

ICTR-01-76-AR72

19 May 2004
(67/H - 65/H)

67/H
RNM



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: 19 May 2004

ICTR Appeals Chamber
Date: 19 May 2004
Action: PG
Copied To: Concerned Judges
Parties, Judicial Archive
HDs, LSS

Aloys SIMBA

v.

THE PROSECUTOR

Case No. ICTR-01-76-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

Ms. Melanie Werrett
Mr. James Stewart

Counsel for the Defence

Mr. Sadikou Ayo Alao
Ms. Beth Lyons

International Criminal Tribunal for Rwanda
Tribunal pénal international pour le Rwanda
CERTIFIED TRUE COPY OF THE ORIGINAL SEEN BY ME
COPIE CERTIFIEE CONFORME A L'ORIGINAL PAR NOUS
NAME / NOM: ROSETTE MUZIGU-MORRISON
SIGNATURE: [Signature] DATE: 19/05/04

66/H

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 of 'Decision on Preliminary Defence Motion Regarding Defects in the Form of the Indictment' Issued in English by Trial Chamber I, 6 May 2004, Pursuant to Article 108 (RPE)," filed by counsel for Aloys Simba on 14 May 2004;

CONSIDERING that the Appeal does not rely on certification by the Trial Chamber under Rule 72(B)(ii) of the Rules of Procedure and Evidence of the International Tribunal ("Rules") and therefore appears to proceed as of right as an appeal challenging jurisdiction under Rule 72(B)(i) 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 Article 13(4) of the Statute of the International Tribunal;

FOR THE FOREGOING REASONS,

ORDER that, in the case of *Simba v. Prosecutor*, Case No. ICTR-01-76-AR72.2, the determination provided for in Rule 72(E) be made by the following bench:

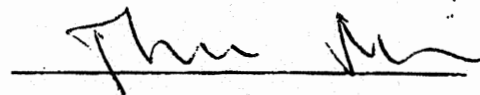
Judge Theodor Meron

Judge Florence Mumba

Judge Mehmet Güney.

65/A

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]

