

**UNITED
NATIONS**



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-97-20-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

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ICTR
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LAURENT SEMANZA

v.

THE PROSECUTOR

DECISION REJECTING NOTICE OF APPEAL

Counsel for the Appellant:
Mr. Andre Dumont

The Office of the Prosecutor:
Mr. David Spencer
Mr. Frederic Ossogo

International Criminal Tribunal for Rwanda
Tribunal pénal international pour le Rwanda
CERTIFIED TRUE COPY OF THE ORIGINAL SEEN BY ME
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NAME / NOM: *Felicile T. Alimani*
SIGNATURE: *[Signature]* DATE: *2-10-99*

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 Laurent SEMANZA on 5 October 1999 (“the Notice of Appeal”);

NOTING the Defence “Motion Seeking Dismissal of the Counts of Violation of Article 3 Common to the Geneva Conventions for Lack of Evidence” filed in English on 24 August 1999 (“the Motion”);

NOTING the written Decision of Trial Chamber III on the Motion, filed on 4 October, the French translation of which was filed on 11 October 1999 (“the Decision”);

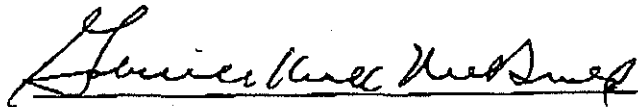
CONSIDERING that the Motion alleges defects in the form of the indictment and was thus filed as a preliminary motion pursuant to paragraph (ii) of Sub-Rule 72(B);

CONSIDERING THEREFORE that the Decision constitutes a dismissal of an objection based on defects in the form of the indictment;

NOTING that pursuant to Sub-Rule 72(D) decisions on such preliminary motions are without interlocutory appeal;

HEREBY REJECTS the Notice of 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

