



ICTR-01-11-AK12  
 28 January 2005  
 (8/H - 6/H)  
 International Criminal Tribunal for Rwanda  
 Tribunal Pénal International pour le Rwanda

8/H  
 RM

**IN THE APPEALS CHAMBER**

**Before:** Judge Florence Ndepele Mwachande Mumba, Presiding  
 Judge Mehmet Güney  
 Judge Fausto Pocar  
 Judge Wolfgang Schomburg  
 Judge Inés Mónica Weinberg de Roca

**Registrar:** Mr. Adama Dieng

**Decision of:** 28 January 2005

ICTR Appeals Chamber  
 Date: 28 January 05  
 Action:  
 Copied To: Concerned Parties, Judicial Arc

2005 JAN 31 A 9 27  
 [Signature]  
 ICTR  
 JUDICIAL RECORDS/ARCHIVES  
 RECEIVED

**JOSEPH NZABIRINDA**

v.

**THE PROSECUTOR**  
 Case No. ICTR-2001-77-AR72

Parties, Judicial Arc  
 LOs, LSS [Signature]

**DECISION ON JOSEPH NZABIRINDA'S NOTICE OF APPEAL**

**Counsel for the Prosecution**

Silvana Arbia  
 Jonathan Moses  
 Adelaide Whest  
 Adesola Adeboyejo

**Counsel for the Defence**

Joseph M. Sainte-Luce, Lead Counsel

International Criminal Tribunal for Rwanda  
 Tribunal pénal international pour le Rwanda  
 CERTIFIED TRUE COPY OF THE ORIGINAL SEEN BY ME  
 COPIE CERTIFIÉE CONFORME À L'ORIGINAL PAR NOUS  
 NAME / NOM: ROSETTE MUZIGO-MORRISON  
 SIGNATURE: [Signature] DATE: 28/01/04

**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 (“Tribunal”);

**BEING SEISED OF** the “Notice of Appeal” filed by Joseph Nzabirinda (“Appellant”) on 27 October 2004, in which the Appellant gives notice of his intention to appeal on a number of grounds the “Decision on Joseph Nzabirinda’s Motion to Set Aside the Registrar’s Decision to Withhold the Amount Owed to Him in Meeting the Cost of His Defence,” rendered by the Trial Chamber on 28 September 2004 (“Impugned Decision”);

**NOTING** the Impugned Decision in which the Trial Chamber recalled that, pursuant to Article 33(A) of the Rules of Procedure and Evidence of the International Tribunal (“Rules”), “[u]nder the authority of the President, [the Registrar] shall be responsible for the administration and servicing of the Tribunal and shall serve as its channel of communication”; declared itself incompetent to review the Registrar’s decision as requested by the Appellant because it concerned an administrative procedural issue; and determined that the President of the International Tribunal was the sole authority with competence to review the said Registrar’s decision;<sup>1</sup>

**NOTING** that under Rule 73(A) and (B) of the Rules, “...either party may move before a Trial Chamber for appropriate ruling or relief after the initial appearance of the accused” but that “[d]ecisions rendered on such motions are without interlocutory appeal save with certification by the Trial Chamber...”;

**NOTING** further that, under Rule 73(C) of the Rules, “[r]equests for certification shall be filed within seven days of the filing of the impugned decision...[and] [i]f certification is granted, a party shall appeal to the Appeals Chamber within seven days of the filing of the decision to certify.”;

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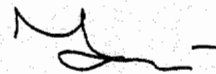
<sup>1</sup> Impugned Decision, paras 10, 11.

**CONSIDERING** that the Appellant has not requested certification of the Impugned Decision for interlocutory appeal pursuant to the requirements of Rule 73 of the Rules, nor has the Trial Chamber granted such certification *proprio motu* prior to his filing of his Notice of Appeal;

**CONSIDERING** therefore that the Impugned Decision is without interlocutory appeal and that this Appeals Chamber lacks jurisdiction to dispose of the Appellant's "Notice of Appeal";

**FOR THE FOREGOING REASONS, HEREBY DISMISSES** the Appellant's "Notice of Appeal".

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



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Florence Ndepele Mwachande Mumba  
Presiding Judge

Done this 28<sup>th</sup> day of January 2005,  
At the Hague,  
The Netherlands.

[Seal of the Tribunal]

