



UNITED NATIONS  
NATIONS UNIES



Tribunal Pénal International pour le Rwanda  
International Criminal Tribunal for Rwanda

460/H  
RMM

ICTR-98-44D-AR77

21<sup>st</sup> March 2011

{460/H - 457/H}

IN THE APPEALS CHAMBER

**Before:** Judge Patrick Robinson, Presiding  
Judge Mehmet Güney  
Judge Liu Daqun  
Judge Theodor Meron  
Judge Carmel Agius

**Registrar:** Mr. Adama Dieng

**Decision of:** 21 March 2011

**CALLIXTE NZABONIMANA**

ICTR Appeals Chamber  
Date: 21 March 11  
Action:  
Copied To: Concerned Judges,

v.

**THE PROSECUTOR**

Case No. ICTR-98-44D-AR77  
Parties, Judicial Archives,

**DECISION ON PROSECUTION'S MOTION FOR EXTENSION OF TIME**

HOs, HSS [Signature]

Counsel for Callixte Nzabonimana

Vincent Courcelle-Labrousse  
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Office of the Prosecutor

Hassan Bubacar Jallow  
James J. Arguin  
Steffen Wirth

**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: KOFFI KOMELIO A. AFANDE  
SIGNATURE: [Signature] DATE: 21 March 2011

**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 (“Appeals Chamber” and “Tribunal”, respectively),

**NOTING** the notice of appeal filed by Mr. Callixte Nzabonimana on 25 February 2011 against the “Decision on Prosecutor’s Motion for Prohibition of Conduct Contrary to Rule 77 (A) (II) of the Rules of Procedure and Evidence” issued by Trial Chamber III on 10 February 2011 (“Impugned Decision”);<sup>1</sup>

**NOTING** the appeal brief filed by Mr. Nzabonimana on 11 March 2011;<sup>2</sup>

**BEING SEISED** of the “Prosecution’s Motion for Extension of Time to Respond to Oversized Filing” filed by the Prosecution on 17 March 2011, in which it requests an extension of time of seven days to file its response to Mr. Nzabonimana’s Appeal Brief (“Motion”);<sup>3</sup>

**NOTING** that, in support of its Motion, the Prosecution submits that the “irregular size” of the Appeal Brief and the many factual and legal contentions raised in it constitute good cause for the requested extension;<sup>4</sup>

**CONSIDERING** that it is in the interests of justice to rule on the Prosecution’s Motion without awaiting Mr. Nzabonimana’s response;

**NOTING** that, pursuant to paragraph 6 of the Practice Direction on Procedure for the Filing of Written Submissions in Appeal Proceedings Before the Tribunal of 8 December 2006, the Prosecution’s response to the Appeal Brief shall be filed no later than 21 March 2011;

**CONSIDERING** that Rule 116(A) of the Rules of Procedure and Evidence of the Tribunal allows for the extension of a time limit upon a showing of good cause;

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<sup>1</sup> Notice of Appeal on the Decision on the Prosecutor’s Motion for Prohibition of Conduct Contrary to Rule 77 (A) (II) of the Rules of Procedure and Evidence (RPE), Dated 10 February 2011, confidential, 25 February 2011; *The Prosecutor v. Callixte Nzabonimana*, Case No. ICTR-98-44D-T, Decision on Prosecutor’s Motion for Prohibition of Conduct Contrary to Rule 77 (A) (II) of the Rules of Procedure and Evidence, 10 February 2011.

<sup>2</sup> Appeal on the Decision on the Prosecutor’s Motion for Prohibition of Conduct Contrary to Rule 77 (A) (II) of the Rules of Procedure and Evidence (RPE), 11 March 2011 (“Appeal Brief”).

<sup>3</sup> Motion, paras. 1, 6.

<sup>4</sup> Motion, paras. 1-5.

**NOTING** that Mr. Nzabonimana failed to report the word count of his Appeal Brief as prescribed under paragraph C(7) of the Practice Direction on the Length of Briefs and Motions on Appeal of 8 December 2006 (“Practice Direction on Length of Briefs and Motions”);

**NOTING** further that his Appeal Brief manifestly exceeds the word limit prescribed under paragraph C(2)(a) of the Practice Direction on Length of Briefs and Motions;

**NOTING** that the Appeals Chamber will address Mr. Nzabonimana’s violation of the Practice Direction on Length of Briefs and Motions in the decision ruling on his appeal;

**CONSIDERING** that, in the circumstances of this case, Mr. Nzabonimana’s violation of the word limitation imposed by the Practice Direction on Length of Briefs and Motions justifies the seven-day extension of time beyond the normal ten-day period for filing the response;

**FINDING**, Judge Liu dissenting, that there is good cause for the requested extension of time;


**FOR THE FOREGOING REASONS,**

**GRANTS** the Motion, Judge Liu dissenting; and

**REMINDS** Mr. Nzabonimana’s Counsel of their obligation to comply with the Practice Direction on Length of Briefs and Motions.

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

Done this twenty-first day of March 2011,  
at The Hague,  
The Netherlands.



Judge Patrick Robinson  
Presiding

Judge Liu Daqun appends a dissenting opinion.

[Seal of the Tribunal]

