

ICTR-99-52.A
11 MARCH 2004
(129/H-128/H)

129/H



UNITED NATIONS
NATIONS UNIES



Tribunal Pénal International pour le Rwanda
International Criminal Tribunal for Rwanda

BEFORE THE PRE-APPEAL JUDGE

Before: Judge Weinberg de Roca, Pre-Appeal Judge
Registrar: Mr. Adama Dieng
Decision of: 11 March 2004

ICTR Appeals Chamber
Date: 11-iii-04
Action: PG
Copied To: JUDGES

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11-03-04

Ferdinand NAHIMANA
Jean-Bosco BARAYAGWIZA
Hassan NGEZE
(Appellants)

v.

THE PROSECUTOR
(Respondent)

AWS / LOS
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Rhy Burris

Case No. ICTR-99-52-A

DECISION ON NGEZE'S MOTION FOR RECONSIDERATION OF THE DECISION DENYING AN EXTENSION OF PAGE LIMITS HIS APPELLANT'S BRIEF

Counsel for the Appellants

Mr. Jean-Marie Biju-Duval
Mr. Giacomo Barletta-Caldarera
Mr. John C. Floyd III

Counsel for the Prosecutor

Mr. James Stewart
Ms. Melanie Werrett

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: RHY BURRIS
SIGNATURE: Rhy Burris
DATE: 11-iii-04

I, Inés Mónica Weinberg de Roca, Pre-Appeal Judge in this case,¹

BEING SEISED OF the “Prisoner Hassan Ngeze Motion for Requesting (sic) to Revise the Recent Decision on Ngeze (sic) Motion for Extension of Pages Limits Under Exceptional Circumstances, Pursuant to Rules (5) of the Practice Direction of the Length of Briefs and Motion on Appeal” dated 8 March 2004 and filed by the Appellant Ngeze on 9 March 2004 (“Motion”), in which the Appellant Ngeze seeks to justify an extension of the page limit for his Appellant’s Brief to 200 pages on the grounds that he will be filing a “supplementary Notice of Appeal” and a “supplementary Appeal Brief”;

NOTING that paragraph 1(a) of the Practice Direction on the Length of Briefs and Motions on Appeal dated 16 September 2002 (“Practice Direction”) provides that “the brief of an appellant on appeal from a final judgement of a Trial Chamber will not exceed 100 pages or 30,000 words, whichever is greater” and that paragraph 5 of the Practice Direction requires a party seeking an extension of the page limit to “provide an explanation of the exceptional circumstances that necessitate the oversized filing”;

RECALLING the “Decision on Ngeze’s Motion for an Extension of Page Limits for Appeals Brief” of 2 March 2004, in which the Pre-Appeal Judge denied Counsel for Ngeze’s request for an identical extension of the page limits for the Appellant’s Brief;

RECALLING the “Decision on Ngeze’s Motion for Clarification of the Schedule and Scheduling Order” of 2 March 2004, in which the Pre-Appeal Judge held that each Appellant is only entitled to a single Notice of Appeal and a single Appellant’s Brief;

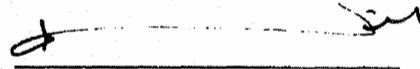
FINDING that the Appellant Ngeze has not shown exceptional circumstances that necessitate the requested oversized filing and that, having considered the Appellant’s arguments, there is no reason to reconsider these previous decisions;²

DISMISS the Motion in its entirety;

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

Dated this 11th day of March 2004,
At The Hague, The Netherlands.




Judge Inés Mónica Weinberg de Roca
Pre-Appeal Judge

¹ “Order of the Presiding Judge Assigning Judges and Designating the Pre-Appeal Judge” 19 December 2003.

² For a discussion of the circumstances in which the Appeals Chamber may reconsider one of its decisions see, e.g. *Prosecutor v. Mucić et al.*, ICTY Case No. IT-96-21-Abis, Judgment on Sentence Appeal, 8 April 2003, pars 49 *et seq.*