; *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, pp. 4-6; *Protais Zigiranyirazo v. The Prosecutor*, Case No. ICTR-01-73-A, Decision on Protais Zigiranyirazo's Motion for an Extension of Time, 28 January 2009, p. 3. However, once a French version of the Trial Judgement is filed, Rule 116(B) does not contemplate good cause for an extension of time to file briefs on appeal where the convicted person's counsel can work in the language in which it was filed. See also *Siméon Nchamihigo v. The Prosecutor*, Case No. ICTR-2001-63-A, Decision on Defence Motion for a French Translation of the Prosecutor's Respondent's Brief and for Extension of Time for the Filing of the Reply Brief, 8 July 2009, paras. 5, 6, 9; *Protais Zigiranyirazo v. The Prosecutor*, Case No. ICTR-01-73-A, Decision on Protais Zigiranyirazo's Motion for an Extension of Time for the Filing of the Reply Brief, 3 July 2009, paras. 4-6, 9.

⁹ See Form IL2 filed by Mr. Cantier, along with a copy of his attached curriculum vitae, on 15 September 2009.