



UNITED NATIONS  
NATIONS UNIES

Tribunal Pénal International pour le Rwanda  
International Criminal Tribunal for Rwanda

650/H  
S. A.  
ICTR-00-56-A  
20 JANUARY 2012  
650/H - 647/H

IN THE APPEALS CHAMBER

Before: Judge Theodor Meron, Pre-Appeal Judge

Registrar: Mr. Adama Dieng

Decision of: 20 January 2012

Augustin NDINDILYIMANA  
Augustin BIZIMUNGU  
François-Xavier NZUWONEMEYE  
Innocent SAGAHUTU

v.

THE PROSECUTOR

Case No. ICTR-00-56-A

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DECISION ON BIZIMUNGU'S AND NZUWONEMEYE'S MOTIONS FOR EXTENSIONS  
OF THE WORD LIMITS FOR THEIR APPELLANT'S BRIEFS

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Defence Counsel:

Mr. Christopher Black for Augustin Ndindiliyimana  
Mr. Gilles St-Laurent for Augustin Bizimungu  
Mr. Charles A. Taku for François-Xavier Nzuwonemeye  
Mr. Fabien Segatwa for Innocent Sagahutu

The Office of the Prosecutor:

Mr. Hassan Bubacar Jallow  
Mr. James J. Arguin  
Mr. Abdoulaye Seye

ICTR Appeals Chamber

Date: 20 JANUARY 2012  
Action: SHARIFAH  
Copied To: Concerned Judges  
S.L.C.S., L.C.S., A.L.C.S., parties  
C.M.S., L.S.S.

*Sharifah*

International Criminal Tribunal for Rwanda  
Tribunal pénal international pour le Rwanda

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NAME / NOM: SHARIFAH ADONG

SIGNATURE: *Sharifah* DATE: 20/01/2012

1. I, Theodor Meron, Presiding 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 ("Appeals Chamber" and "Tribunal", respectively) and Pre-Appeal Judge in this case,<sup>1</sup> am seized of two motions filed, respectively, by Mr. François-Xavier Nzuwonemeye on 15 December 2011,<sup>2</sup> and Mr. Augustin Bizimungu on 5 January 2012,<sup>3</sup> for extensions of the word limit for their Appellant's briefs. The Prosecution responded to Mr. Nzuwonemeye on 20 December 2011,<sup>4</sup> and to Mr. Bizimungu on 9 January 2012.<sup>5</sup> Mr. Nzuwonemeye replied on 22 December 2011,<sup>6</sup> Mr. Bizimungu did not reply.

2. On 17 May 2011, Trial Chamber II of the Tribunal ("Trial Chamber") convicted Mr. Bizimungu of genocide as well as murder, extermination, and rape as crimes against humanity and murder and rape as violations of Article 3 common to the Geneva Conventions and of Additional Protocol II, and sentenced him to 30 years' imprisonment.<sup>7</sup> The Trial Chamber convicted Mr. Nzuwonemeye for murder as a crime against humanity and murder as a violation of Article 3 common to the Geneva Conventions and of Additional Protocol II, and sentenced him to 20 years of imprisonment.<sup>8</sup> The written judgement was filed in English on 17 June 2011.

3. On 11 July 2011, the Pre-Appeal Judge granted in part Mr. Bizimungu's request for an extension of time for the filing of his appeal submissions and ordered him to file his Appellant's brief no later than 40 days from the date on which the French translation of the Trial Judgement is filed.<sup>9</sup> On 18 July 2011, the Pre-Appeal Judge granted Mr. Nzuwonemeye's request for an

<sup>1</sup> Order Assigning a Pre-Appeal Judge, 30 November 2011.

<sup>2</sup> Nzuwonemeye's Extremely Urgent Motion for Extension of Word Limit for Filing the Appeal Brief Pursuant [*sic*] Article 108bis of Rules of Procedure and Evidence and Paragraph C(5) of the Practice Direction (2006), 15 December 2011 ("Nzuwonemeye Motion").

<sup>3</sup> *Requête urgente du Général Augustin Bizimungu en augmentation de la limite du nombre de mots de son mémoire de l'appelant en vertu de l'article (C) 1 et 5 de la Directive pratique relative à la longueur des mémoires et des requêtes en appel et de l'article 108bis du Règlement de procédure et de preuve*, 5 January 2012 ("Bizimungu Motion").

<sup>4</sup> Prosecution's Response to "Nzuwonemeye's Extremely Urgent Motion for Extension of Word Limit for Filing the Appeal Brief Pursuant [*sic*] Article 108bis of Rules of Procedure and Evidence and Paragraph C(5) of the Practice Direction", 20 December 2011 ("Prosecution Response (Nzuwonemeye)").

<sup>5</sup> Prosecution Response to "*Requête urgente du Général Augustin Bizimungu en augmentation de la limite du nombre de mots de son mémoire de l'appelant en vertu de l'article (C) 1 et 5 de la Directive pratique relative à la longueur des mémoires et des requêtes en appel et de l'article 108bis du Règlement de procédure et de preuve*", 9 January 2011 ("Prosecution Response (Bizimungu)").

<sup>6</sup> Nzuwonemeye Reply, Pursuant to Rules 107 and 73(E) of Rules of Procedure and Evidence (RPE), to Prosecution's Response to Nzuwonemeye's Extremely Urgent Motion for Extension of Word Limit for Filing the Appeal Brief, pursuant to Article 108bis (RPE) and Paragraph C(5) of the Practice Direction, 22 December 2011.

