

**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-08-91-A
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.

**MIĆO STANIŠIĆ
and
STOJAN ŽUPLJANIN**

PUBLIC

**ORDER REPLACING A JUDGE IN RESPECT OF A
RULE 115 MOTION BEFORE THE APPEALS CHAMBER**

Office of the Prosecutor

Ms. Helen Brady

Counsel for Mićo Stanišić

Mr. Slobodan Zečević and Mr. Stéphane Bourgon

Counsel for Stojan Župljanin

Mr. Dragan Krgović and Ms. Tatiana Čmerić

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 “Rule 115 Motion on Behalf of Mićo Stanišić Seeking Admission of Additional Evidence with Annex”, filed publicly with public annex before the Appeals Chamber by Defence Counsel for Mićo Stanišić on 2 July 2013 (“Rule 115 Motion”);¹

NOTING that the Rule 115 Motion is based upon the publication of a letter written on 6 June 2013 by Judge Frederik Harhoff, which makes reference to President Theodor Meron;²

NOTING that President Theodor Meron is Pre-Appeal Judge and Presiding Judge in the present case;³

CONSIDERING that President Theodor Meron has withdrawn from considering the Rule 115 Motion, and has assigned me to take the steps necessary to ensure that the Rule 115 Motion is appropriately adjudicated;⁴

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;

NOTING that, pursuant to Rule 22(B) of the Rules, I have been elected as Presiding Judge of the Appeals Chamber in respect to the Rule 115 Motion;

HEREBY ASSIGN, with immediate effect, Judge William Hussein Sekule to replace President Theodor Meron on the Bench for the purposes of considering the Rule 115 Motion;

¹ The Office of the Prosecutor filed a response to the Motion on 10 July 2013. *See* Prosecution Response to Rule 115 Motion on Behalf of Mićo Stanišić Seeking Admission of Additional Evidence, 10 July 2013.

² Rule 115 Motion, paras 2-4, 9-12.

³ Order Designating a Pre-Appeal Judge, 15 April 2013.

⁴ Assigning a Motion to a Judge 23 July 2013, p. 1.

HEREBY ORDER that the Bench in *Prosecutor v. Mićo Stanišić and Stojan Župljanin*, Case No. IT-08-91-A, for the purpose of the adjudication of the Rule 115 Motion, shall therefore be composed as follows:

Judge Carmel Agius, Presiding

Judge William Hussein Sekule

Judge Patrick Robinson

Judge Liu Daqun

Judge Arlette Ramaroson

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

Done this twenty-fourth day of July 2013,



At The Hague,
The Netherlands.

Judge Carmel Agius
Acting President

[Seal of the Tribunal]