



Tribunal Pénal International pour le Rwanda
International Criminal Tribunal for Rwanda

00014701

ICTR-97-21-A
17-APR-2000
(147-145)

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

2000 APR 17 A 10:16
ICTR
COURT REGISTRY
RECEIVED

Pauline NYIRAMASUHUKO
(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 Pauline NYIRAMASUHUKO

Ms. Nicole BERGEVIN

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	
NAME / NOM: <u>E. K. T. M. Mubwandirika</u>	SIGNATURE: <u>[Signature]</u>
DATE: <u>17/04/2000</u>	

Case No.: ICTR-97-21-A

13 April 2000

000110

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 Pauline Nyiramasuhuko and her Defence Counsel on 26 October 1999, as demonstrated by the attached transmission sheet;

NOTING the "*Avis d'appel interlocutoire sur une question d'incompétence Articles 72(D), 108(B) et 117 du Règlement de Procédure et de Preuve*", filed on 1 November 1999 by Defence Counsel for the accused Pauline Nyiramasuhuko ("the Appellant");

NOTING the "*Avis d'appel interlocutoire amendé sur une question d'incompétence Articles 72(D), 108(B) et 117 du Règlement de Procédure et de Preuve*", filed on 2 November 1999 by 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", filed on 23 December 1999;

NOTING that the Appellant opposed the granting of the Joinder Motion, *inter alia*, on the ground that the Trial Chamber could not hear the Joinder Motion before the expiration of the time-limit set out in Sub-rule 72(A), which she characterised as a jurisdictional issue;

000145

CONSIDERING that a right of appeal against an interlocutory decision of a Trial Chamber arises only out of a decision on a preliminary motion, brought under Rule 72, dismissing an objection based on lack of jurisdiction;

CONSIDERING that the objections dismissed by the Decision were not based on lack of jurisdiction, as defined by Rule 72(D) in force at the time;

FINDING, therefore, that there is no right of appeal against the Decision;

CONSEQUENTLY 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.

