

ICTR-98-44-AR72.3  
19 May 2004  
(272/H-270/H)

272/H  
RMM



Tribunal Pénal 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:** 19 May 2004

ICTR Appeals Chamber  
Date: 19 May 2004  
Action: PG  
Copied To: Concerned Judge  
Parties, Judicial Archive  
LOs, ALOs  
LSS

Joseph NZIRORERA

v.

**THE PROSECUTOR**

Case No. ICTR-98-44-AR72.3

2004 MAY 20 10 55  
JUDICIAL ARCHIVE

**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

**Counsel for the Defence**

Mr. Peter Robinson

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 Muziso-Morrison  
SIGNATURE: [Signature] DATE: 19/05/04

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**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 of Decision on the Preliminary Motions by the Defence of Joseph Nzirorera, Edouard Karemera, André Rwamakuba, and Mathieu Ngirumpatse Challenging Jurisdiction in Relation to Joint Criminal Enterprise" filed by counsel for Joseph Nzirorera on 17 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 *Nzirorera v. Prosecutor*, Case No. ICTR-98-44-AR72.3, the determination provided for in Rule 72(E) be made by the following bench:

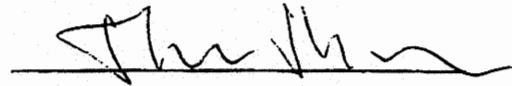
Judge Theodor Meron

Judge Wolfgang Schomburg

Judge Inés Mónica Weinberg de Roca.

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

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Theodor Meron

Presiding Judge of the Appeals Chamber

Done this 19<sup>th</sup> day of May 2004,  
At The Hague,  
The Netherlands.

[Seal of the International Tribunal]

