



Tribunal pénal international pour le Rwanda
International Criminal Tribunal for Rwanda

12/H
[Signature]
ICTR-00-55B-A
20th January 2011
{12/H - 10/H}

IN THE APPEALS CHAMBER

Before: Judge Fausto Pocar, Pre-Appeal Judge

Registrar: Mr. Adama Dieng

Decision of: 20 January 2011

THE PROSECUTOR

v.

ILDEPHONSE HATEGEKIMANA

Case No. ICTR-00-55B-A

**DECISION ON ILDEPHONSE HATEGEKIMANA'S MOTION FOR
EXTENSION OF TIME FOR THE FILING OF THE NOTICE OF APPEAL**

The Office of the Prosecutor:

Mr. Hassan Bubacar Jallow
Mr. James J. Arguin
Mr. Alphonse Van
Mr. Alfred Orono
Ms. Amina Justine Buruma
Mr. Leo Nwoye

ICTR Appeals Chamber
Date: *20th January 2011*
Action: *A. Juma*
Copied To: *Concerned Judges,*
SCOs, L.Os, ALOs,

Parties, CMS, LSS.

[Signature]

Counsel for Ildephonse Hategekimana:

Mr. Jean de Dieu Momo

International Criminal Tribunal for Rwanda
Tribunal pénal international pour le Rwanda
CERTIFIED TRUE COPY OF THE ORIGINAL SEEN BY ME
COPIE CERTIFIEE CONFORME A L'ORIGINAL PAR NOUS
NAME / NOM: *KOFFI KUMELIO A. AFANDE*
SIGNATURE: *[Signature]* DATE: *20 Jan 2011*

1. I, **Fausto Pocar**, 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, am seised of a motion filed on 5 January 2011 by Mr. **Ildephonse Hategekimana** for an extension of time to file his notice of appeal.¹ The Prosecution responded on 10 January 2011,² and Mr. Hategekimana did not file a reply.

2. On 6 December 2010, Trial Chamber II of the Tribunal convicted Mr. Hategekimana of genocide and murder and rape as crimes against humanity and sentenced him to imprisonment for the remainder of his life.³ The Trial Judgement has not yet been filed in writing. In view of this circumstance, Mr. Hategekimana requests an extension of time to file his notice of appeal, with the time period for the filing of the notice of appeal starting to run from the filing of the written judgement.⁴ In addition, Mr. Hategekimana notes that, in a previous appeal concerning the Prosecution's request to transfer his case to Rwanda, the Appeals Chamber ordered all deadlines for his submissions to commence from the receipt of French translations of relevant documents.⁵ He requests a similar order in the present appeal.⁶ The Prosecution does not oppose the Motion.⁷

3. Pursuant to Rule 108 of the Rules of Procedure and Evidence of the Tribunal, the notice of appeal must be filed not more than 30 days from the date on which the judgement was pronounced. The Appeals Chamber has held that the time limit to file a notice of appeal runs from the date of the filing of the written trial judgement.⁸ Accordingly, there is no basis for Mr. Hategekimana's request for an extension of time based on the fact that the written judgement has not been filed, since the time limit for the filing of the notice of appeal has not yet commenced to run.

¹ *Avis d'appel et Requête aux fins de prorogation de délai pour le dépôt de l'acte d'appel en application des articles 108 et 116 du Règlement de procédure et de preuve*, 5 January 2011 ("Motion").

² Prosecution Response to Hategekimana's "Avis d'appel et Requête [sic] aux fins de prorogation de délai pour le dépôt de l'acte d'appel en application des articles 108 et 116 du Règlement [sic] de procédure et de preuve", 10 January 2011 ("Response").

³ T. 6 December 2010 p. 12.

⁴ Motion, paras. 2-11, 14.

⁵ Motion, paras. 12, citing *The Prosecutor v. Ildephonse Hategekimana*, Case No. ICTR-00-55B-AR11bis, Decision on Motion for Translation and Extension of Time, 23 July 2008 ("Decision on Motion for Translation"), p. 3.

⁶ Motion, para. 14.

⁷ Response, para. 8.

⁸ *The Prosecutor v. Ephrem Setako*, Case No. ICTR-04-81-A, Decision on the Prosecution's Motion to Dismiss Ephrem Setako's Notice of Appeal, 2 July 2010, para. 12. See also *The Prosecutor v. Yussuf Muryakazi*, Case No. ICTR-97-36A-A, Decision on Yussuf Muryakazi's [sic] Motion for an Extension of Time for the Filing of the Notice of Appeal, 22 July 2010, para. 4.

4. Mr. Hategekimana's request to be accorded delays in the filing of his submissions on appeal pending receipt of French versions of relevant documents is equally premature. There is no indication in which language the written version of the Trial Judgement will be filed. Similarly, it is not clear what language the Prosecution will use to file its briefs. Even if certain filings were made in English, the composition of Mr. Hategekimana's Defence team has changed since his previous case on appeal, and his current Lead Counsel works in French and has indicated that he has good understanding of English.⁹

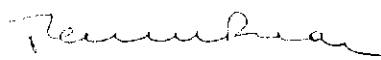
5. For the foregoing reasons, the Motion is **DENIED**.

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

Done this 20th day of January 2011,
at The Hague,
The Netherlands.



[Seal of the Tribunal]



Judge Fausto Pocar
Pre-Appeal Judge

⁹ *Formulaire ILI* for Jean de Dieu Momo, received by the Registry on 30 October 2002. *See also* Decision on Motion for Translation, p. 2 (noting that Mr. Hategekimana's previous Counsel "exclusively work in French").