

ICTR-97-20-I  
30-10-2000  
(2807-2805)

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UNITED NATIONS  NATIONS UNIES

International Criminal Tribunal for Rwanda

TRIAL CHAMBER III

Original: ENGLISH

Before: Judge Lloyd George Williams, Presiding  
Judge Yakov Ostrovsky  
Judge Pavel Dolenc

Registrar: Dr. Agwu U. Okali

Date: 30 October 2000

THE PROSECUTOR  
v.  
LAURENT SEMANZA

Case No. ICTR-97-20-I

2000 OCT 30 P 3:52  
JUDICIAL RECORDS/ARCHIVES  
RECEIVED  
ICTR  
*Laurent Semanza*

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**DECISION ON THE DEFENCE MOTION FOR THE ADJOURNMENT  
OF THE TRIAL PROCEEDINGS**

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Office of the Prosecutor:

Chile Eboe Osuji  
Frédéric Ossogo

Defence Counsel for Semanza:

Charles Achaleke Taku  
Sadikou Alao

6. In the present case the key issue is to determine whether the Motion brought before the Chamber was a preliminary motion. Upon receiving the written submissions of the parties, the Chamber noted a confusion as to the legal basis of the Defence Motion. To make it clear, the Chamber, at the hearing held on 6 July 2000 called upon the Defence to specify on which legal ground its Motion was based. The Defence answered that its Motion was based under Rule 73. See Transcripts of 6 July 2000, pages 42 (*N.19 to 25*), 43 (*N.1 to 25*) and 44 (*N. 1 to 6*). Indeed the issues raised in the Motion did not pertain to Rule 72. The Defence mainly complained about alleged shortcomings in the disclosure of supporting materials and inappropriate amendments in the indictment. The Chamber dealt therefore with the Motion on the basis of the briefs of the parties, pursuant to rule 73 and did not give any consideration to the merit of the issue of lack of jurisdiction which was time-barred a long time ago.

7. Rule 73(B) provides that decisions on motions brought under this Rule are without interlocutory appeal. Therefore, there is no need for the Chamber to adjourn the Trial.

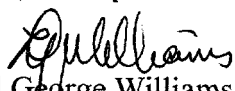
*Frivolous Motion*

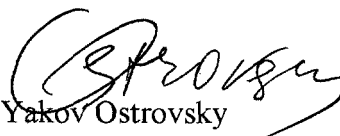
8. Rule 73(E) provides that the Chamber may impose sanctions for the filing of motions that are frivolous or an abuse of process, including non-payment of fees associated with a motion and costs. The Chamber finds the Motion to be frivolous and an abuse of process; its only purpose is to hinder the proceedings.

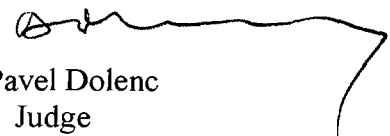
9. For these reasons, the Chamber:

- (a) **DISMISSES** the Motion, and;
- (b) **DIRECTS** the Registrar not to pay the fees and costs associated with the filing of this Motion.

Arusha, 30 October 2000.

  
Lloyd George Williams  
Judge, Presiding

  
Yakov Ostrovsky  
Judge

  
Pavel Dolenc  
Judge

Seal of the Tribunal