



International Criminal Tribunal for Rwanda  
Tribunal pénal international pour le Rwanda

## IN THE APPEALS CHAMBER

**Before:**

Judge Theodor Meron, Presiding  
Judge Mohamed Shahabuddeen  
Judge Mehmet Güney  
Judge Fausto Pocar  
Judge Inés Monica Weinberg de Roca

**Registrar:** Mr. Adama Dieng

**Decision of:** 25 July 2003

**Laurent SEMANZA**  
**V.**  
**THE PROSECUTOR**

*Case No. ICTR-97-20-A*

---

### DECISION ON DEFENCE OBJECTIONS TO THE PROSECUTION'S NOTICE OF APPEAL

---

**Counsel for the Defence**

Mr. Charles Taku

**Counsel for the Prosecution**

Mr. Norman Farrell

**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 (“International Tribunal”),

**BEING SEISED** of the “Defence Objections to the Prosecutions Notice of Appeal”, filed on 26 June 2003 (“Motion”), in which the Defence alleges *inter alia* that the

Prosecution's Notice of Appeal is "speculative, ambiguous, and imprecise and does not conform to the requirement Rule 108 of the Rules (sic)"[\[1\]](#) and should therefore be struck out;

**NOTING** the "Prosecution's Response to 'Defence Objections to the Prosecution's Notice of Appeal'", filed on 3 July 2003 ("Response"), in which the Prosecution submits that the Motion does not show that the Prosecution's Notice of Appeal fails to conform to the requirements of the Rules of Procedure and Evidence ("Rules") and of the Practice Direction and that the Motion is frivolous;

**BEING SEISED ALSO** of the "Defence Application to Strick (sic) Out the Prosecution's Response to 'Defence Objections to the Prosecution's Notice of Appeal' filed on the 3 July 2003", filed on 7 July 2003 ("Application"), which alleges that the Response was filed outside of the time limit;

**NOTING** the "Prosecution Response to the 'Application to Strike out Prosecution's Response to 'Defence Objection to the Prosecution's Notice of Appeal' filed on 3 July 2003'", filed on 14 July 2003 ("Response to the Application");

**NOTING** that the Defence did not file a reply either to the Response or to the Response to the Application;

**CONSIDERING** that the arguments developed in the Motion are either incomprehensible, patently misleading, or relate to the substance of the appeal on the merits, and that comments relating to the substance of the appeal could be included in the Defence's Respondent's Brief in due course;

**CONSIDERING** that the Response was filed within the period prescribed by paragraph 11 of the Practice Direction on Procedure for the Filing of Written Submissions in Appeal Proceedings before the Tribunal dated 16 September 2002 and therefore is not filed out of time;

**CONSIDERING FURTHER** that a Notice of Appeal need not set out in detail the arguments that the party intends to raise in support of its grounds of appeal,[\[2\]](#) and that the Prosecution's Notice of Appeal complies with the requirements of Rule 108 of the Rules and the Practice Direction on Formal Requirements of Appeals from Judgement dated 16 September 2002;

**FINDING** that both the Motion and the Application are frivolous within the meaning of Rule 73(F) of the Rules;

**FOR THE FOREGOING REASONS,**

**DISMISSES** the Motion and the Application and **DIRECTS** the Registrar, pursuant to Rule 73(F) of the Rules, not to pay the Defence Counsel any fees or costs associated with the Motion or the Application.

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

---

Theodor Meron  
Presiding Judge of the Appeals Chamber

Done this 25<sup>th</sup> day of July 2003,  
At The Hague,  
The Netherlands.

**[Seal of the International Tribunal]**

[\[1\]](#) Motion, para. 1.

[\[2\]](#) *Prosecutor v. Bagilishema*, Case No. ICTR-95-1A-A, “Décision (Requête tendant à voir déclarer irrecevable l’acte d’appel du Procureur)”, 26 October 2001, p. 4.