



Tribunal Pénal International pour le Rwanda  
International Criminal Tribunal for Rwanda

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ICTR-97-21-A  
17-APR-2000  
(150-148)

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

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ICTR  
COURT REGISTRY  
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Arsène Shalom NTAHOBALI  
(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 Arsène NTAHOBALI

Ms. Frédérique POITTE  
Ms. Dominique TRICAUD

Counsel for the Prosecutor

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

International Criminal Tribunal for Rwanda  
Tribunal pénal international pour le Rwanda

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NAME / NOM: ... *Élicite Talon Aboumardogbo* ...  
SIGNATURE: ... *[Signature]* ... DATE: *17-4-2000* ...

**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”), granting the “Prosecutor’s Motion for Joinder” (“the Joinder Motion”) and 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 Arsène Shalom Ntahobali and his Defence Counsel on 26 October 1999, as demonstrated by the attached transmission sheet;

**NOTING** the “*Déclaration d’appel*”, filed on 19 October 1999 by Defence Counsel for the accused Arsène Shalom Ntahobali (“the Appellant”);

**NOTING** the “*Avis d’appel relativement à une exception d’incompétence (Article 72 D) du Règlement de preuve et de procédure demande de report de délais (116 du Règlement de Procédure et de Preuve)*”, filed on 19 October 1999, in which the Appellant requests, pursuant to Rule 116, an extension of the time-limit within which to appeal against the Decision (“the Request for Extension of Time”);

**CONSIDERING** that it is unnecessary for the Appeals Chamber to rule upon the Request for Extension of Time since the Notice of Appeal was filed within the time-limit set out in Sub-rule 108(B) of the Rules then in force;

**NOTING** the “*Appel relatif à l’exception d’incompétence de la Chambre de première instance II statuant, le 5 octobre 1999, sur la jonction de l’instance de monsieur Ntahobali avec celles de madame Nyiramasuhuko et de messieurs Nsabimana, Nteziryayo, Kanyabashi*”

