

**UNITED
NATIONS**



International Tribunal for the
Prosecution of Persons
Responsible for Serious Violations of
International Humanitarian Law
Committed in the Territory of the
Former Yugoslavia since 1991

Case No. IT-04-83-R.1
Date: 24 July 2013
Original: English

THE PRESIDENT OF THE INTERNATIONAL TRIBUNAL

Before: Judge Carmel Agius, Acting President
Registrar: Mr. John Hocking
Order of: 24 July 2013

PROSECUTOR

v.

RASIM DELIĆ

PUBLIC

ORDER ASSIGNING APPEALS CHAMBER

Office of the Prosecutor

Mr. Peter Kremer QC

Counsel for Rasim Delić

Ms. Vasvija Vidović

Mr. John R.W.D. Jones QC

I, CARMEL AGIUS, Acting President of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the former Yugoslavia since 1991 (“Tribunal”);

NOTING the “Defence Motion for Review”, filed publicly with public annexes before the President of the Tribunal by Defence counsel for the late Rasim Delić on 20 June 2013 (“Motion for Review”);¹

NOTING that the Motion for Review requests the Appeals Chamber to revise the Trial Judgement issued in the case of *Prosecutor v. Rasim Delić*, Case No. IT-04-83-T, on 15 September 2008 (“Impugned Judgement”)² or, in the alternative, to complete and release the Appeal Judgement in this case;³

RECALLING that the Appeals Chamber was seised of appeals from the Impugned Judgement,⁴ but that following the death of Rasim Delić on 16 April 2010, the Appeals Chamber terminated the appellate proceedings;⁵

NOTING that the Motion for Review is based in part upon the publication of a letter written on 6 June 2013 by Judge Frederik Harhoff,⁶ which makes reference to President Theodor Meron;

NOTING that President Theodor Meron was a member of the Appeals Chamber previously seised of the appeals from the Impugned Judgement (“*Delić Appeals Chamber*”);⁷

CONSIDERING that President Theodor Meron has withdrawn from considering the Motion for Review, and has assigned me to consider the Motion for Review in his place;⁸

CONSIDERING further that Judge Andréia Vaz was Pre-Appeal Judge and Presiding Judge of the *Delić Appeals Chamber*,⁹ but is no longer a Judge of this Tribunal;¹⁰

¹ The Office of the Prosecutor filed a response to the Motion for Review on 3 July 2013. *See* Response to Defence Motion for Review, 3 July 2013.

² Motion for Review, paras 3, 33.

³ Motion for Review, paras 3, 33.

⁴ *Prosecutor v. Rasim Delić*, Case No. IT-04-83-A, Defence Notice of Appeal, 14 October 2008; *Prosecutor v. Rasim Delić*, Case No. IT-04-83-A, Prosecution’s Notice of Appeal, 15 October 2008.

⁵ *Prosecutor v. Rasim Delić*, Case No. IT-04-83-A, Decision on the Outcome of Proceedings, 29 June 2010, para. 16.

⁶ Motion for Review, paras 1-3. *See also* Motion for Review, paras 14-19.

⁷ *Prosecutor v. Rasim Delić*, Case No. IT-04-83-A, Order Assigning Judges to a Case Before the Appeals Chamber, 20 October 2008.

⁸ Order Assigning a Motion to a Judge 23 July 2013, p. 1.

⁹ *Prosecutor v. Rasim Delić*, Case No. IT-04-83-A, Order Appointing the Pre-Appeal Judge, 3 November 2008.

¹⁰ *See* the composition of the Appeals Chamber of the Tribunal as set out in document IT/263/Rev. 4, issued on 19 March 2013.

NOTING that, pursuant to Rule 21 of the Rules of Procedure and Evidence of the Tribunal (“Rules”), the Vice-President shall exercise the functions of the President in case of the latter’s absence or inability to act;

CONSIDERING that Rule 19 of the Rules allows the President to coordinate the work of the Chambers;

Pursuant to Rules 19 and 21 of the Rules,

HEREBY ASSIGN the Motion for Review to the *Delić* Appeals Chamber;

HEREBY ASSIGN, with immediate effect, myself to replace President Theodor Meron on the Bench seized of the Motion for Review;

HEREBY ASSIGN, with immediate effect, Judge Patrick Robinson to replace Judge Andréia Vaz on the Bench seized of the Motion for Review;

HEREBY ORDER that the Bench in *Prosecutor v. Rasim Delić*, Case No. IT-04-83-R.1, shall therefore be composed as follows:

Judge Carmel Agius

Judge Patrick Robinson

Judge Mehmet Güney

Judge Fausto Pocar

Judge Liu Daqun

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

Done this twenty-fourth day of July 2013,



Judge Carmel Agius
Acting President

At The Hague,
The Netherlands.

[Seal of the Tribunal]