



ICTR-01-71-A
 15 July 2005
 (413/H-411/H)
 Tribunal Pénal International pour le Rwanda
 International Criminal Tribunal for Rwanda

413/H
 RMM

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 Judges
 Parties, Judicial Archives,
 LDs, CSS
[Signature]

Emmanuel NDINDABAHIZI

v.

THE PROSECUTOR

Case No. ICTR-01-71-A

2005 JUL 15 A 9:48
 ICTR
 INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA
 JUDICIAL ARCHIVES

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

Counsel for the Appellant

Michel Konitz
 Magali Pirard

Office of the Prosecutor

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 MUZIEO-MORIKWA
 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 appeal lodged by Emmanuel Ndindabahizi on 13 August 2004 against the Judgement rendered by Trial Chamber I on 15 July 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.

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CONSIDERING that the case *Ndindabahizi v. The Prosecutor*, Case No. ICTR-01-71-A (“*Ndindabahizi*”) 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 Mohamed Shahabuddeen to replace Judge Inés Weinberg de Roca in the present case;

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

Judge Theodor Meron
Judge Mohamed Shahabuddeen
Judge Florence Mumba
Judge Mehmet Güney
Judge Wolfgang Schomburg

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

Done this 15th day of July 2005,
At The Hague,
The Netherlands.


Judge Theodor Meron
Presiding Judge of the Appeals Chamber

[Seal of the Tribunal]

