



ICTR-98-44-AR72.4
30 July 2004
(741/A - 739/A)
Tribunal Pénal International pour le Rwanda
International Criminal Tribunal for Rwanda

741/A

IN THE APPEALS CHAMBER

Before: Judge Theodor Meron, Presiding Judge
Registrar: Mr. Adama Dieng
Order of: 29 July 2004

André RWAMAKUBA

v.

THE PROSECUTOR

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

2004 JUL 30 A 10: 09

**ORDER OF THE PRESIDING JUDGE ASSIGNING JUDGES AND
DESIGNATING THE PRE-APPEAL JUDGE**

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

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”);

NOTING the “Decision on Validity of Appeal of André Rwamakuba Against Decision Regarding Application of Joint Criminal Enterprise to the Crime of Genocide Pursuant to Rule 72(E) of the Rules of Procedure and Evidence,” rendered 23 July 2004, which declared that the Appeal was timely filed and validly filed for purposes of Rule 72(E) of the Rules of Procedure and Evidence;

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 and Rule 108*bis* of the Rules of Procedure and Evidence 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 Appeals Chamber be composed as follows:

Judge Theodor Meron

Judge Mohamed Shahabuddeen

Judge Mehmet Güney

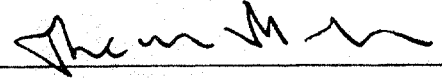
Judge Wolfgang Schomburg

Judge Inés Mónica Weinberg de Roca; and

DESIGNATE Judge Inés Mónica Weinberg de Roca to serve as Pre-Appeal Judge in the case of *Rwamakuba v. Prosecutor*, Case No. ICTR-98-44-AR72.4.

739/A

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



Theodor Meron

Presiding Judge of the Appeals Chamber

Done this 29th day of July 2004,
At The Hague,
The Netherlands.

[Seal of the International Tribunal]

