



Tribunal Pénal International pour le Rwanda
International Criminal Tribunal for Rwanda

000091

ICTR-96-15-1
17-APR-2000
(91-89)

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 10:16
ICTR
COURT REGISTRY
RECEIVED

Joseph KANYABASHI
(Appellant)

v

THE PROSECUTOR
(Respondent)

Case No.: ICTR-97-21-A

DECISION

(APPEAL AGAINST TRIAL CHAMBER II'S
DECISION OF 5 OCTOBER 1999)

Counsel for Joseph KANYABASHI

Mr. Michel MARCHAND
Mr. Michel BOYER

Counsel for the Prosecutor

Mr. Japhet D MONO
Mr. Ibukunolu A BABAJIDE
Ms. Céline TONYE
Ms. Andra MOBBERLEY
Ms. Sola ADEBOYEJO
Ms. Nadira BAYAT

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	
Félicité Talon Ahouandogbo	
NAME / NOM:	DATE: 17-4-2000
SIGNATURE:	

000090

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 Tribunal"),

NOTING the "Decision on the Prosecutor's Motion for Joinder of Trials" ("the Decision"), issued by Trial Chamber II ("the Trial Chamber") on 5 October 1999, pursuant to Rule 48 of the Rules of Procedure and Evidence of the Tribunal ("the Rules"), ordering the joint trial of the accused Pauline Nyiramasuhuko, Arsène Shalom Ntahobali, Sylvain Nsabimana, Alphonse Nteziryayo, Joseph Kanyabashi and Elie Ndayambaje;

NOTING the French translation of the Decision, filed on 25 October 1999 and transmitted to the accused Joseph Kanyabashi and his Defence Counsel on 26 October 1999, as demonstrated by the attached transmission sheet;

NOTING the "*Appel relatif à une exception d'incompétence à l'encontre de la décision rendue par la Chambre de première instance II, le 5 octobre 1999 (Art. 72, 108(B) et 117 du Règlement de procédure et de preuve)*" ("the Appeal"), filed on 3 November 1999 by Defence Counsel for the accused Joseph Kanyabashi ("the Appellant");

NOTING the "Prosecutor's Motion for Summary Rejection of the Defence's Notice of Appeal Relating to an Objection Based on Lack of Jurisdiction on a Joinder Motion", filed on 24 December 1999;

CONSIDERING that the 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 Appeal is filed out of time;

000089

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]

