



Tribunal Pénal International pour le Rwanda
International Criminal Tribunal for Rwanda

1074/H

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ICTR-98-42-A
01st March 2012
{1074/H - 1072/H}

IN THE APPEALS CHAMBER

Before: Judge Fausto Pocar, Pre-Appeal Judge
Registrar: Mr. Adama Dieng
Decision of: 1 March 2012

ICTR Appeals Chamber
Date: 01st March 2012
Action: R. Juma
Copied To: All Concerned
Cf.

The PROSECUTOR

v.

Pauline NYIRAMASUHUKO
Arsène Shalom NTAHOBALI
Sylvain NSABIMANA
Alphonse NTEZIRYAYO
Joseph KANYABASHI
Élie NDAYAMBAJE

Case No. ICTR-98-42-A

**DECISION ON THE FILING OF ALPHONSE NTEZIRYAYO'S
APPEAL SUBMISSIONS**

Counsel for Pauline Nyiramasuhuko

Nicole Bergevin and Guy Poupard

Counsel for Arsène Shalom Ntahobali

Normand Marquis

Counsel for Sylvain Nsabimana

Josette Kadji and Pierre Tientcheu Weledji

Counsel for Alphonse Nteziryayo

Titinga Frédéric Pacere and
Gershom Otachi Bw'Omanwa

Counsel for Joseph Kanyabashi

Michel Marchand and Alexandra Marcil

Counsel for Élie Ndayambaje

Pierre Boulé

Office of the Prosecutor

Hassan Bubacar Jallow

James Arguin

Deborah Wilkinson

Steffen Wirth

Althea Alexis-Windsor

International Criminal Tribunal for Rwanda
Tribunal pénal international pour le Rwanda
CERTIFIED TRUE COPY OF THE ORIGINAL SEEN BY ME
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NAME / NOM: SHARIFAH ADONG
SIGNATURE: Sharifah DATE: 01/03/2012

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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 ("Tribunal"), and Pre-Appeal Judge in this case,¹ have decided *proprio motu* to reconsider the Decision on Motions for Extension of Time for the Filing of Appeal Submissions filed on 25 July 2011,² with a view to preparing the case for a fair and expeditious hearing.³

2. On 24 June 2011, Trial Chamber II of the Tribunal convicted Mr. Nteziryayo of direct and public incitement to commit genocide, and sentenced him to 30 years of imprisonment.⁴ The written judgement was filed in English on 14 July 2011.

3. On 22 July 2011, in my capacity as Pre-Appeal Judge, I granted Mr. Nteziryayo's request to file his notice of appeal within 90 days of the date on which he is served with the French translation of the Trial Judgement, and his appeal brief within 90 days of the date on which he files his notice of appeal.⁵ In doing so, I specifically stated that these time-limits may be reconsidered in light of any subsequent changes in the composition of Mr. Nteziryayo's Defence team.⁶

4. I note that the composition of Mr. Nteziryayo's Defence team has changed since the Decision on Extensions of Time was issued. Mr. Nteziryayo is now also represented by a co-counsel, Mr. Gershom Otachi Bw'Omanwa, who works in English.⁷ Mr. Gershom Otachi Bw'Omanwa is therefore capable of discussing the contents of the Trial Judgement with Mr. Nteziryayo and the Lead Counsel. In light of this change of circumstances, I consider that the original extensions of time for the filing of the notice of appeal and the appeal brief must be reconsidered.⁸

¹ Order Assigning a Pre-Appeal Judge, 21 July 2011.

² Decision on Motions for Extension of Time for the Filing of Appeal Submissions, signed on 22 July 2011, filed on 25 July 2011 ("Decision on Extensions of Time").

³ See Rule 108 bis (B) of the Rules of Procedure and Evidence of the Tribunal ("Rules").

⁴ *The Prosecutor v. Pauline Nyiramasuhuko et al.*, Case No. ICTR-98-42-T, Judgement and Sentence, pronounced on 24 June 2011, issued in writing on 14 July 2011 ("Trial Judgement"), vol. II, paras. 6186, 6271.

⁵ Decision on Extensions of Time, para. 16.

⁶ Decision on Extensions of Time, para. 13.

⁷ Letter from Defence Counsel and Detention Management Section addressed to Mr. Gershom Otachi, "Subject: Your assignment as Co-Counsel to represent the Accused Person *Alphonse Nteziryayo* for the Appeal Stage", 22 February 2012; Curriculum vitae of Mr. Gershom Otachi Bw'Omanwa, Document DCDMS No. 22252, 20 October 2009.

⁸ Cf. *The Prosecutor v. Emmanuel Rukundo*, Case No. ICTR-2001-70-A, Decision on the Filing of Emmanuel Rukundo's Reply Brief, 22 April 2010, paras. 5-8.

5. As a result of the new assignment of Mr. Gershom Otachi Bw'Omanwa as Co-Counsel and taking into consideration the length of the Trial Judgement, Mr. Nteziryayo's notice of appeal is to be filed within 60 days of the date of filing of the present decision. As regards the appeal brief, I consider that it is in the interests of justice to allow Mr. Nteziryayo adequate time to read the French translation of this lengthy Trial Judgement and to consult with his Counsel before filing his appeal brief.⁹ Accordingly, I consider it appropriate to order Mr. Nteziryayo to file his appeal brief no later than 60 days from the date of service of the French translation of the Trial Judgement.

6. For the foregoing reasons, Mr. Nteziryayo is ordered to file his notice of appeal no later than 1 May 2012, and his appeal brief no later than 60 days from the date on which he is served with the French translation of the Trial Judgement.

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

Done this first day of March 2012,
at The Hague,
The Netherlands.



Judge Fausto Pocar
Pre-Appeal Judge

[Seal of the Tribunal]

⁹ See Decision on Extensions of Time, paras. 5, 11.