

ICTR-97-36-A
17-4-2000
(40-38)

HO



Tribunal Pénal International pour le Rwanda
International Criminal Tribunal for Rwanda

IN THE APPEALS CHAMBER

Before: Judge Claude JORDA, Presiding
Judge Lal Chand VOHRAH
Judge Mohamed SHAHABUDEEN
Judge Rafael NIETO-NAVIA
Judge Fausto POCAR

Registrar: Mr. Agwu U OKALI

Decision of: 13 April 2000

2000 APR 17 A 10: 17

ICTR
COURT REGISTRY
RECEIVED

Samuel IMANISHIMWE
(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 Samuel IMAISHIMWE

Ms. Marie Louise Mbida Kanse TAH
Mr. Georges SO'O

Counsel for the Prosecutor

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

International Criminal Tribunal for Rwanda Tribunal pénal international pour le Rwanda	
CERTIFIED TRUE COPY OF THE ORIGINAL SEEN BY ME COPIE CERTIFIÉE CONFORME A L'ORIGINAL PAR NOUS	
NAME / NOM: <i>Félicité T. Mwandogabo</i>	
SIGNATURE: <i>[Signature]</i>	DATE: <i>17-4-2000</i>

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

13 April 2000

THE APPEALS CHAMBER of 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 Tribunal”),

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 (“the Rules”), 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 the accused Samuel Imanishimwe 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 Samuel Imanishimwe aux fins d’appel interlocutoire sur la compétence de la Chambre de première instance III*” (“the Notice of Appeal”), filed on 3 November 1999 by Defence Counsel for the accused Samuel Imanishimwe (“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 and the “*Mémoire de la Défense en réponse au mémoire du Procureur en réplique aux requêtes d’appel des Défenses des accusés Samuel Imanishimwe, Emmanuel Bagambiki, André Ntagerura et Yusuf Munyakazi*”, filed by the Appellant on 30 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;

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.

[Seal of the Tribunal]