<sup>7</sup> T. 17 May 2011 pp. 24, 26. See also *The Prosecutor v. Augustin Ndingiriyimana et al.*, Case No. ICTR-00-56-T, Judgement and Sentence, dated 17 May 2011 and filed on 17 June 2011 ("Trial Judgement"), paras. 73, 2106, 2120, 2128, 2153, 2162, 2163, 2266.

<sup>8</sup> T. 17 May 2011 pp. 24, 26. See also Trial Judgement, paras. 75, 2107, 2154, 2155, 2163.

<sup>9</sup> Decision on Motions for Extension of Time for the Filing of Appeal Submissions, 11 July 2011, paras. 16, 21.

extension of time to file his Appellant's brief, and ordered him to file the Appellant's brief no later than 40 days after the filing of the French translation of the Trial Judgement.<sup>10</sup> On 14 December 2011, the French version of the Trial Judgement was filed. Mr. Bizimungu and Mr. Nzuwonemeye's Appellant's briefs are currently due on 23 January 2012.

4. According to the Practice Direction on the Length of Briefs and Motions on Appeal, an Appellant's brief in an appeal from a final judgement of a trial chamber shall not exceed 30,000 words.<sup>11</sup> 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.<sup>12</sup> Mr. Bizimungu and Mr. Nzuwonemeye submit that they have met this exacting standard in light of the size of the Trial Judgement, the length and complexity of the proceedings, and the numerous errors highlighted in their respective notices of appeals.<sup>13</sup> Mr. Bizimungu also points to the fact that he was convicted under six counts of the indictment.<sup>14</sup> Accordingly, Mr. Bizimungu seeks a 65,000 word extension of the word limit for his Appellant's brief,<sup>15</sup> and Mr. Nzuwonemeye requests an extension of 50,000 words.<sup>16</sup>

5. The Prosecution opposes the requests.<sup>17</sup> It submits that, although the Trial Judgement is lengthy and raises complex issues, the scope of each of the appellants' respective appeals is more limited and an extension is therefore not justified.<sup>18</sup> If the Motions are granted, the Prosecution requests the same extension of the word limit for its Respondent's brief.<sup>19</sup>

6. A review of the Trial Judgement, the procedural history of the case, and Mr. Bizimungu's and Mr. Nzuwonemeye's respective notices of appeal indicate that this case is more complex than many of those typically heard by the Appeals Chamber. That said, the word limits proposed by Mr. Bizimungu and Mr. Nzuwonemeye greatly exceed the extensions authorized by the Appeals Chamber even in the most complex cases.<sup>20</sup> In this respect, it should be noted that concision and cogency are the mark of an effective brief and that excessive length often frustrates the efficient

<sup>10</sup> Decision on Nzuwonemeye's Request for Extension of Time to File his Appeal Brief, 18 July 2011, pp. 1, 2.

<sup>11</sup> Practice Direction on the Length of Briefs and Motions on Appeal, 8 December 2006 ("Practice Direction"), para. C(1)(a).

<sup>12</sup> Practice Direction, para. C(5).

<sup>13</sup> Nzuwonemeye Motion, paras. 9-21; Bizimungu Motion, paras. 18-21.

<sup>14</sup> Bizimungu Motion, para. 20.

<sup>15</sup> Bizimungu Motion, paras. 2, 22, p. 7.

<sup>16</sup> Nzuwonemeye Motion, paras. 4, 23.

<sup>17</sup> Prosecution Response (Bizimungu), para. 1; Prosecution Response (Nzuwonemeye), para. 1.

<sup>18</sup> Prosecution Response (Bizimungu), paras. 1-7; Prosecution Response (Nzuwonemeye), paras. 1-5.

<sup>19</sup> Prosecution Response (Bizimungu), para. 10; Prosecution Response (Nzuwonemeye), para. 7.

<sup>20</sup> See, e.g., *Théoneste Bagosora et al. v. The Prosecutor*, Case No. ICTR-98-41-A, Decision on Anatole Nsengiyumva's Motion for Extension of Word Limit for his Appeal Brief, 19 January 2010, p. 4 (granting a 10,000 word extension).

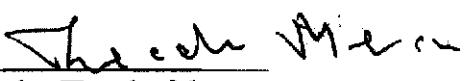
administration of justice.<sup>21</sup> Therefore, only a limited 10,000 word extension for the Appellant's brief of each of these appellants is justified.

7. For the foregoing reasons, the Bizimungu and Nzuwonemeye Motions are **GRANTED**, in part, and Mr. Bizimungu and Mr. Nzuwonemeye may each file an Appellant's brief not exceeding 40,000 words. The Prosecution is allowed a 10,000 word extension to respond to Mr. Bizimungu's Appellant's brief and a 10,000 word extension to respond to Mr. Nzuwonemeye's Appellant's brief.

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

Done this 20th day of January 2012,  
At The Hague,  
The Netherlands.



  
Judge Theodor Meron  
Pre-Appeal Judge

[Seal of the Tribunal]

<sup>21</sup> See *Protais Zigiranyirazo v. The Prosecutor*, Case No. ICTR-01-73-A, Decision on Protais Zigiranyirazo's Motion for Variation of the Word Limits, 14 May 2009, para. 5.