

1507/H



Tribunal Pénal International pour le Rwanda  
International Criminal Tribunal for Rwanda

ICTR-01-76-A  
30 November 2006  
(1507/H – 1505/H)

BEFORE THE PRE-APPEAL JUDGE

P.T.

Before: Judge Liu Daqun, Pre-Appeal Judge

Registrar: Mr. Adama Dieng

Order of: 30 November 2006

2006 NOV 30 A 9 17  
JUDICIAL RECORDS/ARCHIVES  
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THE PROSECUTOR

v.

Aloys SIMBA

<p>ICTR Appeals Chamber</p> <p>Date: 30 November 2006</p> <p>Action: P.T.</p> <p>Copied To: concerned Judges, Parties, SLOS, LOS, ALOS, LRS Archive</p> <p><i>[Signature]</i></p>
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Case No. ICTR-01-76-A

**ORDER CONCERNING THE PROSECUTION'S RESPONDENT'S BRIEF**

Office of the Prosecutor

Mr. James Stewart  
Mr. George William Mugwanya  
Ms. Inneke Onsea  
Ms. Evelyn Kamau

Counsel for Aloys Simba

Mr. Sadikou Ayo Alao  
Mr. Wenceslas de Souza

<p>International Criminal Tribunal for Rwanda Tribunal pénal international pour le Rwanda</p> <p>CERTIFIED TRUE COPY OF THE ORIGINAL SEEN BY ME COPIE CERTIFIÉE CONFORME À L'ORIGINAL PAR NOUS</p>	
NAME / NOM: Tchidiyase, Patrice	
SIGNATURE: <i>[Signature]</i>	DATE: 30/11/06

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I, LIU DAQUN, 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 ("Tribunal") and the Pre-Appeal Judge in this case;<sup>1</sup>

NOTING the Prosecutor's Respondent's Brief, filed on 24 November 2006 ("Respondent's Brief"), by the Office of the Prosecutor ("Prosecution");

RECALLING that by virtue of Rule 108(bis)(B) of the Rules of Procedure and Evidence of the Tribunal ("Rules"), a Pre-Appeal Judge shall "ensure that the proceedings are not unduly delayed and shall take any measures related to procedural matters, including the issuing of decisions, orders and directions with a view to preparing the case for a fair and expeditious hearing";

RECALLING that, pursuant to paragraph (B) and (C)1(b) of the Practice Direction on the Length of Briefs and Motions on Appeal ("Practice Direction"), a respondent's brief "on an appeal from a final judgement of a Trial Chamber will not exceed 100 pages or 30,000 words, whichever is greater" and "an average page should contain fewer than 300 words";<sup>2</sup>

RECALLING ALSO that, pursuant to paragraph (C)5 of the Practice Direction, "A party must seek authorisation in advance from the Appeals Chamber [...] or the Pre-Appeal Judge to exceed the page limits in this Practice Direction and must provide an explanation of the exceptional circumstances that necessitate the oversized filing";

CONSIDERING that the Respondent's Brief consists of 99 pages, excluding the table of contents and list of authorities, but has more than 40,000 words, including the footnotes;<sup>3</sup>

CONSIDERING further that the average page length of the Respondent's Brief is greater than 300 words;

CONSIDERING that the Prosecution has not filed a motion requesting the Appeals Chamber or the Pre-Appeal Judge to extend the page or word limit for its Respondent's Brief nor has it demonstrated exceptional circumstances for such an extension;

FINDING that the Respondent's Brief has not been filed in compliance with the Practice Direction and is therefore invalid;

<sup>1</sup> See Order Appointing a Pre-Appeal Judge, 24 January 2006.

<sup>2</sup> Practice Direction on the Length of Briefs and Motions on Appeal, 16 September 2002, as amended. See also *Prosecutor v. Aloys Simba*, ICTR-01-76-A, Order Concerning Aloys Simba's Appellant's Brief, 29 September 2006.

<sup>3</sup> Pursuant to para. (C)4 of the Practice Direction, "[h]eadings, footnotes and quotations count towards the [...] word and page limitation".

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REMINDING the Prosecution that it is required to act in full compliance with the Rules and the practice directions when filing its submissions.

**FOR THE FOREGOING REASONS,**

**REJECT** the Respondent's Brief;

**ORDER** the Prosecution to re-file its Respondent's Brief with the Registry no later than 7 December 2006;

**ORDER** the Prosecution to strictly comply with the page and word limits set out in the Practice Direction;

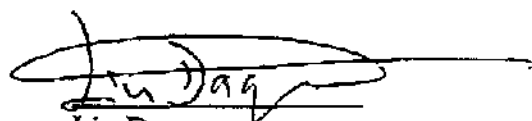
**DIRECT** the Defence to file its brief in reply, if any, 15 days after being served with the French version of the re-filed Respondent's Brief;

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

Done this 30<sup>th</sup> day of November 2006,  
At The Hague,  
The Netherlands.



[Seal of the Tribunal]

  
Liu Daqun  
Pre-Appeal Judge