



UNITED NATIONS
NATIONS UNIES

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

ICTR-99-50-A
30 November 2011
63/H – 61/H

IN THE APPEALS CHAMBER

Before: Judge Theodor Meron, Pre-Appeal Judge

Registrar: Mr. Adama Dieng

Decision of: 30 November 2011

**Justin MUGENZI
Prosper MUGIRANEZA**

v.

THE PROSECUTOR

Case No. ICTR-99-50-A

ICTR Appeals Chamber

Date: 30 November 2011

Action: K.K.A.A.

Copied To: Concerned Judges,
SLO, LSA, ALC,

Parties, CMS, LSS.

Frans J.

**DECISION ON PROSPER MUGIRANEZA'S MOTION FOR AN EXTENSION OF TIME
TO FILE NOTICE OF APPEAL**

Defence Counsel:

Ms. Kate Gibson for Justin Mugenzi

Mr. Tom Moran and Ms. Cynthia J. Cline for Prosper Mugiraneza

The Office of the Prosecutor:

Mr. Hassan Bubacar Jallow

Mr. James J. Arguin

Mr. George Mugwayna

Mr. Ousman Jammeh

**International Criminal Tribunal for Rwanda
Tribunal pénal international pour le Rwanda**

**CERTIFIED TRUE COPY OF THE ORIGINAL SEEN BY ME
COPIE CERTIFIÉE CONFORME À L'ORIGINAL PAR MOI**

NAME / NOM: KOFFI... KUMELI... A... AFANDE...

SIGNATURE: *Frans J.* **DATE:** 30 Nov. 2011

I, **THEODOR MERON**, Presiding Judge 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

RECALLING that Trial Chamber II of the Tribunal entered convictions against Justin Mugenzi ("Mugenzi") and Prosper Mugiraneza ("Mugiraneza") in *The Prosecutor v. Casimir Bizimungu et al.* on 30 September 2011, and sentenced them each to 30 years of imprisonment;²

BEING SEISED of Mugiraneza's motion, which requests: (i) a 30-day extension of time to file his notice of appeal from the date his counsel receives the written Trial Judgement ("First Request"); and (ii) leave to amend his notice of appeal in the event the Office of the Prosecutor ("Prosecution") submits a cross-appeal ("Second Request");³

NOTING the Prosecution's response, which opposes the Motion in its entirety as premature;⁴

NOTING that Mugiraneza received the Trial Judgement on 21 October 2011, and that Mugiraneza filed his notice of appeal on 21 November 2011;⁵

CONSIDERING that the 30-day time limit to file a notice of appeal runs from the date of the filing of the trial judgement⁶ and, consequently, that the deadline for filing a notice of appeal in this case was 18 November 2011;

CONSIDERING that, in accordance with Rule 116(A) of the Rules of Procedure and Evidence of the Tribunal, an extension of time may be granted upon a showing of good cause;

¹ Order Assigning a Pre-Appeal Judge, 30 November 2011.

² See T. 30 September 2011 pp. 13, 14. See also *The Prosecutor v. Casimir Bizimungu et al.*, Case No. ICTR-99-50-T, Judgement and Sentence, dated 30 September 2011 and filed on 19 October 2011 ("Trial Judgement"), paras. 1988, 2021, 2022.

³ Prosper Mugiraneza's Motion for Extension of Time to File Notice of Appeal, 12 October 2011 ("Motion"), paras. 3-10. See also Prosper Mugiraneza's Reply to the Prosecutor's Response to Mugiraneza's Motion for Extension of Time to File Notice of Appeal, 19 October 2011, paras. 3-8.

⁴ Prosecutor's Response to Prosper Mugiraneza's Motion for Extension of Time to File Notice of Appeal, 14 October 2011.

⁵ Prosper Mugiraneza's Notice of Appeal, 21 November 2011 ("Mugiraneza Notice of Appeal"). See Mugiraneza Notice of Appeal, para. 2. The Prosecution does not challenge this assertion.

⁶ See, e.g., *Pauline Nyiramasuhuko et al. v. The Prosecutor*, Case No. ICTR-98-42-A, Decision on Motions for Extension of Time for the Filing of Appeal Submissions, 25 July 2011, para. 4; *The Prosecutor v. Ildephonse Hategekimana*, Case No. ICTR-00-55B-A, Decision on Ildephonse Hategekimana's Second Motion for Extension of Time for the Filing of the Notice of Appeal, 28 February 2011, para. 2; *The Prosecutor v. Yussuf Munyakazi*, Case No. ICTR-97-36A-A, Decision on Yussuf Munyakazi's Motion for an Extension of Time for the Filing of the Notice of Appeal, 22 July 2010, para. 4; *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.

CONSIDERING that a Pre-Appeal Judge has the discretion to recognize as “validly done any act done after the expiration of a time-limit so prescribed”,⁷

CONSIDERING that the delayed service of the Trial Judgement to the parties constitutes good cause for a limited extension of time;⁸

CONSIDERING that Mugiraneza’s Second Request is moot as the Prosecution did not file a notice of appeal;

CONSIDERING that, in the interests of justice, the relief accorded to Mugiraneza should also be extended to Mugenzi;⁹

FOR THE FOREGOING REASONS,

GRANT Mugiraneza’s First Request, and **CONSIDER** as validly filed the Mugiraneza Notice of Appeal and Mugenzi Notice of Appeal; and

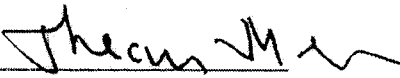
DISMISS the Motion in all other respects.

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

Done this 30th day of November 2011,
At The Hague,
The Netherlands.



[Seal of the Tribunal]


Judge Theodor Meron
Pre-Appeal Judge

⁷ Practice Direction on Procedure for the Filing of Written Submissions in Appeal Proceedings Before the Tribunal, 8 December 2006, para. 19.

⁸ *Augustin Ndingiriyimana et al. v. The Prosecutor*, Case No. ICTR-00-56-A, Decision on Request to Reconsider Decision on Motions for Extension of Time for the Filing of Appeal Submissions, 15 July 2011, p. 2.

⁹ See Justin Mugenzi’s Notice of Appeal, 21 November 2011 (“Mugenzi Notice of Appeal”).