



Tribunal Pénal International pour le Rwanda
International Criminal Tribunal for Rwanda

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EW

ICTR-98-44-A
28-APRIL 2000
(29-27)

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: 28 April 2000

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ICTR
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Matthieu NGIRUMPATSE
(Appellant)

v.

THE PROSECUTOR
(Respondent)

Case No.: ICTR-98-44-A

DECISION

(INTERLOCUTORY APPEALS FILED AGAINST THE DECISIONS
OF 18 NOVEMBER 1999 AND 10 DECEMBER 1999)

Counsel for Matthieu NGIRUMPATSE

Mr Charles C ROACH

Counsel for the Prosecutor

Mr Don WEBSTER

International Criminal Tribunal for Rwanda Tribunal pénal international pour le Rwanda	
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NAME / NOM:	Félicité Talon Ahouandogbo
SIGNATURE:	[Signature]
DATE:	28-4-2000

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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 1 January 1994 and 31 December 1994 ("the Appeals Chamber" and "the Tribunal" respectively),

BEING SEIZED OF a "Notice of Appeal of the Judgment of the Trial Chamber denying Disqualification of Judges from Hearing the Motion on the Lawfulness of Arrest and Detention" ("the First Notice of Appeal") filed on 19 November 1999, in which Matthieu Ngirumpatse ("the Appellant") appeals a decision of the Bureau of the Tribunal issued on 18 November 1999 wherein it determined that there were no grounds to disqualify Judge Laity Kama and Judge William Sekule from hearing his motion embodied in the "Application Challenging the Lawfulness and Propriety of the Arrest and Detention of the Suspect" ("the Substantive Motion");

BEING FURTHER SEIZED OF a "Notice of Appeal of the Decision on the Defence Motion Challenging the Lawfulness of the Arrest and Detention and Seeking Return or Inspection of Seized Items" ("the Second Notice of Appeal") filed on 28 January 2000 in which the Appellant challenges the subsequent decision of the Trial Chamber issued on 10 December 1999 wherein, on proceeding to hear the Substantive Motion, it dismissed it in full;

NOTING that a right of interlocutory appeal lies only from a dismissal of an objection based on lack of jurisdiction made as a preliminary motion pursuant to Sub-Rule 72(D) of the Rules of Procedure and Evidence ("the Rules") in force at the time;

CONSIDERING that there is no provision in the Rules to permit an interlocutory appeal from a decision by the Bureau;

ACCORDINGLY FINDS that the First Notice of Appeal fails;

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NOTING FURTHER that an interlocutory appeal within the meaning of Sub-Rule 72(D) of the Rules in force at the time, requires that a written notice of appeal shall be filed with the Registrar and served upon the other parties not more than seven days from the date on which the impugned decision is delivered in both English and French, pursuant to Rule 108(B) of the Rules;

NOTING that in respect of the Second Notice of Appeal the impugned decision was issued on 10 December 1999, and received by the Appellant on 13 January 2000 and that the Notice of Appeal was filed on 28 January 2000;

FINDING THEREFORE that the Second Notice of Appeal is filed out of time;

NOW THEREFORE REJECTS the Second Notice of Appeal.

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

Claude JORDA
Presiding Judge

Dated this twenty-eighth day of April 2000
At The Hague,
The Netherlands.

[Seal of the Tribunal]

