



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

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APPEALS CHAMBER

ICTR-2000-55C-A

1st March 2013

{122/H-119/H}

Before: Judge Theodor Meron, Pre-appeal Judge

Registrar: Mr. Bongani Majola

Date : 1 March 2013

Ildéphonse NIZEYIMANA

V.

THE PROSECUTOR

Case No. ICTR-2000-55C-A

ICTR Appeals Chamber
Date: 01 MAR 2013
Action: <i>RM</i>
Copied To: <i>Judges, Parties, JPU, LSS, LOs</i>
<i>[Signature]</i>

PROSECUTOR'S RESPONSE

**To "Ildéphonse Nizeyimana's Motion Requesting an Extension
of the Word Limit for His Brief on Appeal"**

Office of the Prosecutor

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For Ildéphonse Nizeyimana

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I. Introduction

1. On 25 February 2013, Ildéphonse Nizeyimana (“Nizeyimana”) filed a motion seeking a 30,000-word extension for his Appellant’s Brief.¹ Nizeyimana relies on the alleged complexity of his appeal and the length of the proceedings and the Trial Judgement,² to contend that a brief of 60,000 words is necessary to allow him to fully articulate and provide detailed reasoning on each of his grounds of appeal.³

2. The Prosecution opposes the Motion. Nizeyimana demonstrates no exceptional circumstances that justify doubling the 30,000-word limit imposed by the Practice Direction on the Length of Briefs and Motions on Appeal.⁴ The Motion as it stands should be dismissed accordingly. Should the Pre-Appeal Judge nevertheless allow Nizeyimana any extension of the word limit for his Appellant’s Brief, the Prosecution should be allowed to file a Respondent’s Brief of the same length, in fairness and in the interests of justice.

II. Submissions

3. In support of his claim that his appeal is complex, Nizeyimana merely refers to the number of grounds of appeal he raised in his Notice of Appeal and lists the crimes and modes of liability that form the bases for his convictions.⁵ Nizeyimana’s grounds of appeal and the crimes and modes of liability at issue are however not more complex than those dealt with in the other cases already heard by the Appeals Chamber. Nizeyimana makes no effort to show that they are so

¹ *Ildéphonse Nizeyimana’s Motion Extension of Word Limit for his Brief on appeal*, 24 February 2012, (“Motion”).

² Motion, paras. 11, 23-26.

³ Motion, paras. 7, 10.

⁴ *Practice Direction on the Length of Briefs and Motions on Appeal*, 8 December 2006 (“Practice Direction”), para. C(1)(a).

⁵ Motion, paras. 12-22.

unique to justify a 30,000-word increase that greatly exceeds that authorized by the Appeals Chamber in other similarly or arguably more complex cases.⁶

4. The Motion should be dismissed on this basis. As the Pre-appeal Judge recently recalled, "concision and cogency are the mark of an effective brief [while] excessive length often frustrates the efficient administration of justice."⁷ Contrary to Nizeyimana's suggestion therefore,⁸ the clarity and persuasiveness of his arguments do not require him to file an excessively long Appellant's brief.⁹

5. With respect to the length of the case, the Pre-Appeal Judge has already found that "the Trial Judgement is 445 single-spaced pages in length, excluding annexes, and is of a substantial length for a judgement regarding a single accused."¹⁰ Nizeyimana's undeveloped contentions however¹¹ fail to show that these factors constitute exceptional circumstances justifying the filing of an excessively long brief.

6. In all events, if the Pre-Appeal Judge were to consider the substantial length of the Judgement as an exceptional circumstance warranting a word limit extension for Nizeyimana's Appellant's Brief, such an extension should be much more limited than that requested by Nizeyimana. It should not exceed that generally authorized by the Pre-appeal Judge in several other long and complex cases.¹² If such an extension is allowed, the Prosecution also should be allowed, in

⁶ *Ndindiliyimana et al. v. The Prosecutor*, Case No. ICTR-00-56-A, Decision on Bizimungu's and Nzuwonemeye's Motion for Extensions of the Word Limits for their Appellant's Briefs, 20 January 2012 ("Ndindiliyimana Decision of 20 January 2012"), paras. 6,7; *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 (*Bagosora* 19 January 2010 Decision, granting a 10,000 word extension).

⁷ *Edouard Karemera & Matthieu Ngirumpatse v. The Prosecutor*, Case No. ICTR-98-44-A, Decision on Edouard Karemera's Motion for an Extension of the Word Limit for his Appellant's brief, 13 January 2013, para. 9.

⁸ Motion, paras. 9, 11.

⁹ *Ndindiliyimana* Decision of 20 January 2012, para. 6.

¹⁰ *Decision on Ildephonse Nizeyimana's Motion for Extension of Time for the Filing of the Response to Prosecutor's Appellant's Brief*, 17 September 2012, p. 2.

¹¹ Motion, paras. 23-26.

¹² *Ndindiliyimana* Decision of 20 January 2012, paras. 6, 7 (granting a 10,000 word extension);

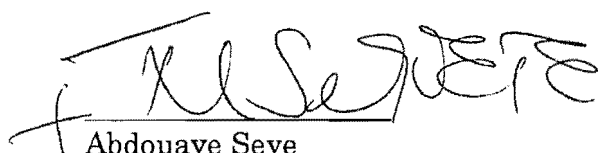
fairness and in the interests of justice, the same word extension to enable it to adequately respond to Nizeyimana's expanded Appellant's Brief.¹³

III. Relief Sought

7. The Motion as it stands therefore must fail. In the events the Pre-appeal Judge allows Nizeyimana to file an oversized Appellant's Brief, the Prosecution should be allowed the same extension of word limit to file its Respondent's Brief.

Respectfully submitted

Word count: 875

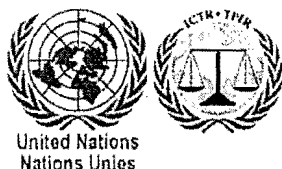


Abdouaye Seye
Senior Appeals Counsel

DATED at Arusha, Tanzania, this 1st day of March, 2013.

Bagosora 19 January 2010 Decision (granting a 10,000 word extension).

¹³ Decision of 21 May 2012, para. 8.



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From:	☐ Chamber (names)	☐ Defence (names)	☒ Prosecutor's Office Abdoulaye Seye, Senior Appeals Counsel (names)
			☐ Other: (names)
Case Name:	The Prosecutor vs. Ildephonse Nizeyimana		Case Number: ICTR-00-55C-A
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