



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

*Handwritten signature and date: 18-05-2000*

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**EDOUARD KAREMERA  
v  
THE PROSECUTOR**

*Case No: ICTR-98-44-AR72*

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**DECISION**

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**The Appellant:**

Mr. Edouard Karemera

**Counsel for the Prosecutor:**

Mr. Don Webster

**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” and “the Tribunal” respectively),

**BEING SEIZED OF** a “Déclaration d’Appel” filed by Mr. Karemera (“the Appellant”) on 17 November 1999 (“the First Notice of Appeal”), wherein he asks the Appeals Chamber to rule on the jurisdiction of Trial Chamber II to hear certain pending motions submitted by him, and a Notice of Appeal filed by the Appellant on 3 December 1999 (“the Second Notice of Appeal”), whereby he asks the Appeals Chamber to set aside a decision of the Bureau of the Tribunal, dated 16 November 1999, and to rule that Trial Chamber II, in its current composition, has no jurisdiction over the pending motions;

**NOTING** that the First Notice of Appeal was filed against an alleged decision of Trial Chamber II made at the hearings on 17 November 1999 to proceed with the hearing of the pending motions, irrespective of his challenge to the jurisdiction of the Trial Chamber to do so, which was embodied in the “Extremely Urgent Motion for Disqualification and Lack of Jurisdiction (Rules 72 and 73 of the Rules of Procedure and Evidence)” (“the Urgent Motion”), filed by the Appellant on 15 November 1999 before Trial Chamber II and transferred to the Bureau for decision on 16 November under Rule 15(B) of the Rules of Procedure and Evidence (“the Rules”);

**NOTING** that the Bureau’s decision of 16 November 1999 (“the Bureau Decision”) dismissed the Urgent Motion;

**CONSIDERING** that Trial Chamber II expressly abstained from making any decision at the hearing of 17 November 1999 in respect of the question of jurisdiction raised in the Urgent Motion, but instead implemented the Bureau Decision by proceeding with the pending motions on the basis of that decision;

**FINDING** that the First Notice of Appeal must fail accordingly;

**CONSIDERING** that there is no provision in the Rules to allow an interlocutory appeal

from a decision by the Bureau;

**FINDING** accordingly that the Second Notice of Appeal must fail;

**HEREBY DECIDES** to reject both the First and Second Notices of Appeal.

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]