



Tribunal Pénal International pour le Rwanda  
International Criminal Tribunal for Rwanda

1242/H

*[Handwritten initials]*

ICTR-98-41-A

11<sup>th</sup> January 2010

{1242/H - 121240/H}

**IN THE APPEALS CHAMBER**

**Before:** Judge Mehmet Güney, Pre-Appeal Judge

**Registrar:** Mr. Adama Dieng

**Decision of:** 11 January 2010

ICTR Appeals Chamber  
Date: 11<sup>th</sup> January 2010  
Action: *A. Güney*  
Copied To: *Concerned Judges*

**Théoneste BAGOSORA  
Aloys NTABAKUZE  
Anatole NSENGIYUMVA**

*Judicial Archives  
LOs, LSS*

**v.  
THE PROSECUTOR**

Case No. ICTR-98-41-A

**DECISION ON ANATOLE NSENGIYUMVA'S MOTION FOR EXTENSION  
OF TIME FOR FILING HIS APPEAL BRIEF**

**Counsel for Théoneste Bagosora**

Raphaël Constant  
Richard Perras

**Office of the Prosecutor**

Hassan Bubacar Jallow  
Alex Obote-Odora  
George W. Mugwanya  
Linda Bianchi  
Madeleine Schwarz

**Counsel for Aloys Ntabakuze**

Peter Erlinder  
André Tremblay

**for Anatole Nsengiyumva**

Kennedy Ogetto  
Gershom Otachi Bw'Omanwa

International Criminal Tribunal for Rwanda  
Tribunal pénal international pour le Rwanda  
CERTIFIED TRUE COPY OF THE ORIGINAL SENT BY ME  
COPIE CERTIFIÉE CONFORMÉ À L'ORIGINAL PAR MOI  
NAME / NOM: **ROSETTE MUZIGO-MORRISON**  
SIGNATURE: *[Handwritten Signature]* DATE: **11-01-10**

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 (“Appeals Chamber” and “Tribunal”, respectively), and Pre-Appeal Judge in this case;

**NOTING** the appeal lodged by Anatole Nsengiyumva (“Nsengiyumva”)<sup>1</sup> against the Trial Judgement pronounced in this case on 18 December 2008 and filed in English on 9 February 2009;<sup>2</sup>

**NOTING** the decision issued on 2 March 2009, in which I granted to Nsengiyumva a 45-day extension of time from the date of filing of the French translation of the Trial Judgement for filing his appeal brief;<sup>3</sup>

**NOTING** that the French translation of the Trial Judgement was filed on 10 December 2009;

**BEING SEIZED OF** “Urgent Motion for Extension of Time for Filing Nsengiyumva’s Appeals Brief”, filed confidentially on 23 December 2009 (“Motion”), in which Nsengiyumva requests that the 45-day time-limit for filing his appeal brief starts running only from 17 December 2009, the date the French translation of the Trial Judgement was served on him, on the ground that his ability to give appropriate instructions to his Counsel was impaired by the late service of the document;<sup>4</sup>

**NOTING** that the Prosecution does not oppose Nsengiyumva’s request;<sup>5</sup>

**NOTING** further that the Registry confirmed that Nsengiyumva was served with the French translation of the Trial Judgement only on 17 December 2009;<sup>6</sup>

**CONSIDERING** that Nsengiyumva’s original extension of time for filing his appeal brief was granted on the ground that it was “in the interests of justice to allow [him] adequate time to read the

<sup>1</sup> See Notice of Appeal in the Interest of: Major Aloys Ntabakuze, 11 March 2009; Public Amended Notice of Appeal in the Interest of: Major Aloys Ntabakuze, 18 May 2009.

<sup>2</sup> *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”).

<sup>3</sup> Decision on Anatole Nsengiyumva’s Motion for Extension of Time for Filing Appeal Submissions, 2 March 2009 (“Decision of 2 March 2009”).

<sup>4</sup> Motion, paras. 9-13, p. 4.

<sup>5</sup> Prosecutor’s Response to Nsengiyumva’s Urgent Motion for Extension of Time for Filing Nsengiyumva’s Appeals Brief, 31 December 2009, para. 2.

<sup>6</sup> E-mail from Ms. Sylvie Van Driessche, CMS, dated 4 January 2010, attaching the proof of service signed by Nsengiyumva.

Trial Judgement in a language he understands and to consult with his Counsel before filing his [appeal brief]";<sup>7</sup>

**FINDING** therefore that the late service of the French translation of the Trial Judgement constitutes good cause for the requested extension of time;

**CONSIDERING** further that, although the Motion and its annexes were filed confidentially, there is *prima facie* no information in the Motion itself which should be withheld from the public and which would justify that the Motion be kept confidential and that the present Decision be filed confidentially;

**FOR THE FOREGOING REASONS,**

**GRANT** the Motion;

**ORDER** Nsengiyumva to file his appeal brief no later than 1 February 2010; and

**ORDER** Nsengiyumva within seven (7) days of the date of this Decision (i) to justify the confidential filing of his Motion, or (ii) re-file the Motion publicly with confidential annexes.

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

Done this eleventh day of January 2010.



[Seal of the Tribunal]

A handwritten signature in black ink, appearing to read "Mehmet Güney".

Judge Mehmet Güney  
Pre-Appeal Judge

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<sup>7</sup> Decision of 2 March 2009, p. 5.