



International Criminal Tribunal for Rwanda
Tribunal pénal international pour le Rwanda

IN THE APPEALS CHAMBER

Before: Judge Theodor Meron, Presiding Judge

Registrar: Mr. Adama Dieng

Order of: 19 May 2004

Edouard KAREMERA

v.

THE PROSECUTOR

Case No ICTR-98-44-AR72.2

**ORDER OF THE PRESIDING JUDGE ASSIGNING A BENCH OF THREE
JUDGES PURSUANT TO RULE 72(E) OF THE RULES OF PROCEDURE AND
EVIDENCE**

Counsel for the Prosecution

Mr. Hassan Bubacar Jallow

Ms. Melanie Werrett

Mr. James Stewart

Counsel for the Defence

Ms. Dior Diagne Mbaye

Mr. Félix Sow

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 “Appeal by Edouard Karemera’s Defence Against the 2 April 2004 Decision of Trial Chamber III on the Defence Motion, Pursuant to Rules 72 and 73 of the

Rules of Procedure and Evidence, Pertaining to Lack of Subject-Matter Jurisdiction, Lack of Personal Jurisdiction and Defects in the Form of the Indictment,” filed by counsel for Edouard Karemera on 15 April 2004 (“Appeal”);

NOTING the “Order of the Presiding Judge to Assign Judges” in this matter dated 16 April 2004;

CONSIDERING that the Appeal seeks to proceed as of right as an appeal challenging jurisdiction under Rule 72(B)(i) of the Rules of Procedure and Evidence of the International Tribunal (“Rules”) and does not rely on certification by the Trial Chamber under Rule 72(B)(ii) of the Rules;

CONSIDERING that Rule 72(E) of the Rules provides that an appeal brought under Rule 72(B)(i) may not be proceeded with if a bench of three judges of the Appeals Chamber decides that the appeal is not capable of satisfying the requirements of Rule 72(D), in which case the appeal shall be dismissed;

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,

ORDER that, in the case of Edouard Karemera v. The Prosecutor, Case No. ICTR-98-44-AR72.2, the determination provided for in Rule 72(E) be made by the following bench:

Judge Theodor Meron
Judge Mehmet Güney
Judge Inés Mónica Weinberg de Roca; and

SUSPEND the Order of the Presiding Judge to Assign Judges dated 16 April 2004 until the determination provided for in Rule 72(E) is made.

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

Theodor Meron
Presiding Judge of the Appeals Chamber
Done this 19th day of May 2004,
At The Hague,
The Netherlands.
[Seal of the International Tribunal]

