

ICTR-98-44-AR72.4

03 June 2004

(533/H-531/H)

533/H



Tribunal Penal 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: 3 June 2004

ICTR Appeals Chamber

Date: 03 June 2004

Action: CK

Copied To: Concerned Judges
Parties, Judicial
Archives, LOs, LCS

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André RWAMAKUBA

v.

THE PROSECUTOR

Case No. ICTR-98-44-AR72.4

**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
Mr. Don Webster
Ms. Dior Fall
Ms. Holo Makwaia
Mr. Gregory Lombardi

Counsel for the Defence

Mr. David Hooper
Mr. Andreas O'Shea

ICTR
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International Criminal Tribunal for Rwanda
Tribunal pénal international pour le Rwanda

CERTIFIED TRUE COPY OF THE ORIGINAL SEEN BY ME
COPIE CERTIFIÉE CONFORME A L'ORIGINAL PAR NOUS

NAME / NOM: ROSETTE MUZIGO-MORRISON

SIGNATURE: *[Handwritten Signature]* DATE: 3/06/04

532/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 "Appeal on Behalf of Dr. André Rwamakuba Against Decision on Preliminary Motion re Application of Joint Criminal Enterprise to the Crime of Genocide," filed by counsel for André Rwamakuba on 31 May 2004 ("Appeal");

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 Article 13(4) of the Statute of the International Tribunal;

FOR THE FOREGOING REASONS,

ORDER that, in the case of *Rwamakuba v. Prosecutor*, Case No. ICTR-98-44-AR72.4, the determination provided for in Rule 72(E) be made by the following bench:

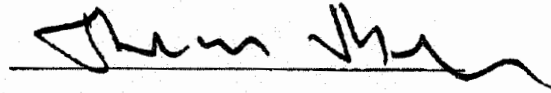
Judge Theodor Meron

Judge Mehmet Güney

Judge Inés Mónica Weinberg de Roca.

531/H

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



Theodor Meron

Presiding Judge of the Appeals Chamber

Done this 3rd day of June 2004,
At The Hague,
The Netherlands.

[Seal of the International Tribunal]

