



International Criminal Tribunal for Rwanda
Tribunal pénal international pour le Rwanda

IN THE APPEALS CHAMBER

Before:

Judge Mehmet Güney
Judge Liu Daqun
Judge Wolfgang Schomburg

Registrar: Mr. Adama Dieng

Declaration of: 14 July 2006

PROSECUTOR

v.

Édouard KAREMERA
Mathieu NGIRUMPATSE
Joseph NZIRORERA

Case No. ICTR-98-44-AR72.7

**DISSENTING OPINION OF JUDGE SCHOMBURG TO DECISION PURSUANT
TO RULE 72 (E) OF THE RULES OF PROCEDURE AND EVIDENCE ON
VALIDITY OF THE PROSECUTION APPEAL REGARDING THE PLEADING
OF JOINT CRIMINAL ENTERPRISE IN A COUNT OF COMPLICITY IN
GENOCIDE**

Office of the Prosecutor

Mr. Hassan Bubacar Jallow
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Mr. Don Webster
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Counsel for the Defence

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Mr. Frédéric Weyl
Mr. Peter Robinson
Mr. Patrick Nimy Mayidika Ngimbi

DISSENTING OPINION OF JUDGE SCHOMBURG

1. With respect, I disagree with today's decision of the majority to grant the Prosecution Motion. The Prosecution appeal does not fulfill the requirement pursuant to Rule 72 (D)(iv) of the Rules. The Tribunal has jurisdiction over the case at hand,

