



Tribunal Pénal International pour le Rwanda  
International Criminal Tribunal for Rwanda

ICTR-01-64-A  
15 July 2005  
C 419/H-417/H

419/H  
BMM

**IN THE APPEALS CHAMBER**

**Before:** Judge Theodor Meron, Presiding Judge  
**Registrar:** Mr. Adama Dieng  
**Order of:** 15 July 2005

**ICTR Appeals Chamber**  
Date: 15 July 2005  
Action:  
Copied To: Concerned Judge,  
Parties, Judicial Archives,  
LOs, LSS  
*[Signature]*

**PROSECUTOR**

v.

**Sylvestre GACUMBITSI**

Case No. ICTR-01-64-A

2005 JUL 18 A 9:49

*[Signature]*

ICTR  
JUDICIAL ARCHIVES

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

**Counsel for the Appellant**

Me Kouengoua  
Me Anne Ngantio Mbatang

**Office of the Prosecutor**

Hassan Bubacar Jallow  
James Stewart

International Criminal Tribunal for Rwanda  
Tribunal pénal international pour le Rwanda  
CERTIFIED TRUE COPY OF THE ORIGINAL SEEN BY ME  
COPIE CERTIFIÉE CONFORME À L'ORIGINAL PAR NOUS  
NAME / NOM: Rosette Muzigo-Mamison  
SIGNATURE: *[Signature]* DATE: 15/07/05

**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 (“Tribunal”),

**NOTING** the appeals lodged by The Office of the Prosecutor on 16 July 2004 and by Sylvestre Gacumbitsi on 20 July 2004 against the Judgement rendered by Trial Chamber III on 17 June 2004;

**CONSIDERING** the composition of the Tribunal as set out in Document IT/222 of the International Tribunal for the former Yugoslavia, issued on 17 November 2003;

**NOTING** the “President’s Assignment of Judge Andréia Vaz to the Appeals Chamber and Judge Inés Weinberg de Roca to a Trial Chamber” of 24 February 2005 (“Tribunal President’s Re-Assignment Order”), made by Judge Erik Møse, President of the Tribunal, which reads as follows:

**RECALLING** that on 31 January 2003, the General Assembly elected eleven permanent judges to the Tribunal in conformity with Article 12 *bis* of its Statute;

**HAVING CONSIDERED** Article 13 (3) of the Statute, which provides that the President, after consultation with the permanent judges of the Tribunal, shall assign two of the permanent judges elected in accordance with Article 12 *bis* of the Statute to be members of the Appeals Chamber of the International Criminal Tribunal for the Former Yugoslavia;

**TAKING INTO ACCOUNT** Article 13 (4) of the Statute, according to which members of the Appeals Chamber of the International Criminal Tribunal for the Former Yugoslavia shall also serve as the members of the Appeals Chamber of the International Criminal Tribunal for Rwanda;

**TAKING ALSO INTO ACCOUNT** Article 14 (4) of the Statute of the International Criminal Tribunal for the Former Yugoslavia, according to which two of the judges elected in accordance with the Statute of the International Criminal Tribunal for Rwanda shall be assigned by the President of the Tribunal, in consultation with the President of the International Criminal Tribunal for the Former Yugoslavia, to be members of the Appeals Chamber and permanent judges of the International Criminal Tribunal for the Former Yugoslavia;

**RECALLING** that on 4 June 2003, Judge Mehmet Güney and Judge Inés Weinberg de Roca were assigned to the Appeals Chambers of the International Criminal Tribunal for Rwanda and the International Criminal Tribunal for the Former Yugoslavia;

**HAVING CONSULTED** with the permanent judges of the International Criminal Tribunal for Rwanda and the President of the International Criminal Tribunal for the Former Yugoslavia, and bearing in mind the need to ensure the interests of the Tribunal as a whole and, in particular, the need to ensure trial experience from the Tribunal in the work of the Appeals Chamber and appeals experience in the work of the Trial Chambers;

**ASSIGNS** Judge Andréia Vaz to the Appeals Chambers of the International Criminal Tribunal for Rwanda and the International Criminal Tribunal for the Former Yugoslavia, and Judge Inés Weinberg de Roca to Trial Chamber III of the International Criminal Tribunal for Rwanda. These assignments shall take effect from 15 August 2005.

**CONSIDERING** that the case *Prosecutor v. Sylvestre Gacumbitsi*, Case No. ICTR-01-64-A (“*Gacumbitsi*”) is in its pre-appeal phase and that, thus, no hearing in this case has been held;

**CONSIDERING** further that it is in the interest of an effective management of the case to ensure that no undue delay will result from the implementation of the Tribunal President’s Re-Assignment Order;

**PURSUANT TO** Articles 11(3) and 13(4) of the Statute of the Tribunal;

**HEREBY ASSIGN**, with effect from 15 August 2005, Judge Fausto Pocar to replace Judge Inés Weinberg de Roca in the present case;

**AND ORDER** that in the case of *Gacumbitsi*, the Appeals Chamber shall be constituted, as of 15 August 2005, as follows:

Judge Mohamed Shahabuddeen

Judge Florence Mumba

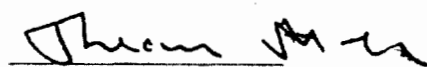
Judge Mehmet Güney

Judge Fausto Pocar

Judge Wolfgang Schomburg

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

Done this 15<sup>th</sup> day of July 2005,  
At The Hague,  
The Netherlands.



Judge Theodor Meron  
Presiding Judge of the Appeals Chamber

[Seal of the Tribunal]

