



International Criminal Tribunal for Rwanda
Tribunal pénal international pour le Rwanda

IN THE APPEALS CHAMBER

Before:

Judge Claude Jorda, Presiding
Judge Lal Chand Vohrah
Judge Mohamed Shahabuddeen
Judge Wang Tieya
Judge Rafael Nieto-Navia

Registrar: Mr Agwu U Okali

Decision of: 25 November 1999

Hassan NGEZE

v

THE PROSECUTOR

Case No.: ICTR-97-27-A

DECISION

**(APPELLANTS' EXTREMELY URGENT MOTION FOR SUSPENSION OF
PROCEEDINGS IN THE TRIAL CHAMBER)**

Counsel for the Appellant

Ms Patricia MONGO

Counsel for the Prosecutor

Mr N Sankara MENON
Mr William EGBE
Ms Valentina TSONEVA
Mr Alphonse VAN
Mr Mathias MARCUSSEN

THE APPEALS CHAMBER of the International Tribunal for the Prosecution of Persons Responsible for 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 (the 'Appeals Chamber' and the 'Tribunal' respectively);

NOTING the Appellant's 15 November 1999 'Extremely Urgent Motion Seeking a Ruling that the Appeal based on Lack of Jurisdiction is Suspensive' of the pending proceedings in the Trial Chamber;

NOTING that on 29 July 1999, the Registrar certified the trial record, pursuant to Rule 109(a) of the Rules of Procedure and Evidence (the 'Rules');

NOTING that neither the Statute of the Tribunal nor its Rules of Procedure and Evidence (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 an interlocutory appeal lies to this Chamber from the decision of a Trial Chamber, particularly if the requirements of Rule 72(D) have been met;

NOTING that there is no appeal before this Chamber from any decision of the Trial Chamber rejecting the Appellant's motion for suspension of proceedings;

HEREBY REJECTS the Motion.

Done in French and English the French text being authoritative.

Judge Claude JORDA
Presiding

Dated this twenty-fifth day of November 1999
At The Hague
The Netherlands.

[Seal of the Tribunal]