

UNITED NATIONS

ICTR-97-20-A
16.11.1999
(49-47)



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: 15 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: 15 November 1999

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LAURENT SEMANZA

v.

THE PROSECUTOR

DECISION ON THE DEFENCE "EXTREMELY URGENT MOTION SEEKING A RULING THAT APPEALS FROM ORDERS RULING ON THE TRIAL CHAMBER'S LACK OF JURISDICTION AND REQUEST FOR DISMISSAL OF COUNTS ARE SUSPENSIVE"

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

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NAME / NOM: *Amir M. Mafungu*

SIGNATURE: *[Signature]* DATE: *16.11.99*

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),

NOTING the "Extremely Urgent Motion Seeking a Ruling that Appeals from Orders Ruling on the Trial Chamber's Lack of Jurisdiction and Request for Dismissal of Counts are Suspensive (Articles 20 and 24 of the Statute and Rules 72(D) (E) and 107 (B) of the Rules of Procedure and Evidence)" filed by Laurent SEMANZA on 2 November 1999 ("the Motion");

NOTING that neither the Statute of the Tribunal nor the Rules of Procedure and Evidence of the Tribunal ("the Rules") grants the Appeals Chamber the power to suspend proceedings before a Trial Chamber;

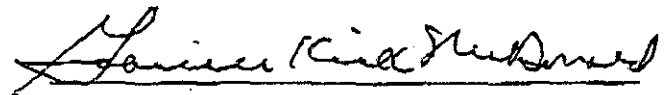
NOTING that orders for the conduct of the Trial may be issued by a Judge or a Trial Chamber pursuant to Rule 54 of the Rules;

NOTING that a hearing has been scheduled by the Trial Chamber for 17 November 1999;

NOTING that no application for suspension of proceedings has been made to the Trial Chamber;

HEREBY REJECTS the Motion.

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



Gabrielle Kirk McDonald
Presiding Judge

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

