



UNITED NATIONS  
NATIONS UNIES



Tribunal Pénal International pour le Rwanda  
International Criminal Tribunal for Rwanda

ICTR-00-55C-A  
26/6/2012  
(9H-7/H)

9/H  
RAM

IN THE APPEALS CHAMBER

Before: Judge Theodor Meron, Pre-Appeal Judge  
Registrar: Mr. Adama Dieng  
Decision of: 26 June 2012

ILDÉPHONSE NIZEYIMANA

v.

THE PROSECUTOR

Case No. ICTR-00-55C-A

ICTR Appeals Chamber  
Date: 26 June 2012  
Action:  
Copied To: Concerned Judges,  
Parties, LOs, JPU RAM

**DECISION ON ILDÉPHONSE NIZEYIMANA'S REQUEST FOR EXTENSION OF TIME  
TO FILE NOTICE OF APPEAL**

**Counsel for Idéphonse Nizeyimana:**

John Philpot

**Office of the Prosecutor:**

Hassan Bubacar Jallow

International Criminal Tribunal for Rwanda  
Tribunal pénal international pour le Rwanda  
CERTIFIED TRUE COPY OF THE ORIGINAL SEEN BY ME  
COPIE CERTIFIÉE CONFORME A L'ORIGINAL PAR NOUS  
NAME / NOM: ROSETTE MUZIGO-MORRISON  
SIGNATURE: [Signature] DATE: 26/6/12

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 "Judgement and Sentence" pronounced by Trial Chamber III of the Tribunal on 19 June 2012 and filed in writing on 22 June 2012;<sup>2</sup>

BEING SEISED OF a motion filed by Mr. Ildéphonse Nizeyimana on 26 June 2012, requesting an extension of time for the filing of his notice of appeal until 23 July 2012;<sup>3</sup>

NOTING that the Prosecution has not yet responded to the Motion;<sup>4</sup>

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>5</sup>

CONSIDERING that the Trial Judgement was filed on 22 June 2012 and that, in accordance with Rules 7 *ter* (B) and 108 of the Rules of Procedure and Evidence of the Tribunal, Mr. Nizeyimana therefore has until 23 July 2012 to file a notice of appeal;

FINDING, therefore, that for the purposes of the Tribunal, Mr. Nizeyimana is entitled to file his notice of appeal within the requested time and that no extension of time needs to be granted;

NOTING that, in accordance with Security Council Resolution 1966 (2010) and with respect to cases originating before the Tribunal, the Tribunal has competence to conduct and complete all appellate proceedings for which the notice of appeal against the judgement or sentence is filed prior to 1 July 2012, while the International Residual Mechanism for Criminal Tribunals will have

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<sup>1</sup> Order Assigning a Pre-Appeal Judge, 26 June 2012.

<sup>2</sup> *The Prosecutor v. Ildéphonse Nizeyimana*, Case No. ICTR-00-55C-T, Judgement and Sentence, 22 June 2012 ("Trial Judgement").

<sup>3</sup> Urgent Motion for Extension of Time for the Filing of the Notice of Appeal, 26 June 2012 ("Motion"), para. 8.

<sup>4</sup> In view of the need to expeditiously consider the Motion and the lack of prejudice to the Prosecution, I have considered the Motion without awaiting a response from the Prosecution.

<sup>5</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. Ildéphonse Hategekimana*, Case No. ICTR-00-55B-A, Decision on Ildéphonse Hategekimana's Motion for Extension of Time for the Filing of the Notice of Appeal, 20 January 2011, para. 3.

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competence to conduct and complete all appellate proceedings for which the notice of appeal against the judgement or sentence is filed on or after 1 July 2012;<sup>6</sup>

**FOR THE FOREGOING REASONS,**

**HEREBY DISMISS** the Motion as moot.

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

Done this 26th day of June 2012,  
At The Hague,  
The Netherlands.

  
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Judge Theodor Meron  
Pre-Appeal Judge

[Seal of the Tribunal]



<sup>6</sup> U.N. Security Council Resolution 1966, U.N. Doc. S/RES/1966, 22 December 2010, paras. 1, 2 and Annex 2, Article 2.