



**Tribunal Pénal International pour le Rwanda  
International Criminal Tribunal for Rwanda**

97/H  
RNM

**ICTR-05-89-R11bis  
30-10-2012  
(97/H-95/H)**

**IN THE APPEALS CHAMBER**

**Before:** Judge Theodor Meron, Pre-Appeal Judge  
**Acting Registrar:** Mr. Pascal Besnier  
**Decision of:** 30 October 2012

**BERNARD MUNYAGISHARI**

v.

**THE PROSECUTOR**

*Case No. ICTR-05-89-AR11bis*

ICTR Appeals Chamber  
Date: 30-10-2012  
Action:  
Copied To: Concerned

Judges, Parties,  
JPU, LO, LSS  
*[Signature]*

**DECISION ON BERNARD MUNYAGISHARI'S MOTION FOR EXTENSION  
OF THE WORD LIMIT FOR HIS APPEAL BRIEF**

**Counsel for Bernard Munyagishari:**

Philippe Moriceau  
Natacha Fauveau Ivanović

**Office of the Prosecutor:**

Hassan Bubacar Jallow  
James J. Arguin  
George Mugwanya  
Inneke Onsea  
Abdoulaye Seye  
François Nsanzuwera  
Erica Bussey

International Criminal Tribunal for Rwanda  
Tribunal pénal international pour le Rwanda  
CERTIFIED TRUE COPY OF THE ORIGINAL SEEN BY ME  
COPIE CERTIFIÉE CONFORME À L'ORIGINAL PAR NOUS  
NAME / NOM: ROSETTE MUZIGO-MORRISON  
SIGNATURE: *[Signature]* DATE: 30/10/12

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 seised of a motion filed by Mr. Bernard Munyagishari on 23 October 2012 seeking an extension of the word limit for the filing of his appeal brief.<sup>2</sup> The Prosecution responded on 24 October 2012.<sup>3</sup> Mr. Munyagishari did not file a reply.

2. Mr. Munyagishari is charged before the Tribunal with conspiracy to commit genocide, genocide, complicity in genocide, and murder and rape as crimes against humanity.<sup>4</sup> On 6 June 2012, the Referral Chamber Designated under Rule 11 *bis* ordered Mr. Munyagishari’s case to be referred to the authorities of the Republic of Rwanda for trial before the High Court of Rwanda, subject to certain conditions.<sup>5</sup> Mr. Munyagishari filed his notice of appeal against the Referral Decision on 19 June 2012.<sup>6</sup> On 28 June 2012, I granted Mr. Munyagishari leave to file his appeal brief within 15 days of the date on which he is served with the French translation of the Referral Decision.<sup>7</sup> The French translation of the Referral Decision was filed on 19 October 2012.<sup>8</sup>

3. In accordance with paragraph C(2)(a) of the Practice Direction on the Length of Briefs and Motions on Appeal of 8 December 2006 (“Practice Direction”), Mr. Munyagishari’s appeal brief shall not exceed 9,000 words.<sup>9</sup> Paragraph C(5) of the Practice Direction nonetheless provides that a party may be authorized to exceed this word limit if “exceptional circumstances” are demonstrated.

4. Mr. Munyagishari requests that the Appeals Chamber authorize him to file an appeal brief not exceeding 12,000 words based on: (i) the volume and complexity of the Referral Decision and

<sup>1</sup> Order Assigning a Pre-Appeal Judge, 21 June 2012.

<sup>2</sup> *Requête urgente de la Défense de Bernard Munyagishari aux fins d’obtenir une autorisation de déposer un mémoire d’appel excédant le nombre de mots fixé*, 23 October 2012 (“Motion”).

<sup>3</sup> Prosecutor’s Response to Munyagishari’s Request for Extension of Word Limit, 24 October 2012 (“Response”).

<sup>4</sup> *The Prosecutor v. Bernard Munyagishari*, Case No. ICTR-05-89-I, Indictment, 8 September 2005.

<sup>5</sup> *The Prosecutor v. Bernard Munyagishari*, Case No. ICTR-05-89-R11*bis*, Decision on the Prosecutor’s Request for Referral of the Case to the Republic of Rwanda, 6 June 2012 (“Referral Decision”), pp. 54, 55.

<sup>6</sup> Notice of Appeal Filed by Bernard Munyagishari’s Defence, originally filed in French on 19 June 2012, English translation filed on 5 September 2012.

<sup>7</sup> Decision on Bernard Munyagishari’s Motion for Extension of Time and Other Relief, 28 June 2012 (“28 June 2012 Decision”), para. 9.

<sup>8</sup> *Décision relative à la Demande du Procureur tendant à ce que l’affaire soit renvoyée à la République du Rwanda*, 19 October 2012.

<sup>9</sup> I recall that “an appeal pursuant to Rule 11*bis* of the Rules [of Procedure and Evidence of the Tribunal] is more akin to an interlocutory appeal than to an appeal from a judgement”. See 28 June 2012 Decision, fn. 15, referring to *Jean Uwinkindi v. The Prosecutor*, Case No. ICTR-01-75-AR11*bis*, Decision on Uwinkindi’s Motion for Review or Reconsideration of the Decision on Referral to Rwanda and the Related Prosecution Motion, 23 February 2012, para. 11. Accordingly, I consider that the requirements set out in the Practice Direction for interlocutory appeals apply

the record of the case; (ii) the number and complexity of his grounds of appeal; and (iii) the use of the French language by the Defence.<sup>10</sup> The Prosecution does not oppose Mr. Munyagishari's Motion but requests a corresponding extension of the word limit for its response brief if the Motion is granted.<sup>11</sup>

5. I consider that the length of the Referral Decision, the scope of Mr. Munyagishari's appeal, and the complexity of the issues on appeal constitute together sufficient exceptional circumstances to authorize Mr. Munyagishari's requested extension of the word limit for his appeal brief.

6. For the foregoing reasons, I hereby:

**GRANT** the Motion;

**ALLOW** Mr. Munyagishari to file an appeal brief not exceeding 12,000 words; and

**ALLOW** the Prosecution to file a response brief not exceeding 12,000 words.

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

Done this 30th day of October 2012,  
At The Hague,  
The Netherlands.



Judge Theodor Meron  
Pre-Appeal Judge

[Seal of the Tribunal]



---

to appeals against a Rule 11bis decision. See *Jean Uwinkindi v. The Prosecutor*, Case No. ICTR-01-75-AR11bis, Decision on Request for Extension of Word Limit, 5 September 2011, p. 1.

<sup>10</sup> Motion, paras. 4-14.

<sup>11</sup> Response, paras. 3, 4.