



UNITED NATIONS
NATIONS UNIES

ICTR-00-55C-T
27-6-2011
(7715-7713)

International Criminal Tribunal for Rwanda
Tribunal pénal international pour le Rwanda

7715

OR: ENG

TRIAL CHAMBER III

Before Judges: Lee Gacuiga Muthoga, *Presiding*
Seon Ki Park
Robert Fremr

Registrar: Adama Dieng

Date: 27 June 2011

THE PROSECUTOR

v.

Ildéphonse NIZEYIMANA

CASE NO. ICTR-00-55C-T

DECISION ON WORD COUNT FOR CLOSING BRIEF

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INTRODUCTION

1. The trial commenced on 17 January 2011 with the opening statements of both the Prosecution and the Defence. The Prosecution closed its case-in-chief on 25 February 2011, after having called 38 witnesses. The Defence case closed its case on 16 June 2011, after having called 38 witnesses.
2. On 15 June 2011, the Chamber heard submission from the parties during the status conference regarding the preferred word count for the closing briefs. Both parties submit that the Chamber should grant them leave to double the work count set out in Section 1 of the Practice Direction on Length and Timing of Closing Briefs and Closing Arguments (“Practice Direction”) from 30.000 words to 60.000, including 3.000 words attributed to the site visit.¹ This would bring the total word count for both closing briefs to 63.000.
3. The Office of the Prosecutor (“Prosecution”) submit that the approximately 80 witnesses and 51 trial days warrant an increase of the word count and would better allow the parties to set out their respective cases for the Chamber.² The Prosecution further notes that the footnotes should be excluded from the word count, as they do not “actually assist the Chamber.”³ The Defence team of the Accused, Ildéphonse Nizeyimana, (“Defence” and “the Accused” respectively) concur with the Prosecution.⁴

DELIBERATIONS

4. The Chamber notes that this case involves one accused, with a trial that spanned 51 days, during which a total of 76 *viva voce* witnesses were presented and 3 Rule 92bis witnesses were admitted. The parties introduced 131 exhibits during trial, not including the written statements admitted pursuant to Rule 89(C) of the Rules of Procedure and Evidence.
5. The Chamber is not persuaded by the parties’ submissions that the case before it is so voluminous and complex as to warrant a doubling of the word count provided for in the Practice Directions. By way of comparison, the Chamber notes that the Prosecution in the *Karemera et al.*, was ordered to file a closing brief consisting of 73.000 words.⁵ The *Karemera et al.*, case involves two accused persons, the trial spanned approximately 370 trial

¹ T. 15 June 2011, pp. 2-4. (SC).

² T. 15 June 2011, p. 3. (SC).

³ T. 15 June 2011, pp. 3-4. (SC).

⁴ T. 15 June 2011, p. 4. (SC).

⁵ *Prosecutor v. Karemera et al.*, Case No. ICTR-98-44-T, Ordonnance concernant les dernières conclusions écrites ainsi que les plaidoiries et réquisitions, 30 November 2010.

The Prosecutor v. Ildéphonse Nizeyimana, Case No. ICTR-2000-55C-T

days where 153 *viva voce* witnesses, 142 written statements were admitted pursuant to Rule 92bis and 2,288 exhibits were admitted.⁶

6. The Chamber considers that it will benefit more from succinct closing briefs, which set out the essential legal arguments of the parties in a clear and concise manner. The Chamber therefore orders the parties, pursuant to the Practice Direction, to file simultaneous closing briefs containing no more than 43.000 words, including footnotes.

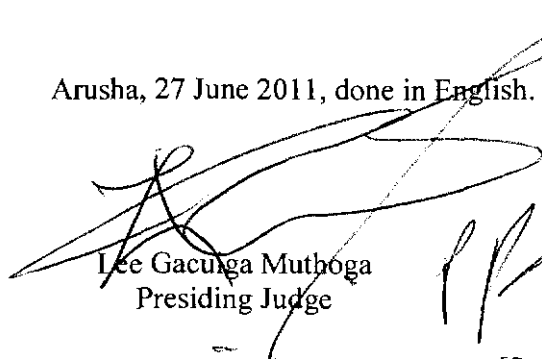
7. The Chamber notes, in accordance with the Practice Direction, that the closing briefs shall be filed no later than 60 days after the close of the evidence.⁷ Oral arguments shall take place within 30 days of the date set for the filing of the closing briefs.⁸

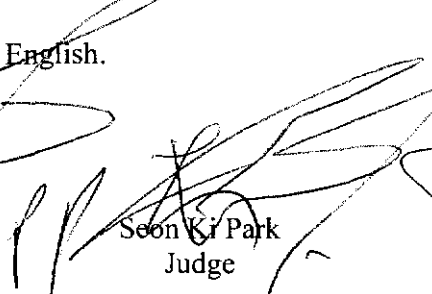
FOR THESE REASONS, THE CHAMBER

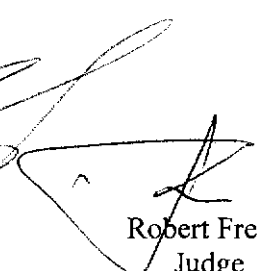
ORDERS the Prosecution and the Defence to file simultaneous closing briefs of no more than 43.000 words, including footnotes; and

REMINDS the Parties that the closing briefs are to be filed no later than 60 days after the close of the evidentiary phase, at a date to be determined by the Chamber in due course.

Arusha, 27 June 2011, done in English.


Lee Gacuga Muthoga
Presiding Judge


Seon Ki Park
Judge


Robert Fremr
Judge

[Seal of the Tribunal]

[absent at the time of



⁶ *Prosecutor v. Karemera et al.*, Case No. ICTR-98-44-T, Decision on the Prosecution's Motion to Vary the Calculation of Word Count for the Closing Brief, 26 May 2011, para. 2.

⁷ Practice Direction, para. 4(i).

⁸ Practice Direction, para. 4(iii).