



International Criminal Tribunal for Rwanda
Tribunal pénal international pour le Rwanda

IN THE APPEALS CHAMBER

Before: Judge Mehmet Güney, Pre-Appeal Judge

Registrar: Mr. Adama Dieng

Decision of: 11 September 2003

Gérard Ntakirutimana and Elizaphan Ntakirutimana

v.

THE PROSECUTOR

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

**DECISION ON THE PROSECUTION'S EXTREMELY URGENT MOTION FOR
EXTENSION OF PAGE LIMITS**

Counsel for the Prosecution:

Mr. Norman FARRELL

Counsel for Elizaphan Ntakirutimana

Mr. Ramsey CLARK

Counsel for Gérard Ntakirutimana

Mr. David JACOBS

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 (the "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;

BEING SEISED of the “Extremely Urgent Motion for Extension of Page Limits” (the “Motion”), filed on 03 September 2003, in which the Prosecution requests an extension of pages for its consolidated Response Brief to Gérard Ntakirutimana’s and Elizaphan Ntakirutimana’s Appeal Briefs (“Appellants” and “Appeal Briefs”) filed on 28 July 2003 and 10 August 2003, respectively;

NOTING the “Response of the Defendant, Gérard Ntakirutimana, to the Extremely Urgent Prosecution Motion for an Extension of the Page Limits”, and the “Response of Appellant Elizaphan Ntakirutimana to the Prosecutor’s Motion for an Extension of One Hundred Pages over Page Limits”, both filed on 05 September 2003, in which the Appellants argue that the Motion should be dismissed on the grounds that the submissions of the Prosecutor are without merit and that no exceptional circumstances have been shown which would justify the extension sought;

NOTING the Prosecution’s “Reply to Response to the Prosecution’s Motion for Extension of Page Limits”, filed on 05 September 2003;

CONSIDERING that Article 1(b) of the Practice Direction on the Length of Briefs and Motions on Appeal (the “Practice Direction”), specifies that a consolidated response brief addressed to two appellees (i.e. Gérard and Elizaphan Ntakirutimana) must not exceed one hundred (100) pages or thirty thousand (30,000) words, whichever is greater, in respect of one appellee and a further thirty five (35) pages or ten thousand (10, 000) words, whichever is greater, for each additional appellee;

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

CONSIDERING that the Prosecution argues in its Motion, *inter alia*, that, given the limited overlap between the Appellants’ Appeal Briefs, it has to respond to separate issues in relation to the two briefs and has therefore a limited ability to present a consolidated response;

CONSIDERING also the argument of the Prosecution that there are numerous short and unsubstantiated allegations which require much lengthier responses;

CONSIDERING that the Appellants’ Appeal Briefs contain a sizeable and diverse number of alleged errors;

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

CONSIDERING, however, that an extension of one hundred (100) pages as sought, is not justified in the circumstances;

GRANT the Motion and **ALLOW** the Prosecution to file a Response Brief not to exceed one hundred and sixty (160) pages.

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

Judge Mehmet Güney
Pre-Appeal Judge

Done this 11th day of September 2003,
At The Hague,
The Netherlands.

[Seal of the Tribunal]