



Tribunal Pénal International pour le Rwanda
International Criminal Tribunal for Rwanda

27/H

S. 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

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

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

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| 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. |

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| 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: 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;¹

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

BEING SEISED OF motions filed by Mr. Édouard Karemera on 23 December 2011,³ and Mr. Matthieu Ngirumpatse on 30 December 2011,⁴ 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;⁵

NOTING Mr. Ngirumpatse’s alternative request for an extension of 60 days from the filing of the English version of the Trial Judgement;⁶

NOTING that the Prosecution responded to the Karemera Motion on 27 December 2011⁷ and to the Ngirumpatse Motion on 5 January 2012;⁸

NOTING that Mr. Ngirumpatse replied on 9 January 2012⁹ 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;¹⁰

¹ Order Assigning a Pre-Appeal Judge, 27 January 2012.

² T. 21 December 2011 pp. 1-16 (“Trial Judgement”).

³ *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”).

⁴ *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”).

⁵ Karemera Motion, para. 14; Ngirumpatse Motion, para. 12.

⁶ Ngirumpatse Motion, para. 12.

⁷ 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.

⁸ 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 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.

⁹ *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;¹¹

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.



Judge Theodor Meron
Pre-Appeal Judge

[Seal of the Tribunal]

¹⁰ 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 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, 20 January 2011 ("*Hategekimana* Appeal Decision"), para. 3.

¹¹ Cf. *Hategekimana* Appeal Decision, paras. 3, 4.