



Tribunal Pénal International pour le Rwanda
International Criminal Tribunal for Rwanda

364/H

EX

ICTR-98-44-A

21st May 2012

364/H-361/H

IN THE APPEALS CHAMBER

Before: Judge Theodor Meron, Pre-Appeal Judge
Registrar: Mr. Adama Dieng
Decision of: 21 May 2012

**ÉDOUARD KAREMERA
MATTHIEU NGIRUMPATSE**

v.

THE PROSECUTOR

Case No. ICTR-98-44-A

**DECISION ON MATTHIEU NGIRUMPATSE'S MOTION FOR AN EXTENSION OF THE
WORD LIMIT FOR HIS APPELLANT'S BRIEF**

Counsel for Édouard Karemera

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Moussa Félix Sow

Counsel for Matthieu Ngirumpatse

Frédéric Weyl
Chantal Hounkpatin

Office of the Prosecutor

Hassan Bubacar Jallow
James J. Arguin
George W. Mugwanya
Ndéye Marie Ka

ICTR Appeals Chamber

Date: 21st May 2012
Action: R. Jallow
Copied To: All concerned

EX

**International Criminal Tribunal for Rwanda
Tribunal pénal international pour le Rwanda**

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NAME / NOM: NOUHAOU DIALLA
SIGNATURE: [Signature] DATE: 21/05/2012

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,¹ am seised of a motion filed by Mr. Matthieu Ngirumpatse on 10 May 2012 seeking an extension of the word limit for the filing of his Appellant’s brief.² The Prosecution responded on 11 May 2012,³ and Mr. Ngirumpatse filed his reply on 14 May 2012.⁴

2. On 21 December 2011, Trial Chamber III of the Tribunal (“Trial Chamber”) convicted Mr. Ngirumpatse of direct and public incitement to commit genocide and genocide.⁵ The Trial Chamber also convicted Mr. Ngirumpatse of extermination and rape as crimes against humanity, as well as for killing and causing violence to health and well-being as serious violations of Article 3 common to the Geneva Conventions and Additional Protocol II.⁶ The Trial Chamber sentenced him to life imprisonment.⁷

3. The written judgement was filed in English on 2 February 2012, and the filing of the French version of the Trial Judgement is currently anticipated in December 2012.

4. On 14 February 2012, Mr. Ngirumpatse filed a motion for an extension of time to file his notice of appeal and his Appellant’s brief.⁸ On 17 February 2012, I granted Mr. Ngirumpatse’s motion and ordered him to file his notice of appeal, if any, by 19 March 2012 and his Appellant’s brief, if any, by 2 July 2012.⁹

5. According to the Practice Direction on the Length of Briefs and Motions on Appeal, an Appellant’s brief shall not exceed 30,000 words.¹⁰ A party may be authorized to exceed this word

¹ Order Assigning a Pre-Appeal Judge, 27 January 2012.

² *Requête urgente de M. Ngirumpatse en extension du nombre de mots du mémoire d’appel*, 10 May 2012 (“Motion”), paras. 15, 16, p. 5.

³ Prosecutor’s Response to Ngirumpatse’s Motion Requesting Extension of Word Limit for the Filing of his Appeal Brief, 11 May 2012 (“Response”).

⁴ *Réplique de M. Ngirumpatse suite à la “Prosecutor’s Response to Ngirumpatse’s Motion Requesting Extension of Word Limit for the Filing of his Appeal Brief”*, 14 May 2012 (“Reply”).

⁵ T. 21 December 2011 p. 15; *The Prosecutor v. Édouard Karemera and Matthieu Ngirumpatse*, Case No. ICTR-98-44-T, Judgement and Sentence, 2 February 2012 (“Trial Judgement”), paras. 1714-1716.

⁶ T. 21 December 2011 p. 15; Trial Judgement, paras. 1714-1716.

⁷ T. 21 December 2011 p. 15; Trial Judgement, para. 1763.

⁸ *Requête urgente aux fins d’extension de délais pour le dépôt de l’acte d’appel et du mémoire d’appel contre le jugement et la sentence du 21 décembre 2011*, 14 February 2012, paras. 18, 19, p. 5.

⁹ Decision on Motions for Extension of Time for the Filing of Appeal Submissions, 17 February 2012 (“Decision of 17 February 2012”), para. 13.

¹⁰ Practice Direction on the Length of Briefs and Motions on Appeal, 8 December 2006 (“Practice Direction”), para. (C)1(a).

limit if the applicant demonstrates “exceptional circumstances” in advance of the filing date.¹¹ Mr. Ngirumpatse submits that he has met this standard in light of, *inter alia*, the complexity of the Trial Judgement, the length and complexity of the proceedings, as well as the numerous errors highlighted in his notice of appeal.¹² He further underscores that he was convicted under six counts of the indictment based on multiple forms of responsibility.¹³ Accordingly, Mr. Ngirumpatse seeks leave to file an Appellant’s brief not subject to a word limit or, in the alternative, requests an extension of at least 40,000 words.¹⁴

6. The Prosecution submits that Mr. Ngirumpatse’s request for an Appellant’s brief without word limit should be dismissed and that he has not demonstrated that a 40,000 word extension is warranted.¹⁵ However, if an extension is granted, the Prosecution requests a corresponding extension of the word limit for its Respondent’s brief.¹⁶

7. I have previously noted the considerable size and complexity of the trial record in this case as well as the number of discrete facts underlying the convictions in the Trial Judgement.¹⁷ On this basis I consider that exceptional circumstances exist warranting an extension of the word limit for Mr. Ngirumpatse’s Appellant’s brief. That said, Mr. Ngirumpatse has failed to demonstrate that the filing of an Appellant’s brief not subject to a word limit is warranted and the alternative word limit proposed by Mr. Ngirumpatse greatly exceeds the extensions authorized by the Appeals Chamber even in the most complex cases.¹⁸ It should be recalled that “concision and cogency are the mark of an effective brief and that excessive length often frustrates the efficient administration of justice”.¹⁹ Therefore, only a limited extension of 10,000 words for Mr. Ngirumpatse’s Appellant’s brief is justified.

8. For the foregoing reasons, the Motion is **GRANTED**, in part, and Mr. Ngirumpatse may file an Appellant’s brief not exceeding 40,000 words. The Prosecution is allowed a 10,000 word extension to respond to Mr. Ngirumpatse’s Appellant’s brief.

¹¹ Practice Direction, para. (C)5.

¹² Motion, paras. 5, 6, 8, 11, 12. *See also* Motion, paras. 9, 10, 13, 14; Reply, paras. 5-7.

¹³ Motion, paras. 6, 7.

¹⁴ Motion, paras. 15, 16, p. 5; Reply, paras. 12, 13, 15.

¹⁵ Response, paras. 3-7.

¹⁶ Response, para. 8.

¹⁷ Decision of 17 February 2012, para. 9.

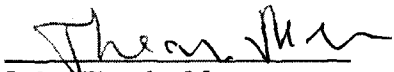
¹⁸ *See, e.g., Augustin Ndingilyimana et al. v. The Prosecutor*, Case No. ICTR-00-56-A, Decision on Bizimungu’s and Nzuwonemeye’s Motions for Extensions of the Word Limits for their Appellant’s Briefs, 20 January 2012 (“*Ndingilyimana et al. Appeal Decision*”), para. 7; *Théoneste Bagosora et al. v. 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.

¹⁹ *Ndingilyimana et al. Appeal Decision*, para. 6. *See also 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.

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

Done this 21st day of May 2012,
At The Hague,
The Netherlands.


Judge Theodor Meron
Pre-Appeal Judge

[Seal of the Tribunal]

