



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

IN THE APPEALS CHAMBER

Before: Judge Liu Daqun, Pre-Appeal Judge
Registrar: Mr. Adama Dieng
Decision of: 11 December 2009

THE PROSECUTOR

v.

Hormisdas NSENGIMANA

Case No. ICTR-01-69-A

**DECISION ON PROSECUTION'S MOTION FOR EXTENSION OF TIME
TO FILE A NOTICE OF APPEAL**

Office of the Prosecutor:

Hassan Bubacar Jallow
Alex Obote-Odora
Linda Bianchi
Renifa Madenga
Thembile Segoete
Priyadarshini Narayanan
Shamus Mangan

Counsel for Hormisdas Nsengimana:

Emmanuel Altit
David Hooper

I, Liu Daqun 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 Hormisdas Nsengimana on 17 November 2009, acquitting him of all counts in the indictment, and announced that the written Trial Judgement would be available “soon after the conclusion of the editorial process”;²

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

BEING SEIZED OF the “Prosecutor’s Motion for an Extension of Time to File a Notice of Appeal” filed by the Prosecution on 2 December 2009 (“Motion”), in which the Prosecution requests that the thirty-day time limit for filing the notice of appeal start running from the date the written judgement is issued, on the ground that it needs access to the full reasoning of the Trial Judgement in order to identify errors by reference to specific passages or paragraphs;³

NOTING that in its response filed on 10 December 2009,⁴ Mr. Nsengimana concedes that an extension of time could be in the interest of justice, but that it should not extend beyond 17 January 2010, in view of his acquittal and of the fact that the Prosecution has not yet indicated whether it intends to appeal the verdict in this case;⁵

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”;

NOTING that the Prosecution’s notice of appeal should be filed no later than 17 December 2009;

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

¹ Order Designating the Pre-Appeal Judge, filed on 11 December 2009.

² T. 17 November 2009, p. 2.

³ Motion, para. 4.

⁴ *Réponse de l’équipe de Défense du Père Nsengimana à la requête du Procureur intitulée « Prosecutor’s Motion for an Extension of Time to file a Notice of Appeal » en date du 2 décembre 2009*, 10 December 2009 (“Response”).

⁵ Response, paras. 8-13.

RECALLING that paragraph 1(c)(iii) of the Practice Direction on Formal Requirements for Appeals from Judgement requires a notice of appeal to identify “the finding or ruling challenged in the judgement, with specific reference to the page number and paragraph number”;

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 so as to allow the Prosecution to fully acquaint itself with the Trial Judgement prior to doing so;

FOR THE FOREGOING REASONS,

GRANT the Motion; and

ORDER the Prosecution to file its notice of appeal, if any, 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 11th day of December 2009,
At The Hague, The Netherlands

Judge Liu Daqun
Pre-Appeal Judge

FSeal of the Tribunal