



UNITED NATIONS  
NATIONS UNIES



Tribunal Pénal International pour le Rwanda  
International Criminal Tribunal for Rwanda

112/H

*CA*

ICTR-00-55C-A  
17<sup>th</sup> Sept. 2012  
{112/H – 109/H}

IN THE APPEALS CHAMBER

Before: Judge Theodor Meron, Pre-Appeal Judge  
Acting Registrar: Mr. Pascal Besnier  
Decision of: 17 September 2012

ILDÉPHONSE NIZEYIMANA

v.

THE PROSECUTOR

Case No. ICTR-00-55C-A

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DECISION ON ILDÉPHONSE NIZEYIMANA'S MOTION FOR EXTENSION OF TIME  
FOR THE FILING OF THE RESPONSE TO PROSECUTOR'S APPELLANT'S BRIEF

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Counsel for Ildéphonse Nizeyimana

John Philpot

Office of the Prosecutor

Hassan Bubacar Jallow  
James J. Arguin

ICTR Appeals Chamber  
Date: 17<sup>th</sup> Sept. 2012  
Action: R. Jallow  
Copied To: Concerned Judges,  
Parties, LO, JPU, LSS  
*[Signature]*

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: ROSETTE MUZIGO-MORRISON  
SIGNATURE: *[Signature]* DATE: 17/Sept/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** 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>

**NOTING** that, on 29 June 2012 and 23 July 2012, the Prosecution and Mr. Nizeyimana filed their respective notices of appeal against the Trial Judgement;<sup>3</sup>

**NOTING** that, on 12 September 2012, the Prosecution filed its Appellant’s brief in English (“Prosecution Appeal Brief”);<sup>4</sup>

**BEING SEISED** of a motion filed by Mr. Nizeyimana on 24 August 2012, requesting an extension of time for the filing of his Respondent’s brief (“Response Brief”) until 40 days after the service on Mr. Nizeyimana of the French translation of the Trial Judgement or of the French translation of the Prosecution Appeal Brief, whichever is later;<sup>5</sup>

**NOTING** that, in accordance with Rule 112(A) of the Rules, Mr. Nizeyimana’s Response Brief in this case, if any, is currently due no later than 22 October 2012, *i.e.*, 40 days after the filing of the Prosecution Appeal Brief;

**NOTING** that, in support of his Motion, Mr. Nizeyimana submits that: (i) he does not understand English and that his ability to fully participate in the preparation of his Response Brief and to make full answer to the Prosecution’s appeal depends on the availability of the French translations of the Trial Judgement and the Prosecution Appeal Brief;<sup>6</sup> and that (ii) “the Prosecutor’s appeal is far

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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, signed on 19 June 2012, filed on 22 June 2012 (“Trial Judgement”), p. 439.

<sup>3</sup> Prosecutor’s Notice of Appeal, 29 June 2012; Ildéphonse Nizeyimana’s Notice of Appeal, 23 July 2012.

<sup>4</sup> Prosecutor’s Appellant’s Brief, 12 September 2012.

<sup>5</sup> Urgent Motion for Extension of Time for the Filing of the Response to Prosecutor’s Appellant[s] Brief, 24 August 2012 (“Motion”), paras. 18-20.

<sup>6</sup> Motion, paras. 8, 12-13.

reaching and fact-based and requires an extensive reading and analysis by [Mr. Nizeyimana] of the very long [Trial] Judgement and the Prosecutor's Appe[al] Brief';<sup>7</sup>

**NOTING** that the Prosecution has not filed a response to the Motion;

**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 and the Prosecution Appeal Brief in a language he understands and to consult with his Counsel before filing his Response Brief,<sup>8</sup> and that, accordingly, good cause exists to grant an extension of time for the filing of Mr. Nizeyimana's Response 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** that it is not anticipated that the overall briefing in this case will be concluded until the end of November 2013 and, therefore, an extension of time for the Response Brief will not impact the overall time dedicated to considering the appeals in this case;<sup>9</sup>

**CONSIDERING** however that, given that Mr. Nizeyimana's Counsel works in English,<sup>10</sup> he may commence the preparation of the Response Brief in consultation with Mr. Nizeyimana before receiving the French translation of the Trial Judgement and the Prosecution Appeal Brief;<sup>11</sup>

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

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<sup>7</sup> Motion, para. 18.

<sup>8</sup> See, e.g., *Callixte Nzabonimana v. The Prosecutor*, Case No. ICTR-98-44D-A, Decision on Extension of Time Limits, 7 September 2012, para. 8 ("*Nzabonimana Decision*"); *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> I recall that on 19 July 2012, I granted Mr. Nizeyimana leave 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. See Decision on Ildéphonse Nizeyimana's Motion for Extension of Time for the Filing of the Appellant's Brief, 19 July 2012 ("*Decision of 19 July 2012*"). The Language and Conference Services Section of the Tribunal has indicated that the French translation of the Trial Judgement will not be available before the end of July 2013. See E-mail from Language Services Unit, Appeals Chamber Support Section, dated 20 July 2012.

<sup>10</sup> See Decision of 19 July 2012, p. 2, referring to Urgent Motion for Extension of Time for the Filing of the Appellant's Brief, 11 July 2012, para. 6.

<sup>11</sup> See *Nzabonimana Decision*, para. 8; *Ndahimana Decision*, p. 2 and references cited therein.

**FOR THE FOREGOING REASONS,**

**GRANT** the Motion in part;


**ORDER** Mr. Nizeyimana to file his Response Brief, if any, no later than 20 days from the date on which he is served with the French translation of the Trial Judgement and the Prosecution Appeal Brief, whichever is later; and

**INSTRUCT** the Registrar to provide the French translation of the Trial Judgement and the Prosecution Appeal Brief to Mr. Nizeyimana as soon as practicable and to inform the Appeals Chamber when these translations are served on Mr. Nizeyimana.

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

Done this 17th day of September 2012,  
At The Hague,  
The Netherlands.



  
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Judge Theodor Meron  
Pre-Appeal Judge

[Seal of the Tribunal]