

ICTR-96-3-A
05/Feb/2003
(9602/h/bis - 9600/h/bis)

9602/h/b
Ru



UNITED NATIONS
NATIONS UNIES

International Criminal Tribunal for Rwanda
Tribunal Pénal International pour le Rwanda

APPEALS CHAMBER

English
Original: FRENCH

Before: Judge Claude Jorda, presiding
Judge Mohamed Shahabuddeen
Judge Mehmet Güney
Judge Fausto Pocar
Judge Theodor Meron

Registry: Adama Dieng

Decision of: 23 January 2003

Translation
ICTR Appeals Chamber
Date: 05 February 2003
Action: PG
Copied To: All Judges, Parties,
Judicial Archived, All LOs
Common Drive
[Signature]

GEORGES ANDERSON NDERUBUMWE RUTAGANDA
(Appellant)

v.

THE PROSECUTOR
(Respondent)

Case No. ICTR-96-3-A

DECISION ON THE MOTIONS FOR LEAVE TO EXCEED THE PAGE LIMITS
APPLICABLE TO MOTIONS

Counsel for the Appellant:

David Jacobs
David Paciocco

Office of the Prosecutor:

Norman Farrell

Translation certified by LSS, ICTR
HAG(A)03-0002 (E)

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[Signature]

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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 1994 and 31 December 1994 (the "Appeals Chamber" and "the Tribunal" respectively),

Considering the "Decision on the Urgent Defence Motion for Disclosure and Admission of Additional Evidence and Scheduling Order", rendered in the instant case on 12 December 2002, in which the Appeals Chamber, *inter alia*, specifically ordered Georges Anderson Nderubumwe Rutaganda (the "Appellant") to submit a *consolidated motion* pursuant to Rule 115 of the Rules of Procedure and Evidence (the "Rules") no later than 6 January 2003,

Considering the "*Consolidated Defense Motion for an Order varying the grounds of appeal pursuant to Rule 107 bis and Rules 114 and 116 of the Rules of Procedure and Evidence; for a rehearing of oral argument in the appeal pursuant to Article 24 of the Statute of the International Tribunal for Rwanda, and for the admission of additional evidence pursuant to Rules 115 A and B of the Rules of Procedure and Evidence, as well as a Request for extension of the page limit applicable to motions*", filed by the Appellant on 3 January 2003 (the "Consolidated Motion"),

Considering the "*Prosecution Response to Consolidated Defence Motion pursuant to Article 24 of the Statute and Rules 114, 115 and 116 of the Rules*", filed by the Prosecution on 16 January 2003 (the "Response"),

Considering the "*Defence Reply to the Prosecution's Response to Consolidated Defence Motion purusant [sic] to Article 24 of the Statue [sic] and Rules 114, 115 and 116 of the Rules*", filed by the Appellant on 20 January 2003 (the "Reply"),

Whereas the parties appended to their briefs applications for leave to exceed the page limits applicable to motions brought before the Tribunal,

Noting that the practice directions in force before the Tribunal do not specify any maximum page limit applicable to motions filed pursuant to Rule 115 of the Rules,

Considering that the Appeals Chamber must therefore its residual power to issue guidelines for appeal proceedings before the Tribunal and that, in the light of the said power, the filing of the Consolidated Motion and the Response, 33 and 35 pages long respectively, appears to be justified by the circumstances of the instant case,

Considering, however, that the filing of a Reply of 70 pages does not appear to be justified by the circumstances of the instant case, which would warrant a reply not exceeding 20 pages, it being understood that such a document should deal with the arguments in response in a concise manner, and not contain unnecessary repetitions,

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For the foregoing reasons,

Grants the filing of the Consolidated Motion and the Response;

Orders the Appellant to file a new reply not exceeding 20 pages, no later than 24 January 2003.

Done in French and English, the French being authoritative.

Claude Jorda,
Presiding Judge

Done at The Hague, The Netherlands, 23 January 2003.

[Seal of the Tribunal]

