



Tribunal Pénal International pour le Rwanda  
International Criminal Tribunal for Rwanda

1041/H  
*RHM*

**IN THE APPEALS CHAMBER**

**ICTR-98-44-A**  
**03-January-2013**  
**(1041/H-1038/H)**

**Before:** Judge Theodor Meron, Pre-Appeal Judge

**Registrar:** Mr. Bongani Majola

**Decision of:** 3 January 2013

**ÉDOUARD KAREMERA**  
**MATTHIEU NGIRUMPATSE**

v.

**THE PROSECUTOR**

*Case No. ICTR-98-44-A*

<b>ICTR Appeals Chamber</b>
Date: <b>03 JAN 2013</b>
Action:
Copied To: <i>Judges, LJs</i>
<i>Parties, JPU, LSS</i>
<i>[Signature]</i>

---

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

---

**Counsel for Édouard Karemera**

Dior Diagne Mbaye  
Moussa Félix Sow

**Counsel for Matthieu Ngirumpatse**

Frédéric Weyl

**Office of the Prosecutor**

Hassan Bubacar Jallow  
James J. Arguin  
George W. Mugwanya  
Abdoulaye Seye  
Aisha Kagabo  
Mihary Andrianaivo

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: <b>ROSETTE MUZIGO-MORRISON</b>	
SIGNATURE: <i>[Signature]</i>	DATE: <b>03/01/13</b>

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 1994 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. Édouard Karemera on 24 December 2012 seeking an extension of the word limit for the filing of his Appellant’s brief.<sup>2</sup> The Prosecution responded on 27 December 2012.<sup>3</sup> Mr. Karemera did not file a reply.

2. On 21 December 2011, Trial Chamber III of the Tribunal (“Trial Chamber”) convicted Mr. Karemera of direct and public incitement to commit genocide and genocide.<sup>4</sup> The Trial Chamber also convicted Mr. Karemera 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.<sup>5</sup> The Trial Chamber sentenced him to life imprisonment.<sup>6</sup>

3. The written judgement was issued in English on 2 February 2012, and the French translation of the Trial Judgement was filed on 1 December 2012.

4. On 10 February 2012, Mr. Karemera filed a motion for an extension of time to file his notice of appeal.<sup>7</sup> On 17 February 2012, I granted Mr. Karemera’s motion in part, allowed him a limited extension of time based on the size and complexity of the trial record in this case and the complexity of the Trial Judgement, and ordered him to file his notice of appeal, if any, by 19 March 2012.<sup>8</sup> Mr. Karemera filed his notice of appeal on 19 March 2012.<sup>9</sup>

---

<sup>1</sup> Order Assigning a Pre-Appeal Judge, 27 January 2012.

<sup>2</sup> *Requête urgente d’Édouard Karemera en vue d’obtenir une autorisation d’extension du nombre de mots du mémoire d’appel*, 24 December 2012 (“Motion”), para. 13.

<sup>3</sup> Prosecutor’s Response to Édouard Karemera’s Motion Requesting Extension of Word Limit for the Filing of his Appeal Brief, 27 December 2012 (“Response”).

<sup>4</sup> T. 21 December 2011 p. 15; *The Prosecutor v. Édouard Karemera and Matthieu Ndirumutse*, Case No. ICTR-98-44-T, Judgement and Sentence, 2 February 2012 (“Trial Judgement”), paras. 1714, 1715.

<sup>5</sup> T. 21 December 2011 p. 15; Trial Judgement, para. 1715.

<sup>6</sup> T. 21 December 2011 p. 15; Trial Judgement, para. 1762.

<sup>7</sup> *Requête aux fins de prorogation de délai en vue de former appel du jugement rendu le 21 décembre 2011 par la Chambre III*, 10 February 2012, para. 17.

<sup>8</sup> Decision on Motions for Extension of Time for the Filing of Appeal Submissions, 17 February 2012 (“Decision of 17 February 2012”), paras. 12, 13.

<sup>9</sup> *L’acte d’appel de Monsieur Édouard Karemera*, 19 March 2012.

