



UNITED NATIONS  
NATIONS UNIES



Tribunal Pénal International pour le Rwanda  
International Criminal Tribunal for Rwanda

23/H

ICTR-00-55C-A  
19<sup>th</sup> July 2012  
{23/H – 20/H}

IN THE APPEALS CHAMBER

**Before:** Judge Theodor Meron, Pre-Appeal Judge  
**Registrar:** Mr. Adama Dieng  
**Decision of:** 19 July 2012

**ILDÉPHONSE NIZEYIMANA**

v.

**THE PROSECUTOR**

*Case No. ICTR-00-55C-A*

---

**DECISION ON ILDÉPHONSE NIZEYIMANA'S MOTION FOR EXTENSION OF TIME  
FOR THE FILING OF THE APPELLANT'S BRIEF**

---

Counsel for Ildéphonse Nizeyimana

John Philpot

Office of the Prosecutor

Hassan Bubacar Jallow  
James J. Arguin

**ICTR Appeals Chamber**  
Date: 19<sup>th</sup> July 2012  
Action: R. Jallow  
Copied To: All concerned

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: DATE: 19/07/2012

**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** that, on 19 June 2012, Trial Chamber III of the Tribunal convicted Mr. Ildéphonse Nizeyimana of genocide, extermination and murder as crimes against humanity, and murder as a serious violation of Article 3 common to the Geneva Conventions and of Additional Protocol II, and that the written Trial Judgement was filed in English on 22 June 2012;<sup>2</sup>

**BEING SEISED** of a motion filed by Mr. Nizeyimana on 11 July 2012, requesting an extension of time for the filing of his Appellant’s brief until 60 days after the service on Mr. Nizeyimana of the French translation of the Trial Judgement;<sup>3</sup>

**NOTING** that Mr. Nizeyimana has not yet filed a notice of appeal in this case and that, in accordance with Rules 7 *ter* (B) and 108 of the Rules of Procedure and Evidence of the Tribunal (“Rules”), he has until 23 July 2012 to do so;<sup>4</sup>

**NOTING** that Mr. Nizeyimana submits that he will file a notice of appeal within the time-period prescribed in the Rules;<sup>5</sup>

**NOTING** that, in accordance with Rule 111(A) of the Rules, Mr. Nizeyimana’s Appellant’s brief in this case, if any, will be due 75 days after the filing of his notice of appeal, or 30 days after the filing of his notice of appeal, if his appeal is limited to sentencing;

**NOTING** that, in support of his Motion, Mr. Nizeyimana submits that: (i) he does not know English and that his ability to fully participate in the preparation of his appeal depends on the

---

<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, signed on 19 June 2012, filed on 22 June 2012 (“Trial Judgement”), p. 439. I note that, on 29 June 2012, the Prosecution filed a notice of appeal against the Trial Judgement. Prosecutor’s Notice of Appeal, 29 June 2012.

<sup>3</sup> Urgent Motion for Extension of Time for the Filing of the Appellant’s Brief, 11 July 2012, (“Motion”), paras. 15, 16.

<sup>4</sup> See also Decision on Ildéphonse Nizeyimana’s Request for Extension of Time to File Notice of Appeal, 26 June 2012, in which I dismissed as moot Mr. Nizeyimana’s motion, filed the same day, requesting an extension of time for the filing of his notice of appeal until 23 July 2012.

<sup>5</sup> Motion, para. 7.

availability of the French translation of the Trial Judgement;<sup>6</sup> and that (ii) at approximately 445 pages, the Trial Judgement is the longest for a single accused case before the Tribunal;<sup>7</sup>

**CONSIDERING** that Rule 116(A) of the Rules allows for the extension of time of any deadline on a showing of good cause;

**CONSIDERING** that Rule 116(B) of the Rules provides that the requirement for good cause is satisfied “[w]here the ability of the accused to make full answer and [d]efence depends on the availability of a decision in an official language other than that in which it was originally issued”;

**CONSIDERING** that it is in the interests of justice to allow Mr. Nizeyimana adequate time to read the Trial Judgement in a language he understands and to consult with his Counsel before filing his Appellant’s brief,<sup>8</sup> and that, accordingly, good cause exists to grant an extension of time for the filing of Mr. Nizeyimana’s Appellant’s brief;

**CONSIDERING** that the Trial Judgement is 445 single-spaced pages in length, excluding annexes, and is of a substantial length for a judgement regarding a single accused;

**CONSIDERING** however that, given that Mr. Nizeyimana’s Counsel works in English,<sup>9</sup> he may commence the preparation of the Appellant’s brief in consultation with Mr. Nizeyimana before receiving the French translation of the Trial Judgement;<sup>10</sup>

**CONSIDERING** further that the extension of time granted for the filing of Mr. Nizeyimana’s Appellant’s brief will impact the overall time dedicated to considering the appeals in this case;

**FINDING** therefore that it is appropriate in this instance to allow a more limited extension of time than the extension requested;

---

<sup>6</sup> Motion, paras. 5, 8, 9, 11. I note that the Prosecution has not yet filed a response to the Motion, but consider that it is in the interest of justice to rule on the Motion without awaiting the response of the Prosecution. In so doing, I am satisfied that the Prosecution does not suffer any prejudice.

<sup>7</sup> Motion, para. 14.

<sup>8</sup> See, e.g., *Grégoire Ndahimana v. The Prosecutor*, Case No. ICTR-01-68-A, Decision on Grégoire Ndahimana’s Motion for Extension of Time to File his Appellant’s and Respondent’s Briefs, 28 February 2012 (“*Ndahimana Decision*”), p. 2 and references cited therein.

<sup>9</sup> See Motion, para. 6.

<sup>10</sup> See *Ndahimana Decision*, p. 2 and references cited therein.

**FOR THE FOREGOING REASONS,**

**GRANT** the Motion in part;

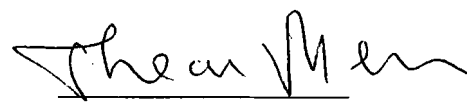
**ORDER** Mr. Nizeyimana to file his Appellant's brief, if any, no later than 40 days from the date on which he is served with the French translation of the Trial Judgement; and

**INSTRUCT** the Registrar to provide the French translation of the Trial Judgement to Mr. Nizeyimana as soon as practicable and to inform the Appeals Chamber when the translation is served on Mr. Nizeyimana.

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

Done this 19th day of July 2012,  
At The Hague,  
The Netherlands.



  
Judge Theodor Meron  
Pre-Appeal Judge

[Seal of the Tribunal]