

MICT-13-43
22-02-2015
(75 - 73)

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MECHANISM FOR INTERNATIONAL CRIMINAL TRIBUNALS (MICT)

Judge: Justice Theodor Meron, Presiding

Registrar: Mr. John Hocking

Date Filed: 18 February 2015

THE PROSECUTOR

v.

F.X. NZUWONEMEYE
Case No. MICT-13-43

**REQUEST FOR LEAVE TO EXCEED THE WORD LIMITS FOR MOTION FOR
COMPENSATION AND DAMAGES FOR VIOLATIONS OF THE
FUNDAMENTAL RIGHTS OF F.X. NZUWONEMEYE, PURSUANT TO
SECURITY COUNCIL RESOLUTION 1966 (2010)**

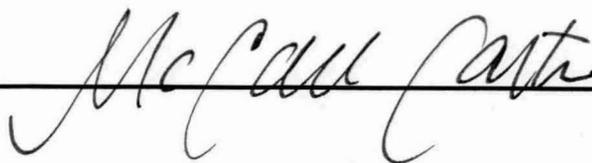
Counsel for the Prosecution

Hassan Bubacar Jallow

**Counsel for F.X.
Nzuwonemeye**

Chief Charles Taku
Beth S. Lyons
Tharcisse Gatarama

**Received by the Registry
Mechanism for International Criminal Tribunals
22/02/2015 15:08**



1. The Applicant, Major F.X. Nzuwonemeye, respectfully requests that leave, pursuant to Practice Direction MICT/11, 6 August 2013, Section H, para. 17, be granted to extend the word limits, and that the attached Motion for Compensation and Damages for Violations of the Fundamental Rights of Francois-Xavier Nzuwonemeye, pursuant to Security Council Resolution 1966 (2010) ("Motion") be accepted for filing.
2. The word count of Applicant's Motion is 4507, which exceeds the 3,000 word limit as specified in Practice Direction MICT/11, 6 August 2013, Section F, para. 15.
3. Applicant submits that exceptional circumstances necessitate this request for leave for an oversized filing.
4. First, a grave wrong was committed which must be rectified, and the Applicant should be given the opportunity for a full presentation of the issues. The violations of the Applicant's fundamental rights which are alleged in the Motion cover a period of 15+ years and are still continuing.
5. At the time of his acquittal in February 2014, the Applicant had already served his sentence.¹ Thus, he completed the punishment for crimes for which he was later acquitted.
6. Second, the acquittals were based in part on violations of fair trial, a fundamental issue for which a remedy is granted by other international and regional courts.
7. Third, this case provides the MICT with an opportunity to "right a wrong" in respect to fair trial, and the increased word limit protects the Applicant's rights in the record.
8. Fourth, since there is limited jurisprudence on the compensation issue, a more complete pleading offers the MICT the possibility of making a ruling on an issue of great significance in the international justice arena. The *ad hoc* tribunals are unique - among many national jurisdictions - for not providing a remedy of compensation and damages within their Statutes, and a complete pleading record could assist in remedying this lacuna in respect to fair trial rights.
9. Fifth, the Applicant submits that it is in the interests of justice, as well as the legacy of the Tribunal, to grant this request for leave to exceed the word limits in order to permit a full discussion by the Defence of its position. This could assist the MICT in arriving at a comprehensive judicial resolution in this significant matter.
10. The importance of compensation for an acquitted person has been of weighty concern to the Tribunals' Presidents, Honorable Judges and the Secretary-General of the United Nations (*see* Appendix, attached to Motion).

¹ In February 2014, when he was acquitted, the Applicant had served approximately two-thirds of his twenty year sentence. In most jurisdictions, he would have been released, without an acquittal, based on "time served."

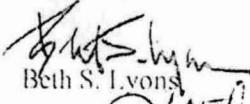
Remedy requested

11. For the reasons cited above, the Applicant respectfully requests that leave be granted to extend the word limit, and that the attached Motion and Appendix be accepted for filing.

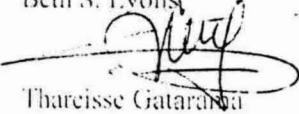
Word count: 474



Chief Charles A. Taku



Beth S. Lyons



Thareisse Gatardou

Attachment: Motion and Appendix (Exhibits)