



International Criminal Tribunal for Rwanda  
Tribunal Pénal International pour le Rwanda

1105/A  
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**IN THE APPEALS CHAMBER**

**Before:** Judge Mehmet Gürney, Pre-Appeal Judge  
**Registrar:** Mr. Adama Dieng  
**Decision of:** 26 August 2003

**Élizaphan NTAKIRUTIMANA and Gérard NTAKIRUTIMANA**

**v.**

**THE PROSECUTOR**

*Case No. ICTR-96-10-A and ICTR-96-17-A*

**26<sup>th</sup> August, 2003**  
**(1105/A - 1103/A)**

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**DECISION REGARDING THE PROSECUTION'S MOTION FOR  
EXTENSION OF PAGE LIMITS**

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**Counsel for the Prosecution:**

Mr. Norman FARRELL

**Counsel for Elizaphan Ntakirutimana**

Mr. Ramsey CLARK

**Counsel for Gérard Ntakirutimana**

Mr. David JACOBS

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ICTR  
JUDICIAL DEPARTMENT/REGISTRY  
PROSECUTOR

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1104/A

I, **MEHMET GÜNEY**, 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 1994 and 31 December 1994 ("International Tribunal"),

**SERVING** as Pre-Appeal Judge in *Gérard Ntakirutimana and Elizaphan Ntakirutimana v. The Prosecutor*, Case No. ICTR-96-10-A and ICTR-96-17-A, pursuant to Rule 108 *bis* of the Rules of Procedure and Evidence of the International Tribunal ("Rules");

**SEISED** of the "Motion for Extension of Page Limits" ("Motion"), filed on 15 August 2003, in which the Prosecution requests an extension of pages to reply to Gérard Ntakirutimana's "Defence Response to the Prosecution Appeal Brief" ("Gérard Ntakirutimana's Response to Prosecution Appeal Brief") and Elizaphan Ntakirutimana's "Reply to Prosecutor's Appeal Brief" (*sic*) (Elizaphan Ntakirutimana's Response to Prosecutor's Appeal Brief"), filed on 4 August 2003 and 5 August 2003, respectively;

**NOTING** "Gérard Ntakirutimana's Response to the Prosecution Motion for Extension of Page Limits for the Prosecution Appeal Brief" ("Gérard Ntakirutimana's Response to Motion"), filed on 21 August 2003, in which he objects to the Motion disputing, *inter alia*, that some of the issues raised in his Response to the Prosecution Appeal Brief are not entirely new and could have easily been dealt with in the Prosecution Appeal Brief;

**NOTING**, further, that Gérard Ntakirutimana's Response to Motion asserts that the Rules anticipate that the appeal of an acquittal can be defended on any basis on which the acquittal can be sustained and that this was taken into consideration when page limits were established by the Practice Direction on the Length of Briefs and Motions on Appeal ("Practice Direction") dated 16 September 2002;

**NOTING**, also, in Gérard Ntakirutimana's Response to Motion he contends that the Defence was denied an extension of page limits for its Appeal Briefs;

**CONSIDERING** that Article 1(c)(i) of the Practice Direction, specifies that a consolidated reply brief addressed to two appellees (i.e. Gérard and Elizaphan Ntakirutimana) must not exceed forty (40) pages or twelve thousand (12,000) words, whichever is greater;

**CONSIDERING** that, pursuant to Article 5 of the Practice Direction, the Pre-Appeal Judge may grant an extension of page limits for exceptional circumstances;

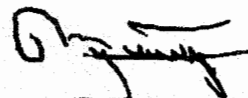
**CONSIDERING** that the Prosecution argues, *inter alia*, in its Motion that it has to respond to separate issues in relation to the two Responses to the Prosecution Appeal Brief; that, in these, Gérard and Elizaphan Ntakirutimana raise legal issues that were not addressed in the Prosecution's Appeal Brief which require substantiation; and that Gérard Ntakirutimana, in his Response to the Prosecution Appeal Brief, disputes the factual findings of the Trial Chamber regarding one of the grounds raised in the Prosecution Appeal Brief;

**CONSIDERING** that the explanations provided by the Prosecution amount to exceptional circumstances;

**CONSIDERING**, further, that the Prosecution's Reply Brief, filed on 19 August 2003, is forty-seven pages long and does not excessively exceed the page limit as set out in the Practice Direction;

**GRANT** the Motion and **ACCEPT** the Prosecution's Reply Brief in its oversized form.

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



Judge Mehmet Güney  
Pre-Appeal Judge

Done this 26<sup>th</sup> day of August 2003,  
At The Hague,  
The Netherlands.



[Seal of the Tribunal]