ICTY СНАЯВЕКО ICTR-97-36-А 17-4-2000 37-35)

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Tribunal Pénal International pour le Rwanda International Criminal Tribunal for Bwanda

## IN THE APPEALS CHAMBER

Before:

Judge Claude JORDA, Presiding Judge Lal Chand VOHRAH Judge Mohamed SHAHABUDDEEN Judge Rafael NIETO-NAVIA Judge Fausto POCAR

**Registrar:** 

Mr. Agwu U OKALI

Decision of:

13 April 2000

**Emmanuel BAGAMBIKI** 

(Appellant) v.

THE PROSECUTOR (Respondent)

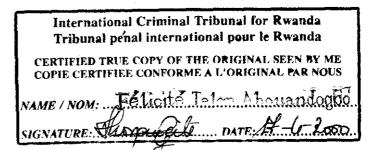
Case No.: ICTR-96-10-A and ICTR 97-36-A

DECISION (APPEAL AGAINST TRIAL CHAMBER III'S DECISION OF 11 OCTOBER 1999)

## Counsel for Emmanuel BAGAMBIKI Mr. Vincent LURQUIN

## Counsel for the Prosecutor

Mr. Léonard Assira ÉNGOUTÉ Mr. Don WEBSTER Mr. Richard KAREGYESA Mr. Alexandra HARVEY



Case Nos.: ICTR-96-10-A and ICTR-97-36-A

13 April 2000

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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 I January and 31 December 1994 ("the Tribunal"),

IVIE UMANA

T4/A4 AA TALTA COMPANYATAATAATAA

NOTING Trial Chamber III's "Decision on the Prosecutor's Motion for Joinder" ("the Decision"), issued on 11 October 1999, pursuant to Rule 48 of the Rules of Procedure and Evidence of the Tribunal, joining *The Prosecutor v. Emmanuel Bagambiki, Samuel Imanishimwe and Yusuf Munyakazi* (Case No.: ICTR-97-36) with *The Prosecutor v. Andre Ntagerura* (Case No.: ICTR-96-10);

NOTING that the French translation of the Decision was filed on 20 October 1999 and transmitted to both the accused Emmanuel Bagambiki and his Defence Counsel on 26 October 1999, as demonstrated by the transmission sheet attached to the translation;

NOTING the "Requête de la défense de Emmanuel BAGAMBIKI aux fins d'appel interlocutoire sur la compétence de la Chambre de première instance III" ("the Notice of Appeal"), filed on 4 November 1999 by Defence Counsel for the accused Emmanuel Bagambiki ("the Appellant");

NOTING the "Mémoire du Procureur en réponse aux requêtes d'appel des défenses des accusés Emmanuel Bagambiki et Samuel Imanishimwe contre la décision de jonction du 11 octobre 1999" and the "Mémoire complémentaire du Procureur en réponse aux requêtes d'appel des accusés Emmanuel Bagambiki et Samuel Imanishimwe contre la décision de jonction du 11 octobre 1999" filed on 14 March 2000;

**CONSIDERING** that the Notice of Appeal should have been filed seven days from the date on which the Appellant received the French translation of the Decision, namely no later than 2 November 1999, pursuant to Sub-rule 108(B) of the Rules in force at the time;

FINDING, consequently, that the Notice of Appeal is filed out of time;

Case Nos.: ICTR-96-10-A and ICTR-97-36-A

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## THEREFORE REJECTS the appeal.

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

\_\_\_\_\_s/.\_\_\_\_ Claude Jorda Presiding

Dated this thirteenth day of April 2000 At The Hague, The Netherlands.



13 April 2000