

ICTR-97-34-A  
 19-MAY-2000  
 (298bis-296bis)

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UNITED NATIONS  
 NATIONS UNIES



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:** 18 May 2000

**GRATIEN KABILIGI**  
*(Appellant)*

v

**THE PROSECUTOR**  
*(Respondent)*

*Case No: ICTR-97-34-A*

**DECISION**

(INTERLOCUTORY APPEAL AGAINST THE DECISION OF 4 NOVEMBER 1999)

**Counsel for the Appellant:**

Mr. Jean Yaovi Degli

**The Office of the Prosecutor:**

Mr. David Spencer  
 Mr. Frédéric Ossogo

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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 and 31 December 1994 ("the Appeals Chamber"),

**BEING SEIZED OF** a "Déclaration d'appel de la défense" filed by Mr. Kabiligi ("the Appellant") on 8 November 1999 ("the Notice of Appeal"), pursuant to Rule 72 of the Rules of Evidence and Procedure ("the Rules");

**NOTING** that the Notice of Appeal is directed against a decision of Judge Lloyd George Williams of Trial Chamber III of 4 November 1999 rejecting an "Extremely Urgent Motion for Disqualification and Objection based on Lack of Jurisdiction" filed in French on 27 October 1999 ("the Decision" and "the Urgent Motion", respectively);

**CONSIDERING** that, at the hearing prior to the making of the Decision, the Urgent Motion was considered by Judge Williams as a motion falling under Rule 73 of the Rules, without any objection of the parties;

**CONSIDERING** that the Decision stated clearly that Judge Williams was designated by Trial Chamber III pursuant to Rule 73 to deal with the Urgent Motion;

**CONSIDERING** that Rule 72 provides no power for a Trial Chamber to designate one of its members to deal with preliminary motions filed under the rule;

**NOTING** that neither of the parties has for six months from the date of the Notice of Appeal filed any brief in relation to thereto;

**CONSIDERING** that Rule 73 (B) states that decisions rendered on motions under Rule 73 are without interlocutory appeal;

**PURSUANT TO** Rule 73 (B),

**HEREBY FINDS** that the Appeals Chamber lacks jurisdiction to entertain the Notice of Appeal.

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

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Claude Jorda  
Presiding Judge

Dated this eighteenth day of May 2000  
At The Hague,  
The Netherlands

[Seal of the Tribunal]

