

ICTR-98-44-AR73.2
24 MARCH 2004
(88/H-86/H)

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Tribunal Pénal International pour le Rwanda
International Criminal Tribunal for Rwanda

IN THE APPEALS CHAMBER

Before: Judge Theodor Meron, Presiding Judge
Registrar: Mr. Adama Dieng
Order of: 24 March 2004

**Mathieu NGIRUMPATSE
Joseph NZIRORERA**

v.

THE PROSECUTOR

Case No ICTR-98-44-AR73.2

ICTR Appeals Chamber
Date: 24 - iii - 04
Action: PG
Copied To: JUDGE

AWs / 10s
Pantier
Rhyt Bumer

**ORDER OF THE PRESIDING JUDGE REPLACING A JUDGE
IN A CASE BEFORE THE APPEALS CHAMBER**

Counsel for the Prosecution

Mr. Don Webster
Ms. Dior Fall
Ms. Ifeoma Ojemeni
Ms. Holo Makwaia

Counsel for the Defence

Mr. Charles Roach
Mr. Frédéric Weyl
Mr. Peter Robinson

I, THEODOR MERON, Presiding Judge of 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”),

NOTING the “Notice of Appeal from Decision of Trial Chamber III of February 19, 2004 Dismissing the Motion for Declaration of Mistrial,” filed by counsel for Mathieu Ndirumpatse and “Joseph Nzirorera’s Joinder in Interlocutory Appeal from Decision on Defence Motion for the Declaration of Mistrial,” filed by counsel for Joseph Nzirorera, both on 15 March 2004;

NOTING the “Order of the Presiding Judge to Assign Judges” dated 18 March 2004;

CONSIDERING the “Motion for Disqualification of Judge Fausto Pocar,” filed by counsel for Nzirorera on 22 March 2004, which correctly points out that Judge Pocar is disqualified from sitting on this appeal by operation of Rule 15(D) of the Rules of Procedure and Evidence of the International Tribunal;

CONSIDERING the composition of the Appeals Chamber of the International Tribunal set out in Document IT/222 of the International Criminal Tribunal for the former Yugoslavia, dated 17 November 2003;

NOTING Articles 11(3) and 13(4) of the Statute of the International Tribunal;

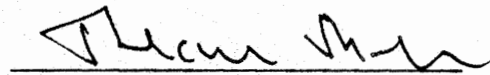
FOR THE FOREGOING REASONS,

HEREBY ASSIGN, with immediate effect, Judge Florence Mumba to replace Judge Fausto Pocar in the present case;

ORDER that, in the case of *Ndirumpatse and Nzirorera v. Prosecutor*, Case No. ICTR-98-44-AR73.2, the Appeals Chamber be composed as follows:

Judge Theodor Meron
 Judge Mohamed Shahabuddeen
 Judge Florence Mumba
 Judge Mehmet Güney
 Judge Inés Mónica Weinberg de Roca.

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



Theodor Meron

Presiding Judge of the Appeals Chamber

Done this 24th day of March 2004,
At The Hague,
The Netherlands.

[Seal of the International Tribunal]

