



Tribunal Pénal International pour le Rwanda
International Criminal Tribunal for Rwanda

86/H

QV

ICTR-05-89-AR11bis
12 September 2012

IN THE APPEALS CHAMBER

{86/H – 84/H}

Before: Judge Theodor Meron, Pre-Appeal Judge
Acting Registrar: Mr. Pascal Besnier
Decision of: 12 September 2012

BERNARD MUNYAGISHARI

v.

THE PROSECUTOR

Case No. ICTR-05-89-AR11bis

DECISION ON BERNARD MUNYAGISHARI'S SECOND MOTION FOR EXTENSION OF TIME FOR THE FILING OF HIS RESPONSE BRIEF

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François Nsanzuwera
Erica Bussey

ICTR Appeals Chamber
Date: 12th Sept. 2012
Action: *Jeune R.*
Copied To: Concerned Judges
Parties, JPU, LSS, LRS
[Signature]

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: *12/Sept/2012*

1. 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 am seised of a motion for extension of time filed on 5 September 2012 by Mr. Bernard Munyagishari.²

2. Mr. Munyagishari is charged before the Tribunal with conspiracy to commit genocide, genocide, complicity in genocide, and murder and rape as crimes against humanity.³ On 6 June 2012, the Referral Chamber Designated under Rule 11 *bis* ordered Mr. Munyagishari’s case to be referred to the authorities of the Republic of Rwanda for trial before the High Court of Rwanda, subject to certain conditions.⁴ Mr. Munyagishari and the Prosecution filed notices of appeal against the Referral Decision on 19 and 20 June 2012, respectively.⁵ On 28 June 2012, I granted Mr. Munyagishari leave to file his appeal brief within 15 days of the date on which he is served with the French translation of the Referral Decision.⁶ The Prosecution filed its appeal brief in English on 29 June 2012.⁷ On 4 July 2012, I granted Mr. Munyagishari leave to file his response brief within 10 days of the date on which he is served with the French translation of the Prosecution Appeal Brief.⁸ While the French translation of the Referral Decision is not available yet, the French translation of the Prosecution Appeal Brief was served on Mr. Munyagishari on 5 September 2012.⁹

3. Mr. Munyagishari requests that the Appeals Chamber grant him leave to file his response brief within 10 days of service of the French translation of the Referral Decision, pursuant to Articles 20(2), 20(4)(b), and 20(4)(f) of the Statute of the Tribunal and Rule 116 of the Rules of Procedure and Evidence of the Tribunal.¹⁰ In support of his Motion, Mr. Munyagishari submits that

¹ Order Assigning a Pre-Appeal Judge, 21 June 2012.

² *Requête urgente de la Défense de Bernard Munyagishari aux fins de prolongation du délai pour la Réponse au Mémoire du Procureur*, 5 September 2012 (“Motion”). I note that the Prosecution has not yet responded to the Motion. However, given that Mr. Munyagishari must presently file his response brief no later than 17 September 2012, I consider it to be in the interests of justice to rule on the Motion without awaiting the Prosecution’s response. See *infra*, para. 2.

³ *The Prosecutor v. Bernard Munyagishari*, Case No. ICTR-05-89-I, Indictment, 8 September 2005.

⁴ *The Prosecutor v. Bernard Munyagishari*, Case No. ICTR-05-89-R11*bis*, Decision on the Prosecutor’s Request for Referral of the Case to the Republic of Rwanda, 6 June 2012 (“Referral Decision”), pp. 54, 55.

⁵ *Acte d’appel de la Défense de Bernard Munyagishari*, 19 June 2012; Prosecutor’s Notice of Appeal Pursuant to Rule 11 *bis* (H), 20 June 2012.

⁶ Decision on Bernard Munyagishari’s Motion for Extension of Time and Other Relief, 28 June 2012, para. 9.

⁷ Prosecutor’s Appellant’s Brief, 29 June 2012 (“Prosecution Appeal Brief”).

⁸ Decision on Bernard Munyagishari’s Motion for Translation and Extension of Time for the Filing of his Response Brief, 4 July 2012 (“Decision of 4 July 2012”), para. 8.

⁹ Motion, para. 7. See *Mémoire d’appel du Procureur*, 5 September 2012.

¹⁰ Motion, para. 12. See also *ibid.*, para. 8.

the Prosecution Appeal Brief contains numerous references to the Referral Decision and that responding to it would require an understanding of the Referral Decision.¹¹ He further argues that the requested extension of time will not delay the proceedings in light of the extension of time granted for the filing of his appeal brief.¹²

4. I recall that a limited extension of time may be allowed in the interests of justice where it will not impact the overall time dedicated to considering the appeal.¹³ Given the fact that the main language of Mr. Munyagishari's Counsel is French and that it is not anticipated that the overall briefing in this case will be concluded until the end of October 2012,¹⁴ I am satisfied that, in the particular circumstances of this case, it is in the interests of justice to allow Mr. Munyagishari's requested extension of time.

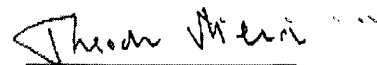
5. For the foregoing reasons, I hereby **GRANT** the Motion, and **ORDER** Mr. Munyagishari to file his response brief within 10 days of the date on which he is served with the French translation of the Referral Decision.

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

Done this 12th day of September 2012,
At The Hague,
The Netherlands.



[Seal of the Tribunal]


Judge Theodor Meron
Pre-Appeal Judge

¹¹ Motion, para. 8.

¹² Motion, para. 11.

¹³ See, e.g., *Édouard Karemera and Matthieu Ngirumpatse v. The Prosecutor*, Case No. ICTR-98-44-A, Decision on Matthieu Ngirumpatse's Motion for an Extension of Time for the Filing of his Brief in Reply, 22 August 2012, para. 7; Decision of 4 July 2012, para. 7; *Édouard Karemera and Matthieu Ngirumpatse v. The Prosecutor*, Case No. ICTR-98-44-A, Decision on Matthieu Ngirumpatse's Motion for an Extension of Time for the Filing of his Respondent's Brief, 14 June 2012, para. 8.

¹⁴ The filing of the French translation of the Referral Decision is now not anticipated before the end of September 2012.