

**UNITED  
NATIONS**

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

ICTR  
CRIMINAL REGISTRY  
RECEIVED  
Case No: ICTR-96-12-A

Date: 18 December 1998 1998 DEC 21 P 5:21

Original: English

**IN THE APPEALS CHAMBER**

**Before:** Judge Gabrielle Kirk McDonald, Presiding  
Judge Mohamed Shahabuddeen  
Judge Lal Chand Vohrah  
Judge Wang Tieya  
Judge Rafael Nieto-Navia

**Registrar:** Mr. Agwu U. Okali

**Order of:** 18 December 1998

**PROSECUTOR**

v.

**ANATOLE NSENGIYUMVA**

**SCHEDULING ORDER****The Office of the Prosecutor:**

Mr. David Spencer  
Mr. Frédéric Ossogo  
Mr. Chile Eboe-Osuji  
Mr. Luc Cote  
Ms. Josee D'aoust

**Counsel for the Appellant:**

Mr. Michel Ogetto  
Mr. Gershom Otachi Bw'oamwa

International Criminal Tribunal for Rwanda Tribunal pénal international pour le Rwanda	
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NAME / NOM: .....	Marianne Ben Salima
SIGNATURE: .....	<i>Salima</i> DATE: 14.01.99

**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 Tribunal"),

**NOTING** that the Accused Anatole Nsengiyumva ("the Appellant") made his initial appearance before Trial Chamber I composed of Judge Kama, presiding, Judge Sekule and Judge Pillay;

**NOTING** the decisions taken by the President of the Tribunal to redistribute work between Trial Chamber I and Trial Chamber II and to change their respective composition;

**NOTING** that the motions of the Prosecutor for leave to amend certain indictments against, *inter alia*, the Appellant and for joinder of accused ("the Prosecutor's Motions") came before Trial Chamber II;

**NOTING** the oral decision of Trial Chamber II of 28 September 1998 in which the objection by the Appellant to that Trial Chamber's hearing of the Prosecutor's Motions was dismissed ("the Decision");

**NOTING** the "Notice of Appeal (Article 24 Rule 108)" ("the Notice of Appeal"), filed by the Appellant on 5 October 1998;

**NOTING** the "Prosecutor's Response and Challenge to the Admissibility of the Accused's Notice of Appeal" and the "Prosecutor's Motion for an Expedited Appeal Procedure Pursuant to Articles 14 and 28(2) of the Statute of the ICTR and Rules 117 and 108 of the Rules of Procedure and Evidence as Amended", both filed on 21 October 1998;

**CONSIDERING** that Article 24 of the Statute of the Tribunal provides for appeals;

**CONSIDERING** that Sub-rule 72(D) of the Rules provides that decisions on preliminary motions are without interlocutory appeal save in the case of dismissal of an objection based on lack of jurisdiction where an appeal lies as of right;


**DESIRING** to proceed speedily but to be further assisted by the Parties;

**HEREBY ORDERS** the Parties to submit written briefs within fourteen days from the date of this Order in which they shall address the following questions:

- (a) whether the appeal is from dismissal of an objection based on lack of jurisdiction within the meaning of Sub-rule 72(D); and
- (b) if it is,
  - (i) whether Trial Chamber II is competent to hear the Prosecutor's Motions; and
  - (ii) if so, whether the Trial Chamber was lawfully composed;

**AND DECIDES** to dispose of the appeal without further argument as soon as practicable after expiry of the time for submission of such briefs.

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

  
Gabrielle Kirk McDonald  
Presiding Judge

Dated this eighteenth day of December 1998  
At The Hague,  
The Netherlands.



[Seal of the Tribunal]