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ICTR APPEALS

002/018

**UNITED
NATIONS***ICTR-97-29-A
3-NOV-1999
(15-13)*

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

Case No: ICTR-97-29-A

Date: 2 November 1999

Original: English

IN THE APPEALS CHAMBER

Before: Judge Gabrielle Kirk McDonald, Presiding
Judge Mohamed Shahabuddeen
Judge Lal Chand Vohrah
Judge Wang Tieya
Judge Rafael Nieto-Navia

Registrar: Mr. Agwu U. Okali

Decision of: 2 November 1999

ALPHONSE NTEZIRYAYO**v.****THE PROSECUTOR**

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ICTR
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DECISION REJECTING NOTICE OF APPEAL

Counsel for the Appellant:
Mr. Frederic Titinga Pacere

The Office of the Prosecutor:
Japhet Mono
Celine Tonye
Ibukundu Babajide
Robert Petit
Adesola Adeboyejo
Mathias Marcussen

Case No. ICTR-97-29-A

2 November 1999

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 ("the Appeals Chamber" and "the Tribunal" respectively),

BEING SEISED of the "Notice of Appeal" filed by Alphonse NTEZIRYAYO on 9 September 1999 ("the Notice of Appeal");

NOTING the "Decision on the Prosecutor's Request for Leave to File an Amended Indictment" issued in writing on 10 September 1999, the French translation of which was issued on 28 October 1999;

NOTING the "Prosecutor's Motion for Summary Rejection of the Defence's Notice of Appeal Relating to an Objection Based on Lack of Jurisdiction" filed on 28 September 1999;

NOTING that pursuant to Article 24 of the Statute of the Tribunal the Appeals Chamber shall hear appeals from persons convicted by the Trial Chambers or from the Prosecutor;

CONSIDERING that the Appellant fails to satisfy the requirements of this provision;

NOTING FURTHER that the only other circumstance in which an appeal lies is from a dismissal of an objection based on lack of jurisdiction made as a preliminary motion pursuant to Sub-Rule 72(D) of the Rules of Procedure and Evidence of the Tribunal;

NOTING that the Notice of Appeal does not base itself on this provision;

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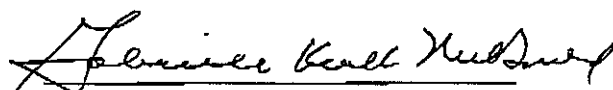
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ICTR APPEALS

004/018

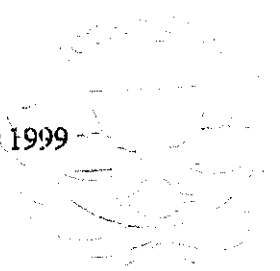
HEREBY DISMISSES the Appeal.

Done in both English and French, the English text being authoritative.



Gabrielle Kirk McDonald
Presiding Judge

Dated this second day of November 1999
At The Hague
The Netherlands



[Seal of the Tribunal]