5. On 28 March 2012, Mr. Karemera filed a motion seeking an extension of time to file his appeal submissions as well as other relief.<sup>10</sup> On 25 April 2012, I granted his motion in part and ordered him to file his Appellant's brief no later than forty days from the filing of the French translation of the Trial Judgement and to file his Respondent's brief no later than twenty days from the filing of the French version of the Trial Judgement or the French version of the Prosecution's Appellant's brief, whichever is later.<sup>11</sup>

6. On 10 May 2012, Mr. Karemera's co-appellant, Mr. Matthieu Ngirumpatse, filed a motion seeking an extension of the word limit for his Appellant's brief.<sup>12</sup> On 21 May 2012, I granted this motion in part, allowing Mr. Ngirumpatse a 10,000-word extension for his Appellant's brief and the Prosecution a 10,000-word extension for its Respondent's brief.<sup>13</sup>

7. According to the Practice Direction on the Length of Briefs and Motions on Appeal, an Appellant's brief shall not exceed 30,000 words.<sup>14</sup> A party may be authorized to exceed this limit if the applicant demonstrates "exceptional circumstances" in advance of the filing date.<sup>15</sup> Mr. Karemera submits that he has met this standard in light of, *inter alia*, the length and complexity of the proceedings, the extension of words granted to his co-appellant, and the numerous counts of which he was convicted.<sup>16</sup> He further argues that, having read the French translation of the Trial Judgement, he has a better understanding of the judgement and wishes to develop his arguments in a more detailed manner.<sup>17</sup> Accordingly, Mr. Karemera requests an extension of 20,000 words for his Appellant's brief.<sup>18</sup>

8. The Prosecution responds that Mr. Karemera does not demonstrate exceptional circumstances justifying the requested extension of the word limit.<sup>19</sup> Should an extension of the word limit be granted, the Prosecution submits that it should be limited to 10,000 words as was done with respect to his co-appellant and authorized in other similarly complex cases.<sup>20</sup> Further, if

<sup>10</sup> *Requête d'Édouard Karemera en extension de délai de dépôt du mémoire de l'appellant et de dépôt du mémoire de l'intimé en attendant la version française du jugement et du mémoire du procureur*, 28 March 2012, paras. 15-18.

<sup>11</sup> Decision on Édouard Karemera's Motion for Extension of Time for the Filing of Appeal Submissions and Other Relief, 25 April 2012, para. 14.

<sup>12</sup> *Requête urgente de M. Ngirumpatse en extension du nombre de mots du mémoire d'appel*, 10 May 2012, paras. 15, 16.

<sup>13</sup> Decision on Matthieu Ngirumpatse's Motion for an Extension of the Word Limit for his Appellant's Brief, 21 May 2012 ("Decision of 21 May 2012"), para. 8.

<sup>14</sup> Practice Direction on the Length of Briefs and Motions on Appeal, 8 December 2006 ("Practice Direction"), para. (C)1(a).

<sup>15</sup> Practice Direction, para. (C)5.

<sup>16</sup> Motion, paras. 10, 11.

<sup>17</sup> Motion, para. 12.

<sup>18</sup> Motion, para. 13.

<sup>19</sup> Response, paras. 2, 5.

<sup>20</sup> Response, paras. 2, 4-6.

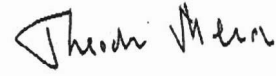
an extension is granted, the Prosecution requests a corresponding extension of the word limit for its Respondent's brief.<sup>21</sup>

9. 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.<sup>22</sup> On this basis, I consider that exceptional circumstances exist warranting an extension of the word limit for Mr. Karemera's Appellant's brief. That said, 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".<sup>23</sup> I find that, in the circumstances of this case, only a limited extension of 10,000 words for Mr. Karemera's Appellant's brief is justified.

10. For the foregoing reasons, the Motion is **GRANTED**, in part, and Mr. Karemera is authorized to file an Appellant's brief not exceeding 40,000 words. The Prosecution is granted a 10,000-word extension to respond to Mr. Karemera's Appellant's brief.

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

Done this 3rd day of January 2013,  
At The Hague,  
The Netherlands.



Judge Theodor Meron  
Pre-Appeal Judge

[Seal of the Tribunal]



<sup>21</sup> Response, paras. 2, 6.

<sup>22</sup> Decision of 21 May 2012, para. 7; Decision of 17 February 2012, paras. 9, 12.

<sup>23</sup> *Augustin Ndingiriyimana 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, 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.