



UNITED NATIONS  
NATIONS UNIES

Tribunal Pénal International pour le Rwanda  
International Criminal Tribunal for Rwanda

27/H

J. A

ICTR-98-44-A

27 JANUARY 2012

27/H - 25/H

IN THE APPEALS CHAMBER

Before: Judge Theodor Meron, Pre-Appeal Judge  
Registrar: Mr. Adama Dieng  
Decision of: 27 January 2012

**ÉDOUARD KAREMERA  
MATTHIEU NGIRUMPATSE**

v.

**THE PROSECUTOR**

*Case No. ICTR-98-44-A*

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**DECISION ON MOTIONS FOR EXTENSION OF TIME FOR THE FILING OF THE  
NOTICE OF APPEAL**

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**Counsel for Édouard Karemera**

Ms. Dior Diagne Mbaye  
Mr. Moussa Félix Sow

**Counsel for Matthieu Ngirumpatse**

Mr. Frédéric Weyl

**Office of the Prosecutor**

Mr. Hassan Bubacar Jallow  
Mr. James J. Arguin  
Mr. George W. Mugwanya  
Mr. Ousman Jammeh  
Ms. Memory Maposa

**ICTR Appeals Chamber**

Date: 27 January 2012  
Action: SHARIFAH ADONG  
Copied To: Concerned Judges  
S.L.Os, L.Os, A.L.Os, parties  
CM.S, L.S.S

*Sharifah.*

International Criminal Tribunal for Rwanda  
Tribunal pénal international pour le Rwanda

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NAME / NOM: .....SHARIFAH ADONG.....  
SIGNATURE: .....*Sharifah*..... DATE: 27/01/2012

I, THEODOR MERON, Presiding 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;<sup>1</sup>

**NOTING** the oral pronouncement of the judgement in this case by Trial Chamber III of the Tribunal on 21 December 2011;<sup>2</sup>

**BEING SEISED OF** motions filed by Mr. Édouard Karemera on 23 December 2011,<sup>3</sup> and Mr. Matthieu Ngirumpatse on 30 December 2011,<sup>4</sup> requesting a 30-day extension of time to file their respective notices of appeal from the filing of the French translation of the Trial Judgement;<sup>5</sup>

**NOTING** Mr. Ngirumpatse's alternative request for an extension of 60 days from the filing of the English version of the Trial Judgement;<sup>6</sup>

**NOTING** that the Prosecution responded to the Karemera Motion on 27 December 2011<sup>7</sup> and to the Ngirumpatse Motion on 5 January 2012;<sup>8</sup>

**NOTING** that Mr. Ngirumpatse replied on 9 January 2012<sup>9</sup> and that Mr. Karemera did not file a reply;

**RECALLING** that 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;<sup>10</sup>

<sup>1</sup> Order Assigning a Pre-Appeal Judge, 27 January 2012.

<sup>2</sup> T. 21 December 2011 pp. 1-16 ("Trial Judgement").

<sup>3</sup> *Requête aux fins de prorogation de délai en vue de former appel du Jugement rendu le 21 décembre 2011 par la Chambre III*, 23 December 2011 ("Karemera Motion").

<sup>4</sup> *Requête aux fins de report du délai imparti pour déposer la déclaration d'appel prévue par l'article 108 du Règlement de Procédure et de Preuve d'appel, à l'encontre du jugement de condamnation et de la sentence prononcée le 21 décembre 2011*, 30 December 2011 ("Ngirumpatse Motion").

<sup>5</sup> Karemera Motion, para. 14; Ngirumpatse Motion, para. 12.

<sup>6</sup> Ngirumpatse Motion, para. 12.

<sup>7</sup> Prosecutor's Response to the « *Requête aux fins de prorogation de délai en vue de former appel du Jugement rendu le 21 décembre 2011 par la Chambre III* », 27 December 2011.

<sup>8</sup> Prosecutor's Response to « *Requête aux fins de report du délai imparti pour déposer la déclaration d'appel prévue par l'article 108 du Règlement de Procédure et de Preuve d'appel, à l'encontre du jugement de condamnation et de la sentence prononcée le 21 décembre 2011* », 5 January 2012. See also Corrigendum to [sic] Prosecutor's Response to « *Requête aux fins de report du délai imparti pour déposer la déclaration d'appel prévue par l'article 108 du Règlement de Procédure et de Preuve d'appel, à l'encontre du jugement de condamnation et de la sentence prononcée le 21 décembre 2011* », 9 January 2012.

<sup>9</sup> Réplique à la Réponse du Procureur sur la Requête aux fins de report du délai imparti pour déposer la déclaration d'appel prévue par l'article 108 du Règlement de Procédure et de Preuve d'appel, à l'encontre du jugement de condamnation et de la sentence prononcée le 21 décembre 2011, 9 January 2012.

**NOTING** that a written version of the Trial Judgement has not yet been filed;

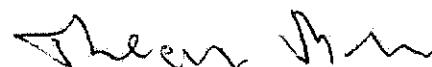
**CONSIDERING** that the requests for extensions of time are premature, since the time limit for the filing of the notice of appeal has not yet commenced to run and since the length, complexity, and language of the written Trial Judgement are not yet known;<sup>10</sup>

**HEREBY DISMISS** the Motions as premature.

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

Done this 27th day of January 2012,  
At The Hague,  
The Netherlands.



  
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Judge Theodor Meron  
Pre-Appeal Judge

[Seal of the Tribunal]

<sup>10</sup> See *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. Ildephonse Hagekimana*, Case No. ICTR-00-55B-A, Decision on Ildephonse Hagekimana's Motion for Extension of Time for the Filing of the Notice of Appeal, 20 January 2011 ("Hagekimana Appeal Decision"), para. 3.

<sup>11</sup> Cf. *Hagekimana* Appeal Decision, paras. 3, 4.