



UNITED NATIONS
NATIONS UNIES

Tribunal pénal international pour le Rwanda
International Criminal Tribunal for Rwanda

ICTR-01-73-A
14th May 2009
{219/H – 217/H}

IN THE APPEALS CHAMBER

Before: Judge Theodor Meron, Pre-Appeal Judge

Registrar: Mr. Adama Dieng

Decision of: 14 May 2009

PROTAIS ZIGIRANYIRAZO

v.

THE PROSECUTOR

Case No. ICTR-01-73-A

JUDICIAL RECORDS/ARCHIVED

2009 MAY 15 11:10:56

**DECISION ON PROTAIS ZIGIRANYIRAZO'S MOTION FOR VARIATION OF
THE WORD LIMITS**

Counsel for Protais Zigiranyirazo: ICTR Appeals Chamber

Mr. John Philpot
Mr. Peter Zaduk

The Office of the Prosecutor:

Mr. Hassan Bubacar Jallow
Mr. Alex Obote-Odora
Ms. Christine Graham
Ms. Linda Bianchi

Date: 14th May 2009

Action: R. J. J. J.

Copied To: Concerned Judges, Parties,

Judicial Archives, LOs, LSS
R. J. J. J.

International Criminal Tribunal for Rwanda
CERTIFIED TRUE COPY
COPIE CERTIFIÉE VRAI
NAME (NOM): ROUEL KUMELIO A. A. FANDE
SIGNATURE: [Signature] DATE: 14 May 2009

1. I, Theodor Meron, 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 and 31 December 1994 ("Tribunal") and Pre-Appeal Judge in this case, am seized of a motion filed on 8 May 2009 by Protais Zigiranyirazo for an extension of the word limit of his Appellant's brief.¹ The Prosecution responded on 11 May 2009,² and Mr. Zigiranyirazo filed his reply on 14 May 2009.³

2. On 18 December 2008, Trial Chamber III convicted Mr. Zigiranyirazo of one count of genocide and one count of extermination as a crime against humanity and sentenced him to a total of 20 years of imprisonment.⁴ Mr. Zigiranyirazo filed his Notice of Appeal against his convictions and sentence on 19 January 2009, which the Appeals Chamber granted him leave to amend on 18 March 2009.⁵ His Appellant's brief is due not later than 27 May 2009.⁶

3. According to the Practice Direction on the Length of Briefs and Motions on Appeal, an Appellant's brief in an appeal from Judgement shall not exceed 30,000 words.⁷ A Pre-Appeal Judge may authorize a party to exceed this word limit if the applicant demonstrates "exceptional circumstances" in advance of the filing date.⁸ Mr. Zigiranyirazo claims that he has met this exacting standard.⁹ The drafting of his Appellant's brief is nearly complete and even with reductions it is expected to be around 33,000 words.¹⁰ Accordingly, he seeks a 3,000 word extension.¹¹

4. Mr. Zigiranyirazo emphasizes that his "very complex" appeal contains 16 grounds, including numerous sub-grounds, challenging his convictions and an additional ground of appeal related to the sentence.¹² He contends that his discussion of the alibi as well as the Trial Chamber's

¹ Extremely Urgent Motion for Variation from Word Limits, 8 May 2009 ("Motion").

² Prosecutor's Response to "Extremely Urgent Motion for Variation from Word Limits", 11 May 2009 ("Response").

³ Reply to Prosecutor's Response to Extremely Urgent Motion for Variation from Word Limits, 14 May 2009.

⁴ *The Prosecution v. Protais Zigiranyirazo*, Case No. ICTR-01-73-T, Judgement, 18 December 2008, paras. 447, 468-471 ("Trial Judgement"). Specifically, the Trial Chamber sentenced Mr. Zigiranyirazo to two terms of 20 years of imprisonment for genocide and extermination as a crime against humanity in relation to events at Kesho Hill and to a term of 15 years of imprisonment for genocide with respect to Kiyovu roadblock. The sentences are to run concurrently.

⁵ Decision on Protais Zigiranyirazo's Motion for Leave to Amend Notice of Appeal, 18 March 2009, paras. 3, 6.

⁶ Mr. Zigiranyirazo was granted an extension of 40 days for the filing of his Appellant's brief from the filing of the French version of the Trial Judgement. See Decision on Protais Zigiranyirazo's Motion for Extension of Time, 28 January 2009, p. 3. The French version of the Trial Judgement was filed on 17 April 2009.

⁷ Practice Direction on the Length of Briefs and Motions on Appeal, 8 December 2006, para. C(1)(a) ("Practice Direction").

⁸ Practice Direction, para. C(5).

⁹ Motion, para. 7.

¹⁰ Motion, para. 7(iii, iv).

¹¹ Motion, paras. 6, 13.

¹² Motion, paras. 7(i, ii), 9.

alleged failure to properly consider the site visit and difficulty of travel require additional words in order to avoid prejudice.¹³ The Prosecution opposes the extension.¹⁴

5. A review of Mr. Zigiranyirazo's Trial Judgement as well as his Notice of Appeal does not suggest that his appeal is any more complex than those typically heard by the Appeals Chamber. In this respect, it is noted that most of the charges against him were not proven, and his convictions rest only on two events.¹⁵ Presenting numerous grounds of appeal and the need to address errors in the assessment of the alibi or site visit do not, in and of themselves, amount to exceptional circumstances to exceed the word limit in the Practice Directive.¹⁶ Furthermore, "the quality and effectiveness of an appellant's brief does not depend on the length but on the clarity and cogency of the presented arguments and [...], therefore, excessively long briefs do not necessarily serve the cause of efficient administration of justice".¹⁷

6. For the foregoing reasons, Mr. Zigiranyirazo has not demonstrated the existence of exceptional circumstances, and his Motion is **DENIED**.

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

Done this 14th day of May 2009,
At The Hague,
The Netherlands.



[Seal of the Tribunal]

Theodor Meron
Judge Theodor Meron
Pre-Appeal Judge

¹³ Motion, paras. 7(v, vi, viii).

¹⁴ Response, paras. 1-7.

¹⁵ See, e.g., Trial Judgement, paras. 399, 427, 432, 439.

¹⁶ *Siméon Nchamihigo v. The Prosecutor*, Case No. ICTR-2001-63-A, Decision on Defence Motion for Leave to Exceed the Word Limit, 12 May 2009, p. 2 ("Nchamihigo Appeal Decision"). See also *François Karera v. The Prosecutor*, Case No. ICTR-01-74-A, 3 April 2008, pp. 3, 4. Notably, Mr. Karera also challenged the treatment of his alibi and the site visit in his appeal. See *François Karera v. The Prosecutor*, Case No. ICTR-01-74-A, Judgement, 2 February 2009, paras. 48-51, 326-357.

¹⁷ *Nchamihigo Appeal Decision*, p. 2.